

**HARVARD UNIVERSITY
Faculty of Arts and Sciences
Kennedy School of Government**

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SOC 179 / CCJ 103 – Fall 2009

CRIME, JUSTICE, AND THE AMERICAN LEGAL SYSTEM

Monday and Wednesday, 10:00 am–11:00 am, Geological Lecture Hall, University Museum 100
Sections, TBD

Head Teaching Fellow:

Matt Kaliner (kaliner@fas.harvard.edu)

Teaching Fellows:

Geniece Crawford (gacrawf@fas.harvard.edu)

Marie Cropper (Tonya_Cropper@hksphd.harvard.edu)

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This course examines the causes and consequences of the crime problem in America. In recent years, some criminal justice system officials, sensing that the public is losing confidence in their actions, have changed their approach to fighting crime. They have begun to devote more attention and resources to building healthy communities where criminality cannot take root and to making citizens partners rather than adversaries of the criminal justice system. In this course, we will cover key actors in the American legal system, such as police, courts, and prisons, and examine the evolving role of these institutions in crime prevention. Particular attention will be paid to drugs, guns, gangs and other urban crime problems as well as controversial topics in criminal justice, such as racial profiling and the death penalty.

There will be no required text for this course. Rather, specific journal articles and book chapters will be required for each class. All readings will be available through the course web page, and some are linked below where possible. Every week, teaching fellows will lead discussions of the class materials and required readings.

Students *must* enroll in the class on a letter-grade basis; no pass/fail petitions will be accepted. Students also *must* register for the class on Study Card Day; no late additions will be accepted.

Expectations

Work for the course will consist of four components: (1) regular short reaction papers (15% of final grade); (2) mid-course exam (35% of final grade), (3) final research paper (35% of final grade), and (4) class participation (15% of final grade).

Regular short reaction papers

Over the course of the semester, students will be required to write brief reaction papers (no more than 2 double-spaced pages) based on personal reflection and commentary on the assigned readings and class materials. Reaction papers will be due on Tuesdays before 10 pm and graded “check plus” (meaning “you have mastered the material and provided very interesting commentary”), “check” (meaning “you understood the material and provided relevant commentary”), or “check minus” (meaning “you missed the point on the material and/or did not provide relevant commentary”). Late reaction papers will be automatically assessed a check minus. Papers will not be accepted more than one class meeting late.

Mid-course exam

A mid-course exam will be held in class on Monday, October 26. **No make-up exams will be given. If you know that you can't be present for the exam, don't sign up for the course.**

Final research paper

Students will be required to submit a 15 page final research paper (due during the reading period). Students taking the class for graduate credit will be required to submit a 20 page paper. These papers must make extensive use of relevant citations and follow a recognized reference style (Chicago, APA, or Turabian). All paper topics must be approved by the Teaching Fellows or me. **The final research paper will be due on Wednesday, December 9 at 5:00 pm.**

Class Participation

Students will be evaluated on their use of the readings and their ability to move our conversations forward in class and section discussion. Participation that indicates lack of awareness of the assigned material will not be viewed positively. Likewise, comments that do not move the discussion forward will not be viewed positively.

SCHEDULE OF CLASS MEETINGS

September 2 – Introduction and Class Overview

September 9 – Crime in the United States

Required reading –

Alec MacGillis. 2009. “Neighborhoods Key to Future Income, Study Finds.” *The Washington Post*, July 27.

www.washingtonpost.com/wp-dyn/content/article/2009/07/26/AR2009072602347.html

Steven D. Levitt. 2004. “Understanding Why Crime Fell in the 1990s: Four Factors That Explain the Decline and Six That Do Not.” *Journal of Economic Perspectives*, 18: 163 – 190.

Chapter 3 – “Crime.” In Christopher Jencks. 1992. *Rethinking Social Policy: Race, Poverty, and the Underclass*. New York: Harper Collins.

Chapter 2 – “A Theory of Criminal Behavior.” In James Q. Wilson and Richard Herrnstein. 1985. *Crime and Human Nature*. New York: Simon and Schuster.

September 14 – The Changing Nature of the American Criminal Justice System

Required readings –

Charles Wellford. 1998. “Changing Nature of Criminal Justice System Responses and Its Professions.” In *The Challenge of Crime in a Free Society: Looking Back, Looking Forward*. Washington, DC: U.S. Department of Justice.

Chapter 1 – “The Community Justice Movement.” In Todd Clear and David Karp. 1999. *The Community Justice Ideal: Preventing Crime and Achieving Justice*. Boulder, CO: Westview Press.

