

**SOCIOLOGY / LEGAL STUDIES 131: CRIMINAL JUSTICE IN AMERICA
FALL 2011**

T/R, 9:30 to 10:45 am—5206 William H. Sewell Social Sciences Building

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COURSE DESCRIPTION

This course introduces students to the American criminal justice system. Students will examine the theory and foundation, structure, function, and history of the criminal justice system. The course explores the nature of the criminal justice system through an interdisciplinary prism. We consider the system in the context of four core themes. First, we examine the theoretical differences between "factual guilt" and "legal guilt" and the meanings of "crime." Second, we focus on the tension between maintaining public safety and preserving individual rights. Third, we explore the relationship between public expectations of the criminal justice system and how the system operates in reality. Fourth, we study how the discretionary decisions of various actors in the system affect the operation of the criminal justice system.

The course is divided into four parts. Part I, "The Criminal Justice System," considers the roots of the criminal justice system and explores some of its presuppositions and biases. Part II, "The Police," examines the organization of the police, police functions, the nature of arrest, the constitutional rights of suspects, the rise of community policing, and police techniques. Part III, "Criminal Trials," introduces students to the adversarial system and the framework of the criminal trial process. In this part, we review the roadmap of a trial, the roles of judges and lawyers, courtroom workgroups, prosecutorial and judicial discretion, plea negotiation, the jury system, and sentencing. Part IV, "Corrections," turns to the history of American corrections and the theories underlying punishment, the state of modern corrections, the forms of sanction, the nature of confinement, and release.

COURSE REQUIREMENTS

Students must: (1) attend and actively participate in all lectures; (2) attend and actively participate in all discussion sections; (3) complete all required readings; (4) complete one in-class Quiz and three in-class Examinations on the dates those exercises are administered in lecture; and (5) complete any exercises, whether written or oral (including, without limitation, homework, quizzes, or other assignments), as assigned by the teaching assistants in discussion section.

Attendance is mandatory. Students are responsible for all material conveyed in lectures, discussion sections, or by email. Students also are responsible for any announcements made in lecture, discussion sections, or by email, irrespective of whether the student is present in class or whether the student reads the email. Such announcements include, without limitation, modifications in the assigned reading schedule (including deletions and additions); modifications in Quiz or Examination content, format, and/or scheduling; and explanations of material in preparation for the Quiz or Examinations.

CLASSROOM FORMAT

This course meets weekly for two seventy-five (75) minute lectures and one fifty (50) minute discussion section. Students should be prepared to discuss readings in lecture as well as in discussion section. The instructor and TAs may call upon students to participate in an analysis of the readings even if students do not volunteer for participation.

Invited speakers occasionally will address the class during the lecture period. Attendance at guest lectures also is mandatory, and the instructor will incorporate material from guest lectures into the Quiz and/or Examinations.

WORKLOAD

This is a four-credit course. Students are expected to spend about ten (10) to twelve (12) hours per week outside of class focusing on this material [*the general rule of thumb is three (3) hours per academic credit per week in out-of-class study time*]. Students should budget ample time to master the readings, to synthesize notes, and to review materials regularly.

Reading assignments vary in length. This Syllabus includes an approximate page length for each Lecture's assignment. Students should pace themselves accordingly and expect some assignments to be longer than others.

LECTURE TOPICS AND READINGS

The schedule of topics and readings appears on pages 8 through 16 of this Syllabus. Readings are due on the date of the lecture with which they correspond. All readings, unless otherwise noted, are required. For Quiz and Examination purposes, students are not responsible for the few readings and movies designated "*Recommended*" except to the extent those recommended readings or movies will have been discussed in lecture and/or discussion section. Students may, however, rely on recommended materials to support a point in an essay. Additional readings may be assigned, and assigned readings may be omitted in the interest of time.

The required readings consist of two components: a text ("**Text**") and a course reader ("**Reader**"). The **Text** for the course is: Cole, George F. and Smith, Christopher E., *Criminal Justice in America* (Thompson Wadsworth, Sixth Ed. 2010); ISBN 978-0-495-81136-7. The Text is available at University Bookstore (711 State Street).

The **Reader** is available at the Social Science Copy Center (6120 Social Science Building).

READINGS AVAILABLE ON RESERVE

The **Text** and **Reader** are available on Reserve at College Library (Helen C. White Hall). Do not purchase or rely on older editions of the Text or the Course Reader.

READING REINFORCEMENT

Material in certain readings often repeats or overlaps with the content of other assignments. *This repetition is deliberate.* Digesting the same material from different angles reinforces concepts and promotes deeper analysis. Similarly, occasional readings are marked "**Review**." For Examination purposes, the instructor will treat readings marked "**Review**" as assignments included for the lecture with which they correspond. Students will be expected to have remastered "**Review**" readings, and the instructor may test students on "**Review**" readings as if those readings had not been assigned before.

