

CRIMINAL JUSTICE REFORM: THEORY AND RESEARCH IN ACTION

**Fall 2015 Syllabus
Mondays, 4:10 to 6pm
40 Ashmun Street - RM A422**

Tom Tyler, Macklin Fleming Professor of Law and Professor of Psychology
Megan Quattlebaum, Lecturer in Law
Monica Bell, Postdoctoral Fellow
Elizabeth Clark-Polner, Postdoctoral Fellow
Rick Trinkner, Postdoctoral Fellow

We are at a pivotal moment with respect to American policing (and arguably the U.S. criminal justice system more generally). Police shootings in Ferguson, North Charleston, and Cleveland—as well as the death of Eric Garner after police put him in a chokehold in Staten Island and the death of Freddie Gray after he was transported in a police van in Baltimore—have brought national attention to the questions of how police should do their jobs and even how that job should be defined. Perhaps at no point since the 1960's, when the Kerner Commission wrote an influential report on American policing following a period of widespread urban unrest, have long-held assumptions about the purposes and methods of policing been called so deeply into question. Academics and researchers can and should be a part of the conversation about how to make policing (and all of the components of criminal justice operation) simultaneously more effective, just, and democratic.

Participants in this Workshop will explore theories (procedural justice, legitimacy, social network analysis, implicit bias, among others) and empirical findings that are being marshaled to re-think the function and form of policing. They will also engage in research projects and public policy advocacy that aim to give these ideas practical effect. Our immodest goal is that participants should have an opportunity to help define the face of American policing in the 21st century. 3 units, credit/fail. T. Tyler and M. Quattlebaum.

Requirements and Readings

This Workshop is a three-unit, ungraded course. We meet weekly; preparation and attendance at these discussions is required for credit. If you need to miss a class, please be in touch with the professors in advance of the meeting. Students missing more than two sessions without permission will not receive credit. (Please note that according to this year's academic schedule, our first class will be held on Friday, September 4th. There will be no class on the 7th, which is Labor Day, and our normal Monday schedule will resume on the 21st. Class on the 14th will be cancelled for Rosh Hashanah.)

Graded credit may be available to students who wish to write papers (including substantials and SAWs) in connection with this course. Permission of the instructors is required.

Weekly Syllabus

Friday, September 4th

Introduction

In our first class, we will provide an introduction to the course and requirements.

Monday, September 14th – Rosh Hashanah NO CLASS

Monday, September 21st – guest Tracey Meares

Procedural Justice

In this class, we will explore the concept of procedural justice, which will drive much of our research and advocacy work in the experiential component of the course. What does the theoretical work around procedural justice suggest should be priorities for reformers of policing? What arguments are marshaled against a procedural justice focus? Do individuals of different racial and ethnic backgrounds experience procedural justice differently? Tyler, Goff, and MacCoun argue that psychological theories are driving much of the current thinking around police reform. To the extent that you agree with this assessment, does this focus suggest a diminished place for law among reform efforts?

Readings

TOM TYLER, PHILLIP GOFF, & ROBERT MACCOUN, THE IMPACT OF PSYCHOLOGY ON AMERICAN POLICING: PROCEDURAL JUSTICE, LEGITIMACY, AND EFFECTIVE LAW ENFORCEMENT (excerpted).

CHARLES R. EPP, STEVEN MAYNARD-MOODY, & DONALD P. HAIDER-MARKEL, PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP (2014) (chapters 1 and 6).

Tracey L. Meares, *The Legitimacy of Police Among Young African-American Men*, 92 MARQUETTE L. REV. 651 (2009).

TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS (2002) (Part IV).

Monday, September 28th – guests Al Ferreira & Bruce Lipman

Translating Procedural Justice Theory into Action

The purpose of this class is to explore the intricacies of taking theoretical and empirical research and transforming it into tangible reform policies. For this class we will focus specifically on the Chicago Police Department's new Procedural Justice &

Legitimacy officer training program which is based on the scientific research explored in the previous class. Our guest speakers are current or former Chicago Police Officers who played a pivotal role in developing and implementing this training program. Topics to be discussed include (1) collaborations between researchers and law enforcement/criminal justice personnel to translate research into actionable police reforms; (2) potential pitfalls, problems, and difficulties in implementing reforms in an environment that has many different factions/groups that may or may not be skeptical of said reforms; (3) efforts at evaluating effectiveness of police reforms to create “evidence-based” best practices; (4) generalizing successful reforms to a new location that may have a very different set of circumstances, while still maintaining the underlying goals/principles of the original program.

Readings

Wesley G. Skogan, Maarten Van Craen & Cari Hennessy, *Training Police for Procedural Justice*, J. EXP. CRIMINOL. (2014).

Wesley G. Skogan, *Why Reforms Fail*, 18 POLICING & SOCIETY 23 (2008).

VAUGHN CRANDALL, DANIELA GILBERT & STEWART WAKELING, CALIFORNIA PARTNERSHIP FOR SAFE COMMUNITIES, PROCEDURAL JUSTICE AND POLICE LEGITIMACY: USING TRAINING AS A FOUNDATION FOR STRENGTHENING COMMUNITY-POLICE RELATIONSHIPS (working draft).

Joel Caplan, *Police Cynicism: Police Survival Tool?*, 76 POLICE J. 304 (2003).