Hanna Rosin. 2007. “American Murder Mystery.” *The Atlantic*, July/August.
www.theatlantic.com/doc/200807/memphis-crime

Sampson, Robert J. 2004. “Networks and Neighborhoods: The Implications of Connectivity for Thinking about Crime in the Modern City.” In *Network Logic: Who Governs in an Interconnected World?* edited by Helen McCarthy, Paul Miller, and Paul Skidmore. London: Demos.

September 16 – Race and the Criminal Justice System

Guest speaker – Rev. Jeffrey Brown, Boston Ten Point Coalition

Required readings –

Janet Lauritsen and Robert Sampson. 1998. “Minorities, Crime, and Criminal Justice.” In *The Handbook of Crime and Punishment*, edited by Michael Tonry. New York: Oxford University Press.

Robert J. Sampson. 2006. “Open Doors Don’t Invite Criminals: Is Increased Immigration Behind the Drop in Crime?” *New York Times*, March 11, p. A27.

Chapter 1 – “The Race Question in Criminal Law.” In Randall Kennedy. 1997. *Race, Crime, and the Law*. New York: Vintage Books.

DiIulio, John J. 1996. “My Black Crime Problem, and Ours.” *The City Journal*, (Spring): 14 – 28.

September 21 – Juvenile Crime and Juvenile Justice

Required readings –

Chapter 1 in Adrian Nicole LeBlanc. 2003. *Random Family: Love, Drugs, Trouble, and Coming of Age in the Bronx*. New York: Scribner.

Peter Greenwood. 2002. “Juvenile Crime and Juvenile Justice.” In *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. Oakland, CA: ICS Press.

Chapter 4 – “Preventing Juvenile Crime.” In National Research Council and Institute of Medicine. 2001. *Juvenile Crime, Juvenile Justice*, edited by Joan McCord, Cathy Spatz Widom, and Nancy Crowell. Washington, DC: National Academy Press.
books.nap.edu/openbook.php?record_id=9747&page=107

September 23 – The Nature of Police Work: Past and Present Perspectives

Required readings –

James Q. Wilson. 1968. “Dilemmas of Police Administration.” *Public Administration Review*, 28: 407 – 417.

Egon Bittner. 1980. *The Functions of Police in Modern Society*. Bethesda, MD: National Institute of Mental Health (Excerpts: pages 6-24, 36 -47).

Chapter 4 – “Explaining Police Behavior: People and Situations.” In National Research Council. 2004. *Fairness and Effectiveness in Policing*, edited by Wesley Skogan and Kathleen Frydl. Washington, DC: The National Academies Press.

http://books.nap.edu/openbook.php?record_id=10419&page=109

September 28 – Community Policing

Required readings –

Chapter 3 – “The Failure of Past Policing Strategies.” In George Kelling and Catherine Coles. 1996. *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities*. New York: The Free Press.

James Q. Wilson and George Kelling. 1982. “Broken Windows: The Police and Neighborhood Safety.” *Atlantic Monthly* (March): 29 – 38.

www.manhattan-institute.org/pdf/atlantic_monthly-broken_windows.pdf

Wesley Skogan. 2006. “The Promise of Community Policing.” In *Police Innovation: Contrasting Perspectives*, David L. Weisburd and Anthony A. Braga. New York: Cambridge University Press.

September 30 – Guest speaker – Commissioner Edward F. Davis, Boston Police Department

October 5 – Police and Effective Crime Prevention

Required readings –

David Weisburd and John Eck. 2004. “What Can Police Do to Reduce Crime, Disorder, and Fear?” *Annals of the American Academy of Political and Social Science*, 593: 42 – 65.

John Eck. 2006. “Science, Values, and Problem-Oriented Policing: Why Problem-Oriented Policing?” In *Police Innovation: Contrasting Perspectives*, David L. Weisburd and Anthony A. Braga. New York: Cambridge University Press.

Anthony A. Braga and David L. Weisburd. 2006. “Problem-Oriented Policing: The Disconnect Between Principles and Practice.” In *Police Innovation: Contrasting Perspectives*, David L. Weisburd and Anthony A. Braga. New York: Cambridge University Press.

October 7 – Police Corruption and Lawful Policing

Required readings –

Wesley Skogan and Tracey Meares. 2004. “Lawful Policing.” *Annals of the American Academy of Political and Social Science*, 593: 66 – 83.

Chapter 4 – “The Troubled Boston PD.” In Dick Lehr. 2009. *The Fence: A Police Cover-Up Along Boston’s Racial Divide*. New York: Harper.

Dick Lehr. 2009. “A New ‘Bright Line’ Rule Against Lying.” *The Boston Globe*, July 31. www.boston.com/bostonglobe/editorial_opinion/oped/articles/2009/07/31/a_new_bright_line_rule_against_lying/

“Patterns of Police Corruption” – Pages 61 – 69 from *The Knapp Commission Report*.