GRADING

The expectations in this course are demanding, the written exercises are challenging, and the grading criteria are precise and exacting. The instructor determines grades on the basis of:

Quiz: Tuesday, September 27, Lecture period (15%);
Examination I: Thursday, October 6, Lecture period (25%);
Examination II: Tuesday, November 8, Lecture period (25%);
Examination III: Thursday, December 22, 7:25 to 9:25 pm (25%);
Participation: (10%)

All grades will be determined based on the following scale:

A = 92 - 100%
AB = 88 - 91%
B = 82 - 87%
BC = 78 - 81%
C = 70 - 77%
D = 60 - 69%
F = 0 - 59%

In past offerings of Katele's 131, the mean score for most exercises and final grades has fallen in the 78-81% range. The instructor adjusts this scale only if the class's grades slip below this anticipated mean. *The average grade in this course is a "BC."* Students whose performance improves during the semester may (but not necessarily "will") receive a grade higher than the one reached by an exact percentile calculation.

Quiz (15%): Tuesday, September 27, Lecture Period

Approximately 15% of each student's final grade will be determined on the basis of a Quiz. The Quiz will be administered during lecture on Tuesday, September 27. The Quiz covers course content from the beginning of the semester (since September 6). The Quiz will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points.

Examination I (25%): Thursday, October 6, Lecture Period

Approximately 25% of each student's final grade will be determined on the basis of Examination I. Examination I will be administered during lecture on Thursday, October 6. Examination I covers course content since the beginning of the semester (September 6 through October 5, inclusive).

Examination I will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of three (3) possible essay questions no later than one week before the Examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the Examination. Stated otherwise, there will be no choice of essays on the Examination.

Examination II (25%): Tuesday, November 8, Lecture Period

Approximately 25% of each student's final grade will be determined on the basis of Examination II. Examination II will be administered during lecture on Tuesday, November 8. Examination II covers course content since Examination I (October 6 through November 7, inclusive).

Examination II will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of three (3) possible essay questions no later than one week before the Examination. One (1) of the questions from the pool will appear on the scheduled Examination. All students will be required to answer the one (1) essay question that appears on the Examination. Stated otherwise, there will be no choice of essays on the Examination.

Examination III (25%): Thursday, December 22, 7:25 to 9:25 pm

Approximately 25% of each student's final grade will be determined on the basis of Examination III. Examination III will be administered on Thursday, December 22 between 7:25 and 9:25 pm. The location of Examination III will be posted by the Office of the Registrar in early December. Examination III covers course content since Examination II (November 5 through December 22, inclusive). Examination III will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points. Examination III will have no essay.

Students must take Examination III *on the date* and *at the time* scheduled by the Registrar.

Participation (10%)

Approximately 10% of each student's final grade will be determined on the basis of Participation. This component requires students to attend discussion sections **and lectures**, master the readings, contribute fruitfully to lecture and section, and complete any assignments and/or other written or oral exercises (including, without limitation, homework, quizzes, presentations, or other assignments) designated by the TA. Insightful participation is an essential part of the course. We evaluate participation on the basis of the quality, not quantity, of student comments. *Do not assume you will receive a higher grade if you talk more than your classmates.* Each TA, in his/her exclusive discretion, determines the criteria for assessing the Participation Component and assigns this grade to each student.

QUIZ AND EXAMINATIONS: READ THIS CLOSELY

Food and beverages are prohibited in the classroom during the tests. Students must remove caps, hats, and sunglasses.

Students must *stay in the lecture hall until the end of the Quiz or Examination period*, even if they finish before the end of the period. In a class this size, early departures are disruptive to those students still concentrating on the exercise.

The Quiz and Examinations will begin promptly at the beginning of the period and end when the proctor calls time. Students must cease writing the moment the proctor calls time. After the proctor calls time, students receive no extra time to finish writing essays or mark (*fill in the bubbles*) scantrons. Students who arrive late receive no extra time.

ACADEMIC MISCONDUCT: READ THIS CLOSELY

The overwhelming majority of students are hard working and honest about their schoolwork. The instructor has great respect for the effort students put into preparing for this course. Unfortunately, there are occasional instances of academic misconduct ("cheating").

Part of the value of a degree from the University of Wisconsin-Madison lies in the standards of academic honesty and integrity maintained by the campus. To avoid academic misconduct, it is important that students understand how academic misconduct is defined in this course and the expectations the instructor has of each student.

Students have the right to expect that they and other students will be graded fairly, and students have rights of due process should they be accused of misconduct. Students also have an obligation to conduct their academic work with honesty and integrity according to University standards. Therefore, it is important that students:

- become familiar with the rules of academic misconduct;
- ask the instructor if you are unsure what behaviors constitute academic misconduct in a specific class or assignment;
- let your instructors know if you think you see incidents of misconduct;
- be aware that helping someone else to cheat is a violation of the rules and may result in misconduct charges against you.

The Quiz and all Examinations are closed book. Students must remove and stow away everything from the desk, seat, floor, and area around them. Students must turn off and store cell phones and other electronic devices. If anyone sees papers, notes, readings (or *any other materials*), a phone, or *any electronic/ communicative device* within a student's reach or area during the examination, then the instructor *will assume that the student is cheating*, and she will engage the academic misconduct process. Again, papers, notes, readings (or *any other materials*), a phone, or *any electronic or communicative device within a student's reach or work area* during a quiz or exam is "irrefutable evidence" of academic misconduct.

