During his first stint as Chief of the New York City Police Department, William Bratton often claimed that the crime rate has the same meaning for a police department as profits have for a business—that the crime rate is the “bottom line” of policing. Bratton intended this claim as a practical statement about how police departments should be managed, and especially about the form that police performance measures ought to take. But like all practical statements about what criminal justice policy and practice should be, it is also a philosophical claim about the goals that should govern society’s response to crime.

In this course we will question the philosophical position that Bratton expressed, exploring the idea that concern about crime itself should and does compete with other priorities. Good criminal justice policy and practice should promote public safety, but it should also (at minimum) express appropriate censure for wrongful actions, and it should respect the ideals of individual liberty and social equity as well. It is this range of goals—not the single goal of crime reduction—that both justifies public efforts to control crime and motivates important policy actors. To make appropriate decisions about criminal justice, policymakers and practitioners need to grapple with what these goals mean and with how they can be accomplished.

In the first part of the course, we will review classic and contemporary readings in philosophy and criminal justice to explore these goals in detail. Why is each goal important? What does it demand? What are its limits in policy and practice? Who are its champions? How is it possible to tell how well a policy advances it? Obviously the answers to all of these questions are contested: “Safety”, “censure”, “liberty”, and “equality” mean different things to different people, and we do not all rank them in the same way (one person’s fair trade of liberty for order may strike another as the first step toward a police state). But by trying to answer questions like these, and by debating the different answers that we arrive at, we will develop a thorough understanding of key interests and values in this field. In the process, we will have developed a framework for evaluating specific crime control proposals. It is in that sense that this course aims to introduce you to one way of thinking about crime.

In the second part of the course, we will use our framework to analyze the three major criminal justice institutions—cops, courts, and corrections—focusing particularly on proposals for reform in each of these areas. In each case, we will review current research and analysis of the implications and impacts of different strategies, aiming to understand
which proposals strike a tolerable balance among the competing aims of the field. The topics we will explore do not cover every institution relevant to crime control, and we can only touch on a few aspects of each institution we do cover. But these sessions will give you experience applying our analytic framework, and they will introduce you to some of the most prominent debates about criminal justice reform today.

Requirements

1. Regular class attendance, participation, and preparation—i.e., do the readings and be ready to talk about them. I may also ask you to prepare summaries of the readings or presentations for the class. (25%)

2. One short policy memo on a topic to be assigned, due October 26. I will hand out the memo topics and requirements the week before it is due. (20%)

3. One term paper (approx. 15 pp.) analyzing a crime control strategy, due October 9. The term paper is flexible, but in general it should focus either on (1) evaluating some particular proposal for addressing an important crime-related problem (i.e. asking whether that proposal accomplishes what any anti-crime strategy ought to accomplish), or (2) analyzing a crime-related problem, and asking what the best response is. The problems and proposals you examine can be as specific or general as you like—anything from the public safety challenges faced by a particular neighborhood, to broad crime policy issues at the national level. We can discuss the paper in more detail in or out of class if you like. (50%)

4. A brief proposal for your term paper (one or two paragraphs is plenty), due October 3. Your proposal should describe the subject you have chosen and how you plan to analyze it, including the kind of research you plan to do to support your analysis. (Usually that will mean a review of relevant academic literature; tell me which fields you expect to investigate and some examples of material that appears relevant. Occasionally you may plan to conduct interviews with criminal justice officials.) (5%)

All of the readings listed are required except where noted. Please do all the required readings before you come to class. There is a fair amount of reading, but the rest of the course workload isn’t heavy, so the readings should be manageable. Class discussions won’t work if you don’t read. Hopefully, you will find the readings interesting!

The readings are available electronically in the course CTools site. The “Resources” section has separate folders that contain the readings for each class session. Because this is a heavily revised course that I have not taught in a while, I may need to update the reading list as the semester goes on. I will alert you ahead of time if I need to make changes to the readings.

If you believe you need an accommodation for a disability, please let me know at your earliest convenience. Some aspects of this course may be modified to facilitate your participation and progress. As soon as you make me aware of your needs, we can work with the Office of Services for Students with Disabilities to help us determine appropriate accommodations. I will treat any information you provide as private and confidential.
September 9  **Introduction**


September 14  **Crime and Criminal Justice through the Age of Mass Incarceration**


**Background Materials to Browse**


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<th>PART I: GOALS</th>
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September 16  **Incapacitation**


**Selective Incapacitation**

Bernard Harcourt, *Against Prediction* (Chicago: Univ. Chicago Press, 2007), ch. 1, cases 1, 3

September 21 **Deterrence**


September 23 **Rehabilitation**


September 28 **Prevention**


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2. Censure

September 30 **Just Deserts**


3. Liberty

October 5 Due Process


October 7 The Reach of the Criminal Law


Jonathan Caulkins, Angela Hawken, Beau Kilmer, and Mark Kleiman. Marijuana Legalization. (Oxford Univ. Press, 2012), ch. 8

Term Paper Proposal Due Oct 9, 5:00 PM

October 12 Dignity

4. Equality

October 14  Racial Inequality in Criminal Justice  Memo Assignment Handed Out


October 19  No Class – Fall Break

PART II: STRATEGIES

1. Punishment

October 21  Drug Courts


October 26  Term Paper Discussion  Memo Assignment Due
October 28  **Community Corrections**


Mark A.R. Kleiman, Angela Hawken, and Ross Halperin. “We don’t need to keep criminals in prison to punish them,” *vox.com*, March 18, 2015

November 2  **Restorative Justice**


November 4  **Fines**


Dan Kahan, “What Do Alternative Sanctions Mean”, 63 *University of Chicago Law Review*, pp. 591-653; *read sections I, II.B, III.C; skim the rest*
November 9  **The Death Penalty**


November 11  **Scarlet Letters**


Jessica Henry and James Jacobs. “Ban the Box to Promote Ex-Offender Employment”, *Criminology and Public Policy*, vol. 6 (2007), pp. 755-762


Reginald Fields. “Bill easing collateral sanctions for felons in Ohio will soon be law”, *Cleveland Plain Dealer*, June 26, 2012


2.  **Police**

November 16 **The Police**

Peter Moskos. “911 is a Joke”, in *Cop in the Hood*. (Princeton Univ. Press, 2008), pp. 89-110
Herman Goldstein. *Problem-Oriented Policing* (McGraw-Hill, 1990), ch. 4

**November 18 Policing Drugs**


**November 23 Stop and Frisk**


**November 25 Regulating Guns**

Andrew Romano and Pat Wingert. “2,405 Shot Dead Since Tucson”, *Newsweek*, March 15, 2011


**November 30**  
The Use and Abuse of “Broken Windows”


**December 2**  
Police Accountability


3. **Courts and Beyond**

**December 7  Indigent Defense**


**December 9  Pretrial Detention**


Laura and John Arnold Foundation. “Developing a National Model for Pretrial Risk Assessment”, Nov. 2013; and “Results from the First Six Months of the Public Safety Assessment Court in Kentucky”, July 2014

December 14  **Power to the Jury?**


*Term Paper Due – Dec. 18*