David Carter. 1990. “Drug-Related Corruption of Police Officers: A Contemporary Typology.” *Journal of Criminal Justice*, 18: 85 – 98.

October 14 – Police Legitimacy

Required readings –

Tom Tyler. 2004. “Enhancing Police Legitimacy.” *Annals of the American Academy of Political and Social Science*, 593: 84 – 99.

Ian Ayres and Jonathan Borowsky. 2008. *Racial Profiling and the LAPD*. Summary Report. Los Angeles: American Civil Liberties Union of Southern California. www.aclu-sc.org/documents/view/47

Heather MacDonald. 2001. “The Myth of Racial Profiling.” *City Journal*, Spring. www.city-journal.org/html/11_2_the_myth.html

Editorial – “Prejudice in Email Form.” 2009. *The Boston Globe*, July 31. www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2009/07/31/prejudice_in_email_form/

October 19 – The Evolving Role of the Prosecutor

Required readings –

Brian Forst. 2002. “Prosecution.” In *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. Oakland, CA: ICS Press.

Barbara Boland. 1996. "What is Community Prosecution?" *National Institute of Justice Journal*, 231: 35 – 40.

William J. Stuntz. 2008. "Unequal Justice." *Harvard Law Review*, 121: 1949 – 2040 (Please read 2019 – 2040).

October 21 – The Death Penalty

Required readings –

Russell F. Canan. 1989. "Burning at the Wire: The Execution of John Evans." In *Facing the Death Penalty*, edited by Michael L. Radelet. Philadelphia, PA: Temple University Press.

Michael Radelet and Traci Lacock. 2009. "Do Executions Lower Homicide Rates?: The Views of Leading Criminologists." *Journal of Criminal Law and Criminology*, 99: 489 – 508.

Adam Liptak. 2007. "Does the Death Penalty Save Lives?" *New York Times*, Nov. 18. www.nytimes.com/2007/11/18/us/18deter.html

American Society of Criminology. 2001. "The Use of the Death Penalty." Policy paper. www.asc41.com/policypaper2.html

Bureau of Justice Statistics. 2008. *Capital Punishment, 2007*. Washington, DC: U.S. Department of Justice. www.ojp.usdoj.gov/bjs/pub/html/cp/2007/cp07st.pdf

October 26 – MIDCOURSE EXAM

October 28 – Guest speaker – Assistant United States Attorney Theodore Heinrich

November 2 – Prisons and Incarceration Policy

Required readings –

Chapter 1 – "Three Strikes Comes to California" and Chapter 2 – "The Largest Penal Experiment in American History." In Franklin Zimring, Gordon Hawkins, and Sam Kamin. 2001. *Punishment and Democracy: Three Strikes and You're Out in California*. New York: Oxford University Press.

Alfred Blumstein. 2002. "Prisons: A Policy Challenge." In *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. Oakland, CA: ICS Press.

Craig Haney. 2003. "The Psychological Impact of Incarceration." In *Prisoners Once Removed*, edited by Jeremy Travis and Michelle Waul. Washington, DC: The Urban Institute Press.

Carrie Johnson. 2009. "Justice Department Backs Plan to Eliminate Cocaine Sentencing Disparity," *The Washington Post*, April 30.
www.washingtonpost.com/wp-dyn/content/article/2009/04/29/AR2009042901551.html

November 4 – Community Corrections and Prisoner Reentry

Required readings –

Chapter 1 – "The Emerging Importance of Prisoner Reentry to Crime and the Community." In Joan Petersilia. 2003. *When Prisoners Come Home*. New York: Oxford University Press.

Joan Petersilia. 2002. "Community Corrections." In *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. Oakland, CA: ICS Press.

Donald Braman and Jennifer Wood. 2003. "From One Generation to the Next: How Criminal Sanctions are Reshaping Family Life in Urban America." In *Prisoners Once Removed*, edited by Jeremy Travis and Michelle Waul. Washington, DC: The Urban Institute Press.

November 9 – Gangs in the United States

Required readings –

Chapter 1 – "Camp Kilpatrick" and Chapter 2 – "South Central." In Leon Bing. 1991. *Do or Die*. New York: Harper Collins

James Howell, John Moore, and Arlen Egley, Jr. 2002. "The Changing Boundaries of Youth Gangs." In *Gangs in America*, Third edition, edited by C. Ronald Huff. Thousand Oaks, CA: Sage Publications.

Chapter 2 – "Gang Crime Patterns." In Malcolm Klein and Cheryl Maxson. 2006. *Street Gang Patterns and Policies*. New York: Oxford University Press.

November 11 – No class because it is Veterans Day.