Before the Quiz or Examination, students will be required to certify that they have not engaged in academic misconduct while preparing for or during the course of a graded exercise.

ACADEMIC MISCONDUCT: WHAT TO DO IF YOU SEE SOMEONE CHEATING

Honest students are rightfully distressed when they see cheating occur. Students may sometimes see behaviors that the instructor does not notice. Cheating threatens the integrity of the classroom, and cheating can affect the grade distribution scale.

Students should feel free to discuss their concerns and observations with the instructor. She will want to know about these concerns or observations, and she will decide whether or not to take action in or to take steps to prevent cheating in the future. The instructor may ask you if you would be willing to testify at a hearing (although you will not be forced to do so). If you still have concerns after talking with the instructor, you may consult an Academic Dean or staff in Student Advocacy and Judicial Affairs.

Students may help other students by warning them that cheating is a violation of the UW System Administrative Code and may result in *severe consequences*. The instructor and the University impose disciplinary sanctions upon students that commit academic misconduct. The instructor vigorously pursues all academic misconduct cases.

Learn the rules about academic misconduct: <http://students.wisc.edu/saja/misconduct/UWS14.html>.

ACCOMMODATIONS

Students with particular needs that might affect participation, coursework, or Examination environment should inform the instructor and TA about those needs within the first three weeks of the semester (before September 23) so we reasonably can accommodate those needs properly. The instructor relies on the McBurney Disability Resource Center to determine what reasonable academic accommodations a student may require. Students who request accommodations must master all requirements, skills, knowledge, and academic standards of the course.

Students who request relief for religious observances also should notify the instructor and TA within the first three weeks of the semester (before September 23).

NO MAKE-UP QUIZZES OR EXAMINATIONS; NO "DO OVERS"

There are no make-up Quizzes, Examinations, or other assignments in this course. The instructor may permit a student to take a make-up Quiz, Examination, or assignment only in the *rare and exceptional case* of an illness or family emergency. It is the student's obligation, when possible, to provide advance notice and documentation of an absence. The instructor, in the instructor's exclusive discretion, may decline to excuse a student for a missed Quiz, Examination, or assignment. If the instructor permits a make-up exercise, then the student must take it on a date *after* the assigned test date. We permit no "early bird" Examinations.

Oversleeping, prescheduled trips, family vacations and celebrations, employment obligations, extra-curricular commitments, extended holiday or travel weekends, non-refundable airline tickets, and *early departures for breaks* do not constitute "illness or family emergency." The instructor does not grant excuses for any reason other than illness or family emergency.

There are no "do-overs:" students may not retake a Quiz, Examination, or other assignment.

MISSED QUIZ OR EXAMINATIONS

Students who miss a Quiz, Examination, or assignment (whether because the student does not show up for the exercise, *or* because the instructor declines to excuse the student for any reason) will receive a score of 0 points (a letter grade of "F") for that exercise.

EXTRA CREDIT AND "EFFORT"

There are no opportunities to earn extra credit in this course. There are no opportunities to change a grade by performing additional work or by modifying completed work. There are no opportunities to modify a grade based on a student's degree of "effort." The instructor will not change grades based on a student's eligibility for a scholarship: course grades may affect scholarship eligibility, but scholarship eligibility does affect a student's grades.

NO INCOMPLETES

The instructor generally does not assign grades of "Incomplete" ("IN"). Students who do not complete the course requirements (including receiving a score of 0 points for the Quiz or any exam) will receive a failing grade ("F") for the course. The instructor, in the instructor's discretion, may consider a grade of "IN" only: (1) in the rare and exceptional case of illness or other unusual and substantiated cause beyond the student's control; *and* (2) if the student has carried the subject matter with a grade of "C" or higher until near the end of the semester.

BLIND GRADING

The instructor and TAs use "blind grading" to ensure objectivity and fair treatment. Students must use *only* their campus ID numbers as identification on essays; ***no names may appear on any bluebook.***

REVIEW OF QUESTIONS; CHANGE OF GRADES; QUIZ AND EXAMINATION CONTENT

Each student will receive an item analysis for the scantron questions; the item analysis indicates which questions a student answered incorrectly. The scantron questions—with an annotated answer key—are available for student review during the instructor's and TAs' office hours. Students may not borrow or keep copies of the scantron questions. The instructor will treat instances of copying or circulating scantron questions—whether from past semesters or from the current semester—as a form of actionable academic misconduct.

A grade may be changed in cases of computation error only. Quiz and Examination content, structure, and wording are not negotiable. The instructor and TAs do not debate any aspect of questions or responses. The instructor makes all decisions about the criteria used to create, grade, and scale the Quiz and Examinations. In particular, note: (1) for *scantron questions*, the instructor does not "throw out" or discount scantron questions. Scantron questions require students to select the *best* answer. Among multiple choice alternatives, often two alternatives are close, but only one alternative is the *best* answer. The use of two close alternatives is deliberate; and (2) for *essay questions*, the instructor determines what information she expects an essay to include, and she assigns values to that information.

CLASS NOTES

The instructor does not post class notes or outlines online. The instructor and TAs do not, under any circumstances, provide students with lecture or discussions section notes. Students who miss class should obtain notes from a classmate.

OFFICE HOURS

The instructor holds Office Hours on Wednesdays from 9:45 to 11:15 am, and on Thursdays from 11:15 am to 12:30 pm. If these times do not work with your schedule, then the instructor also is readily available for appointments. The instructor enjoys meeting with students! *Getting to know an instructor is a good way to make the college experience less impersonal!*

E-MAIL

Students may contact the instructor by e-mail at <katele@ssc.wisc.edu>. The instructor usually does not reply to emails during non-business hours. The instructor occasionally will forward to the classlist her email responses to student questions. Students are responsible for any information the instructor transmits to the email class list including, without limitation, announcements, answers to questions, explanations of material touched upon in lecture, and internet links that may enhance the course material.

DISRUPTIONS

Avoid disruptions (arriving late, talking in class, checking out what other students are doing, flirting, reading non-course materials, listening to music, doing puzzles or engaging in other games, surfing the web, texting, leaving early, and *packing to leave before the period ends*) that rattle the instructor and distract your classmates. The instructor may single out students engaged in behavior the instructor finds disruptive.

PART I. THE CRIMINAL JUSTICE SYSTEM

A. THE RELATIONSHIP BETWEEN CRIME AND JUSTICE

TUESDAY, SEPTEMBER 6

1. *Lecture One*
[apx. 27 pages]

Introduction and the Scope of the Criminal Justice System

- Read this **Syllabus** ("Ignorance of the law is no defense");
- **Reader:** Friedman, Lawrence M., "Crimes and Punishments," in *American Law: An Introduction* (2d ed. NY: W.W. Norton & Co., 1998), pp. 180-206;

NOT ONLINE

- **Movie Recommendation:** *Mystic River*.

THURSDAY, SEPTEMBER 8

2. *Lecture Two*
[apx. 23 pages]

What is "Justice"?

- **Text:** pp. 3-16;
- **Reader:** Trillin, Calvin, "The Color of Blood: Race, Memory, and a Killing in the Suburbs," *The New Yorker*, March 3, 2008;
http://www.newyorker.com/reporting/2008/03/03/080303fa_fact_trillin
- **Reader:** Koppel, Nathan and Gary Fields, "States Rethink Drug Laws," *The Wall Street Journal*, March 5, 2011;
<http://online.wsj.com/article/SB10001424052748704728004576176514208186374.html>
- **Movie Recommendations:** *Mississippi Burning*; *To Kill a Mockingbird*; *American History X*.

TUESDAY, SEPTEMBER 13

3. *Lecture Three*
[apx. 36 pages]

What is "The System"?

- **Text:** pp. 16-33;
- **Reader:** ABCNews.com, July 6, 2011, "Casey Anthony Juror: 'Sick to Our Stomachs' Over Not Guilty Verdict;"
http://abcnews.go.com/US/casey_anthony_trial/casey-anthony-juror-jury-sick-stomach-guilty-verdict/story?id=14005609
- **Reader:** CNN.com, July 7, 2011, "Casey Anthony Prosecutor Responds to Juror Remark;"
<http://www.cnn.com/2011/CRIME/07/07/florida.anthony.juror.attorneys>
- **Reader:** WISN.com, June 25, 2003, "Mark Jensen Charged with Poisoning Julie Jensen with Antifreeze;"
<http://www.wisn.com/print/2293105/detail.html>
- **Reader:** Heine, Mike, "Media Descends on Walworth County for Murder Trial," *GazetteXtra*, January 5, 2008;
<http://gazetteextra.com/news/2008/jan/05/media-descends-walworth-county-murder-trial/>
- **Reader:** O'Neill, Ann, CNN.com, February 21, 2008, "Husband Guilty of Murder in 'Letter from Grave' Case;"
http://articles.cnn.com/2008-02-21/justice/jensen.verdict_1_poisoning-death-verdict-letter?s=PM:CRIME
- **Reader:** WISN.com, February 22, 2008, "Jury: Julie Jensen's Letter Key Evidence;"
<http://www.wisn.com/news/15378697/detail.html>
- **Reader:** JSOnline.com, April 11, 2008, "CBS' Take on the Julie Jensen Murder;"
<http://www.jsonline.com/blogs/entertainment/31954089.html>
- **Reader:** Smith, Dennen, "State Justices Won't Review Jensen Murder Conviction," *Kenosha News*, June 17, 2011;
http://www.kenoshanews.com/home/state_justices_wont_review_jensen_murder_conviction_169445858.html
- **Movie Recommendations:** *Traffic*; *The Onion Field*; *Crash*.

THURSDAY, SEPTEMBER 15

4. Lecture Four

[apx. 34 pages]

What is "Crime"?