November 16 – Street Gangs and Violence

Required readings –

Chapter 3 – “The War.” In Sanyika Shakur. 1993. *Monster: The Autobiography of an L.A. Gang Member*. New York: Penguin Books.

Jeffrey Fagan and Deanna Wilkinson. 1998. “Guns, Youth Violence, and Social Identity.” In *Youth Violence, Crime and Justice, Vol. 24*, edited by Michael Tonry and Mark H. Moore. Chicago: University of Chicago Press.

Anderson, Elijah. 1994. “The Code of the Streets.” *Atlantic Monthly*, May: 81 – 94.

November 18 – Partnerships to Prevent Youth Gun Violence

Guest speakers – Captain James Claiborne, Boston Police Department
Talia Rivera, Black Ministerial Alliance

Required readings –

Anthony A. Braga., David Hureau, and Christopher Winship. 2008. “Losing Faith? Police, Black Churches, and the Resurgence of Youth Violence in Boston.” *Ohio State Journal of Criminal Law*, 6 (1): 141 – 172.

Anthony A. Braga and Jeffrey L. Brown. 2007. “Curbing Gun Violence Requires Trust.” *The Boston Globe*, November 25.
www.boston.com/bostonglobe/editorial_opinion/oped/articles/2007/11/25/curbing_gun_violence_requires_trust/

Anthony A. Braga and Jeffrey L. Brown. 2007. ““Negotiating Gang Peace.” *The Boston Globe*, March 31: A11.
www.boston.com/news/globe/editorial_opinion/oped/articles/2007/03/31/negotiating_gang_peace

Anthony A. Braga, David M. Kennedy, Anne M. Piehl, and Elin J. Waring. 2001. *Reducing Gun Violence: The Boston Gun Project’s Operation Ceasefire*. Washington, DC: National Institute of Justice, U.S. Department of Justice.
www.ncjrs.gov/pdffiles1/nij/188741.pdf

November 23 – Drugs and Crime

Required readings –

Robert J. MacCoun and Karin Martin. 2009. “Drugs.” In *The Oxford Handbook of Crime and Public Policy*, edited by Michael Tonry. New York: Oxford University Press.

Chapter 3 – “Why Do Drug Dealers Still Live With Their Moms?” In Steven D. Levitt and Stephen J. Dubner. 2005. *Freakonomics*. New York: Harper Collins.

Bruce Johnson, Terry Williams, Kojo Dei, and Harry Sanabria. 1990. “Drug Abuse in the Inner City: Hard-Drug Users and the Community.” In *Drugs and Crime, Crime and Justice Vol. 13*, edited by Michael Tonry and James Q. Wilson. Chicago: University of Chicago Press.

November 25 – Drug Enforcement

Required readings –

Chapter 3 – “New Jack: Learning to Do Drugs.” In Peter Moskos. 2008. *Cop in the Hood: My Year Policing Baltimore’s Eastern District*. Princeton, NJ: Princeton University Press.

Chapter 2 – “Drug Prohibition: American Style.” In Robert J. MacCoun and Peter Reuter. 2001. *Drug War Heresies: Learning from Other Vices, Times, and Places*. New York: Cambridge University Press.

David M. Kennedy. 2009. “Drugs, Race, and Common Ground: Reflections on the High Point Intervention.” *National Institute of Justice Journal*, 262: 12 – 17.
www.ncjrs.gov/pdffiles1/nij/225760.pdf

November 30 – Guest speakers – Tracy Lithcutt and Jason Best

December 2 – Firearms and Violence / Illegal Gun Markets

Required readings –

Chapter 10 in Geoffrey Canada. 1995. *Fist Stick Knife Gun*. Boston, MA: Beacon Press.

Philip J. Cook and Jens Ludwig. 2009. “Firearms Violence.” In *The Oxford Handbook of Crime and Public Policy*, edited by Michael Tonry. New York: Oxford University Press.

Philip J. Cook, Mark H. Moore, and Anthony A. Braga. 2002. “Gun Control.” In *Crime: Public Policies for Crime Control*, edited by James Q. Wilson and Joan Petersilia. Oakland, CA: Institute for Contemporary Studies Press.

Anthony A. Braga, Philip J. Cook, David M. Kennedy, and Mark H. Moore. 2002. “The Illegal Supply of Firearms.” In *Crime and Justice: A Review of Research*, Volume 29, edited by Michael Tonry. Chicago: University of Chicago Press.

Anthony A. Braga, and Glenn L. Pierce. 2005. “Disrupting Illegal Firearms Markets in Boston: The Effects of Operation Ceasefire on the Supply of New Handguns to Criminals.” *Criminology and Public Policy*, 4 (4): 717 – 748.