- **Text:** pp. 35-54 and 64-65;
- **Text: *Recommended Only***—pp. 55-63;
- **Reader:** Eagleman, David, "The Brain on Trial;" *The Atlantic*, July/August 2011;

<http://www.theatlantic.com/magazine/archive/2011/07/the-brain-on-trial/8520/>

- **Reader:** Doherty, Shawn, "UW Researchers Find Similar Behavior in Psychopathic Prisoners and People with Brain Damage," *The Capital Times*, June 7, 2010;

http://host.madison.com/ct/news/local/health_med_fit/article_267d63de-5b0f-59fa-a8f7-7fab4774d3ad.html

- **Movie Recommendation:** *Monster*;
- **Movie Recommendation:** *Fight Club*;
- **Movie Recommendation:** *Memento*;
- **Movie Recommendation:** *Devil's Playground* (documentary);
- **Movie Recommendation:** *Death Wish*;
- **Movie Recommendation:** *The Brave One*.

B. CRIMINAL JUSTICE AND THE RULE OF LAW

TUESDAY, SEPTEMBER 20

5. Lecture Five

[apx. 25 pages]

NOTE: SAMPLE QUIZ QUESTIONS
DISTRIBUTED IN LECTURE

Substantive Criminal Law, Part 1

- **Text:** pp. 67-73;
- **Reader:** Weingarten, Gene, "Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?" *The Washington Post*, March 8, 2009;

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html>

- **Movie Recommendation:** *In Cold Blood*;
- **Movie Recommendation:** *Capote*.

THURSDAY, SEPTEMBER 22

6. Lecture Six

[apx. 13 pages]

Substantive Criminal Law, Part 2

- **Text:** pp. 73-80;
- **Reader:** Hoffman, Jan, "Crime or Error in Judgment?" *The New York Times*, October 8, 1996;

<http://www.nytimes.com/1996/10/08/nyregion/crime-or-error-in-judgment-a-homicide-charge-that-s-tough-to-call.html>

- **Reader:** Hudak, Stephen, "Jurors Find Couple Guilty of All Charges in Case of Python that Killed Girl, 2," *The Palm Beach Post*, July 14, 2011;

<http://www.palmbeachpost.com/news/jurors-find-couple-guilty-of-all-charges-in-1607524.html?printArticle=y>

- **Reader:** Trevelen, Ed, "Mom of Boy Who Died Charged with First-Degree Reckless Homicide," *Wisconsin State Journal*, July 14, 2011;

http://host.madison.com/news/local/crime_and_courts/article_8ea58074-ae4b-11e0-bcb1-001cc4c03286.html

- **Movie Recommendation:** *Anatomy of a Murder*;
- **Movie Recommendation:** *Man on Fire*.

TUESDAY, SEPTEMBER 27

7. Lecture Seven

QUIZ (Covers material since September 6; see also page 3.)

THURSDAY, SEPTEMBER 29

8. *Lecture Eight*
[apx. 27 pages]

NOTE: POOL OF POSSIBLE ESSAY
QUESTIONS DISTRIBUTED
IN LECTURE

Procedural Criminal Law

- **Text:** pp. 80-95;
- **Reader: Review** pp. 202-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** *State v. Earl*, 2009 WI App 99;

<http://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&seqNo=36881>

- **Reader: Recommended Only**—Thomas, Chandra R., "Why is Genarlow Wilson in Prison?" *Atlanta Magazine*, February 2007;

NOT ONLINE

- **Reader: Recommended Only**—CNN.com, "Wilson Released After Two Years Behind Bars," October 27, 2007;

http://articles.cnn.com/2007-10-26/us/wilson.freed_1_conviction-genaarlow-wilson-unusual-punishment?s=PM:US

- **Movie Recommendation:** *A Few Good Men*;
- **Movie Recommendation:** *The Onion Field*.

PART II. THE POLICE

A. ORGANIZATION OF THE POLICE

TUESDAY, OCTOBER 4

9. *Lecture Nine*
[apx. 28 pages]

Structure and Function of the Police / Investigations

- **Text:** pp. 103-105, 115-127, and 129-136;
- **Movie Recommendation:** *Road to Perdition*;
- **Movie Recommendation:** *Police Academy*.

THURSDAY, OCTOBER 6

10. *Lecture Ten*

EXAMINATION I

- (Covers material from September 6 through October 5, inclusive; see also page 3.)

B. ISSUES AND TRENDS IN POLICING

TUESDAY, OCTOBER 11

11. *Lecture Eleven*

[apx. 23 pages]

Police Techniques: Methods and Response

- **Text:** pp. 136-149 and 164-165;
- **Text: *Recommended Only***—pp. 151-164;
- **Reader:** Hurley, Dan, "On Crime as Science (a Neighbor at a Time)," *The New York Times*, January 6, 2004;

<http://www.nytimes.com/2004/01/06/science/scientist-at-work-felton-earls-on-crime-as-science-a-neighbor-at-a-time.html>

- **Reader:** Mosiman, Dean, Sandy Cullen, and Deborah Ziff, "Mifflin Change a 'Mistake'; Officials Regret Allowing Drinking in Street," *Wisconsin State Journal*, May 3, 2011;

http://host.madison.com/wsj/news/local/crime_and_courts/article_8589bae2-2543-5c52-8228-d5e140776513.html

- **Reader:** City of Madison News Release, "Mifflin Street Block Party 2011," May 2, 2011;

http://www.cityofmadison.com/news/view.cfm?news_id=2639

- **Reader: *Recommended Only***—Seabrook, John, "Don't Shoot; A Radical Approach to the Problem of Gang Violence," *The New Yorker*, June 22, 2009, pp. 32-41;

NOT ONLINE

- **Movie Recommendation:** *Dirty Harry*; *Fargo*.

C. POLICE & CONSTITUTIONAL LAW

THURSDAY, OCTOBER 13

12. *Lecture Twelve*

[apx. 38 pages]

Police and Constitutional Law, Part 1

- **Text: *Review*** pp. 80-95;
- **Text:** pp. 167-178;
- **Reader:** *State v. St. Martin*, 2011 WI 44, pp. 1-27;

<http://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=66371>

- **Reader: *Recommended Only***— *State v. St. Martin*, 2011 WI 44, *Dissent*, pp. 1-9;
- **Movie Recommendations:** *The Thin Blue Line*; *Zodiac*.

TUESDAY, OCTOBER 18

13. *Lecture Thirteen*

[apx. 27 pages]

Police and Constitutional Law, Part 2

- **Text:** pp. 179-186;
- **Reader:** Leo, Richard A., "Miranda's Revenge: Police Interrogation as a Confidence Game," in *Law in Action: A Socio-Legal Reader*, ed. Macauley, Stewart, Friedman, Lawrence M., and Mertz, Elizabeth (Foundation Press: New York, 2007), pp. 58-75;

NOT ONLINE

- **Movie Recommendation:** *The Untouchables*.

THURSDAY, OCTOBER 20

14. *Lecture Fourteen*

[apx. 18 pages]

Fairness, Force, Ethics, and Misconduct

- **Text:** pp. 186-197;
- **Reader:** Hall, Dee J., "Did Police Frame a Convicted Man?" *Wisconsin State Journal*, February 28, 2009;

<http://truthinjustice.org/hudson1.htm>

- **Reader:** Hall, Dee J., "Hudson Motion Alleges Misconduct," *Wisconsin State Journal*, Feb. 28, 2009;

<http://truthinjustice.org/hudson2.htm>

PART III. CRIMINAL TRIALS

A. THE COURT SYSTEM AND THE ROLE OF THE JUDGE

TUESDAY, OCTOBER 25

15. *Lecture Fifteen*

[apx. 19 pages]

Structure of Courts and the Role of the Judge

- **Text:** pp. 199-210;
- **Reader:** *Review* pp. 189-193 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;

NOT ONLINE

- **Reader:** Structure of Wisconsin and Federal Courts; www.wicourts.gov;
<http://www.wicourts.gov/services/teacher/docs/teacherguide.pdf>
- **Reader:** Geyh, Charles G., "Rethinking Judicial Elections," *Bill of Particulars*, Spring 2003, pp. 5-9;
http://129.79.131.64/front/special/20021101_geyh.shtml
- **Movie Recommendation:** *Gideon's Trumpet*;
- **Movie Recommendation:** *First Monday in October*.

B. THE ROLE OF THE PROSECUTING ATTORNEY

THURSDAY, OCTOBER 27

16. *Lecture Sixteen*

[apx. 25 pages]

Prosecutorial Discretion and the Decision to Charge

- **Text:** pp. 210-217;
- **Reader:** Allen, John, "History Overturned," *On Wisconsin*, Winter 2005, pp. 37-41;
<http://www.uwalumni.com/home/alumniandfriends/onwisconsin/archives/winter2005/overtuned.aspx>
- **Reader:** Lueders, Bill, "Court Filing: Ralph Armstrong was Framed for Madison Murder," *Isthmus*, April 25, 2008;
<http://www.isthmus.com/daily/article.php?article=22448>
- **Reader:** Hall, Dee J., "Rule Would Require Prosecutors to Reveal Information that Could Affect A Past Conviction," *Wisconsin State Journal*, March 1, 2009;
<http://truthinjustice.org/WI-newrule.htm>
- **Reader:** Treleven, Ed, "Nearly 30 Years Later, Murder Case Against Ralph Armstrong Dismissed," *Wisconsin State Journal*, August 1, 2009;
<http://truthinjustice.org/armstrong6.htm>
- **Reader:** Treleven, Ed, "Body Not Needed for Conviction," *Wisconsin State Journal*, September 23, 2007;
http://host.madison.com/news/article_a0521f79-e0ec-5d65-9edb-491650155b98.html
- **Movie Recommendation:** *Presumed Innocent*.

TUESDAY, NOVEMBER 1

17. *Lecture Seventeen*
[apx. 29 pages]

NOTE: POOL OF POSSIBLE ESSAY
QUESTIONS DISTRIBUTED
IN LECTURE

C. THE ROLE OF THE DEFENSE ATTORNEY

Image and Reality of Criminal Defense

- **Text:** pp. 218-229;
- **Reader:** Walsh, Jim, "Rainy Day Man," *Wisconsin Super Lawyers and Rising Stars*, 2008, pp. 9-12;

<http://www.superlawyers.com/wisconsin/article/Rainy-Day-Man/6d8c5b94-0767-402f-a58d-44600d092f1e.html>

- **Reader:** Dwyer, Jim, Peter Neufeld, Barry Scheck, "Sleeping Lawyers," in *Actual Innocence: When Justice Goes Wrong and How to Make it Right* (New American Library, NY: 2003), pp. 237-249;

NOT ONLINE

- **Movie Recommendation:** *Primal Fear*;
- **Movie Recommendation:** *Jagged Edge*.

D. THE PRETRIAL PROCESS AND "RIGHT TO TRIAL"

THURSDAY, NOVEMBER 3

18. *Lecture Eighteen*
[apx. 24 pages]

The Adversarial Process and Plea Bargaining

- **Text:** pp. 231-247 and 258-259;
- **Reader:** *Review* pp. 193-196 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;

NOT ONLINE

- **Reader:** Devitt, Patrick J., "Checklist of Factors Affecting the Plea Decision," in *Wisconsin Criminal Defense Manual*, CLE Books, State Bar of Wisconsin, 1992;

NOT ONLINE

- **Reader:** "Plea Questionnaire/Waiver of Rights," State of Wisconsin Circuit Court Form CR-227, 05/04;

<http://www.wicourts.gov/formdisplay/CR-227.pdf?formNumber=CR-227&formType=Form&formatId=2&language=en>

- **Reader:** "Bail/Bond," State of Wisconsin Circuit Court Form CR-203, 04/00;

<http://www.wicourts.gov/formdisplay/CR-203.pdf?formNumber=CR-203&formType=Form&formatId=2&language=en>

- **Movie Recommendation:** *The Accused*;
- **Movie Recommendation:** *A Time to Kill*;
- **Movie Recommendation:** *Roman Polanski: Wanted and Desired*.

TUESDAY, NOVEMBER 8

19. *Lecture Nineteen*

EXAMINATION II

- (Covers material from October 6 through November 7, inclusive; see also page 4.)

THURSDAY, NOVEMBER 10

20. *Lecture Twenty*
[apx. 28 pages]

E. THE CRIMINAL TRIAL

The Courtroom and the Jury

- **Text:** pp. 247-259;
- **Reader: *Review*** pp. 196-200 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Burnett, Sr., Arthur L, "Jury Reform for the 21st Century: A Judge's Perspective," *Criminal Justice*, Spring 2005, pp. 32-39;

NOT ONLINE

- **Reader:** Reuters, "Internet v. Courts: Googling for the Perfect Juror," *The New York Times*, February 17, 2011;
<http://www.reuters.com/article/2011/02/17/us-courts-voirdire-idUSTRE71G4VW20110217>
- **Reader: *Recommended Only***—"Judge Declares Mistrial in Clemens Case," *The Wall Street Journal*, July 14, 2011;

NOT ONLINE

- **Reader: *Recommended Only***—Davey, Monica and Susan Saulny, "Jurors Fault Complexity of the Blagojevich Trial," *The New York Times*, August 18, 2010;
<http://www.nytimes.com/2010/08/19/us/19jury.html>
- **Movie Recommendations:** *Twelve Angry Men*; *To Kill a Mockingbird*; *My Cousin Vinny*; *Hurricane*; *True Crime*.

F. SENTENCING

TUESDAY, NOVEMBER 15

21. *Lecture Twenty-One*
[apx. 33 pages]

Wrongful Convictions / Sentencing Policy

- **Text:** pp. 261-272 and 281-291;
- **Reader:** Collins, Winn S., "Looks Can Be Deceiving: Safeguards for Eyewitness Identification," *Wisconsin Lawyer* March 2004, pp. 8-11 and pp. 50-51;
http://www.wisbar.org/AM/Template.cfm?Section=Wisconsin_Lawyer&template=/CM/ContentDisplay.cfm&CONTENTID=47654
- **Reader:** Griesbach, Michael, "A New Book Revisits Steven Avery's Conviction for a Crime He Didn't Commit," *Isthmus*, February 17, 2011;
<http://www.thedailypage.com/isthmus/article.php?article=32295>
- **Reader: *Recommended Only***—Carr, David, "A Watchdog Professor, Now Defending Himself," *The New York Times*, June 17, 2011;
<http://www.nytimes.com/2011/06/18/business/media/18protest.html?pagewanted=all>
- **Movie Recommendation:** *The Fugitive*.

THURSDAY, NOVEMBER 17

22. *Lecture Twenty-Two*
[apx. 37 pages]

The Death Penalty, Part 1

- **Text:** pp. 272-280;
- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History* (Cambridge MA: Harvard Univ. Press, 2002), pp. 267-295;

NOT ONLINE

- **Movie Recommendation:** *Deadline* (documentary);
- **Movie Recommendation:** *The Green Mile*.

TUESDAY, NOVEMBER 22

23. *Lecture Twenty-Three*
[apx. 18 pages]

The Death Penalty, Part 2

- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History*, pp. 295-305;

NOT ONLINE

- **Reader:** Toobin, Jeffrey, "The Mitigator: A New Way of Looking at the Death Penalty" *The New Yorker*, May 9, 2011;

NOT ONLINE

- **Movie Recommendation:** *Dead Man Walking*;
- **Movie Recommendation:** *The Life of David Gale*.

PART IV. CORRECTIONS

A. HISTORY AND STRUCTURE OF CORRECTIONS

TUESDAY NOVEMBER 29

24. *Lecture Twenty-Four*
[apx. 36 pages]

History and Theory of Incarceration

- **Text:** pp. 293-301;
- **Reader:** Elsner, Alan, "Entering the Gates," Chapter 3 of *Gates of Injustice* (New York, NY 2004), pp. 30-57;

NOT ONLINE

- **Movie Recommendation:** *The Last Castle*;
- **Movie Recommendation:** *The Big House*.

THURSDAY, DECEMBER 1

25. *Lecture Twenty-Five*
[apx. 31 pages]

The "Super-Max" Prison

- **Text:** pp. 302-323;
- **Reader:** Gawande, Atul, "Hellhole," *The New Yorker*, March 30, 2009;

http://www.newyorker.com/reporting/2009/03/30/090330fa_fact_gawande

- Douglas, John, "The Cuckoo's Nest," *Legal Affairs*, March 2004, p. 39;

http://www.legalaffairs.org/issues/March-April-2004/feature_douglas_marapr04.msp

- **Reader: Recommended Only**—Wisconsin Department of Corrections, *General Segregation Status (Adjustment-Program) Handbook*;

NOT ONLINE

- **Movie Recommendation:** *The Birdman of Alcatraz*;
- **Movie Recommendation:** *The Rock*.
- **Movie Recommendation:** *Escape from Alcatraz*.

TUESDAY, DECEMBER 6

26. *Lecture Twenty-Six*
[apx. 27 pages]

Alternatives to Incarceration

- **Text:** pp. 325-341;
- **Reader:** VanEgeren, Jessica, "Prison is Revolving Door for Mentally Ill, Who Don't Get Needed Meds," *The Capital Times*, June 9, 2009;

<http://www.commondreams.org/headline/2009/06/10-6>

- **Reader:** Alanez, Tonya, "LeVin Gets House Arrest After Undisclosed Settlement," *Chicago Tribune*, June 3, 2011;

http://articles.chicagotribune.com/2011-06-03/news/ct-met-levin-hit-and-run-2-20110603_1_house-arrest-work-with-florida-authorities-craig-elford

- **Movie Recommendations:** *Taps*; *Boys Town*;
- **Movie Recommendation:** *Crime School*.

THURSDAY, DECEMBER 8

27. *Lecture Twenty-Seven*

[apx. 23 pages]

The American Prison

- **Text:** pp. 343-357 and 374-375;
- **Reader:** Anton, Mike, "About to Do Time? Meet your Best Pal," *Los Angeles Times*, February 27, 2009;
<http://articles.latimes.com/2009/feb/27/local/me-prison-consultant27>
- **Reader:** Website ad for "Federal Prison Survival 'Crash Course'," www.americanprisonconsultants.com;
<http://www.americanprisonconsultants.com/>
- **Text: Recommended Only**—pp. 357-373;
- **Movie Recommendation:** *Shawshank Redemption*;
- **Movie Recommendation:** *Cool Hand Luke*;
- **Movie Recommendation:** *The Farm* (documentary);
- **Movie Recommendation:** *Scared Straight* (documentary).

TUESDAY, DECEMBER 13

28. *Lecture Twenty-Eight*

[apx. 38 pages]

C. RELEASE, PAROLE, AND COMMUNITY SUPERVISION

Release and Readjustment

- **Text:** pp. 377-395;
- **Reader:** Gonnerman, Jennifer, "Captive of the System," *Legal Affairs*, March/April 2004;
http://www.legalaffairs.org/issues/March-April-2004/feature_gonnerman_marpar04.msp
- **Movie Recommendation:** *The Woodsman*;
- **Movie Recommendation:** *Double Jeopardy*;
- **Movie Recommendation:** *Ocean's Eleven*.

THURSDAY, DECEMBER 15

29. *Lecture Twenty-Nine*

[apx. 21 pages]

Conclusion

- **Reader: Review** pp. 180-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;

NOT ONLINE

- **Reader:** Colloff, Pamela, "Innocence Lost," *Texas Monthly*, October 2010;
<http://www.texasmonthly.com/2010-10-01/feature2.php>
- **Movie Recommendation:** *Minority Report*;
- **Movie Recommendation:** *The Paper Chase*;
- **Movie Recommendation:** *Legally Blonde*.

THURSDAY, DECEMBER 22

7:25 TO 9:25 PM

LOCATION TBA

EXAMINATION III (Note Format: 50 Scantron Questions only)

- (Covers material from November 8 through December 21, inclusive; see also page 4.)