Monday, October 5th – guest Shaun King ***The Black Lives Matter Movement***

Procedural justice, as it will be discussed throughout this course, depends as much on peoples' *perceptions* of the way in which the justice system functions, as it does the actual procedures. In this class, we will explore some of these perceptions, looking in particular to recent protests and the Black Lives Matter movement. Our guest will be Shaun King – a leading voice with BLM, who has appeared frequently in both social and traditional media to address these topics. We will discuss not only prevailing sentiment amongst protestors, but also the difficulties they face in communicating with others (whose experiences may be markedly different). We will also explore best practices in terms of measuring and accounting for such perceptions moving forward.

Readings

Monica Bell, *From Legal Cynicism to Situational Trust* (working draft)

Susan Clampet-Lundquist, Patrick J. Carr & Maria J. Kefalas, *The Sliding Scale of Snitching: A Qualitative Examination of Snitching in Three Philadelphia Communities*, 30 SOCIOLOGICAL FORUM 265 (2015).

Monday, October 12th – FALL BREAK

Monday, October 19th - guest Benjamin Justice

Policing and its Implications for American Democracy and Civil Society

In this class, we will explore some broader consequences of concentrated criminal justice for poor communities of color, specifically the consequences of policing for democratic engagement and citizenship in these communities. How does policing socialize, or educate, individuals and groups to engage or disengage from certain forms of democratic behavior? What are the effects of concentrated crime control on political engagement, in activities ranging from calling the government for service to voting? What are the implications of policing and incarceration for neighborhoods as spaces of collective agency? In this class, we will engage these questions, explore aspects of these questions for which further study is needed, and consider the role of lawyers in mediating or altering the civic messages of criminal justice processes.

Our guest is Rutgers Associate Professor Ben Justice, a historian who focuses on education.

Readings

Amy Lerman & Vesla Weaver, *Staying out of Sight? Concentrated Policing and Local Political Action*, ANNALS of the American Academy of Political and Social Science (January, 2014).

Benjamin Justice and Tracey Meares, *How the Criminal Justice System Educates Citizens*, ANNALS of the American Academy of Political and Social Science (January, 2014).

OPTIONAL: Naomi F. Sugie, *Chilling Effects: Diminished Political Participation among Romantic Partners of Ex-Offenders*, working paper (2012).

Monday, October 26th – NO CLASS

Project teams should spend this week focusing on advancing their work.

Monday, November 2nd – guest David Kennedy

Reconciliation

This class will tackle the complex question of how to unsettle cynicism in relationships between police and communities of color. What does legitimacy mean, and how is it achieved? One of the readings considers whether a formal reconciliation and truth-telling process, involving the airing of grievances about historical and current perceived injustice and explicit discussion of misunderstandings between police and communities of color, might provide community-level pathways toward legitimacy. A second places such a proposal in context, providing an overview of

efforts to bring ideas of reconciliation to the United States, as well as challenges those efforts have encountered along the way. A final reading raises the idea that empathy might be a teachable skill.

We will consider whether and how the reconciliation model, which has arguably been successful in some transitional and post-conflict countries, might be adapted to the context of American policing. And we will ask whether teaching empathy might serve as one methodology of reconciliation.

Our guest is Professor David Kennedy of the John Jay College of Criminal Justice. He heads the National Network for Safe Communities and is the author of the book *Don't Shoot, One Man, a Street Fellowship, and the End of Violence in Inner-City America*.

Readings

Vaughn Crandall & David M. Kennedy, Truth-Telling and Racial Reconciliation Between Law Enforcement and Affected Communities, National Network for Safe Communities Practice Brief.

James T. Campbell, *Settling Accounts? An Americanist Perspective on Historical Reconciliation*, AM. HISTORICAL REV. 963 (2009).

Karina Schumann, Jamil Zaki & Carol S. Dweck, *Addressing the Empathy Deficit: Beliefs about the Malleability of Empathy Predict Effortful Responses When Empathy is Challenging*, 107 J. PERSONALITY & SOC. PSYCH. 475 (2014).

Monday, November 9th – guest Phillip Atiba Goff

Implicit Bias

This class will tackle the issue of implicit bias, or the ways in which bias can occur, outside of conscious awareness. We will begin by discussing psychological research that examines the way in which implicit biases can be realized at the individual level and how they can influence even the most basic perceptual processes (like vision). We will then address the relationship between bias at the individual level and bias at the procedural level. Finally, we will talk about how bias can be both recognized and mitigated.

Our guest is UCLA Associate Professor Phil Goff, who is a co-founder and president of the Center for Policing Equity.

Readings

Jennifer L. Eberhardt, Phillip Atiba Goff, Valerie J. Purdie & Paul G. Davies, *Seeing Black: Race, Representation, and Visual Perception*. 87 J. OF PERSONALITY & SOCIAL PSYCHOLOGY 876 (2004).

CLARK-POLNER, E., BROSCHE, T., & SANDER, D.S. TRUST PERCEPTS PREDICT PAROLE DECISIONS: STRATEGIES TO REDUCE THE INFLUENCE OF IMPLICIT BIAS, NATIONAL CENTER FOR STATE COURTS (UNDER REVIEW).

Robert J. Smith, *Reducing Racially Disparate Policing Outcomes: Is Implicit Bias Training the Answer?*, 37 HAWAII L. REV. 295 (2015).

Monday, November 16th

Class Discussion

This class will be different from others we've had because we will not have a guest speaker in the room. We hope to take advantage of our time together to try to weave together what we've heard from our many guest speakers and to bring a bit of coherence to what has thus far been a hopefully enjoyable and informative hopscotch across various approaches to and theories underlying police reform in 2015.

To that end, and in lieu of reading, we ask you to post a response to the following prompt on the course discussion thread on the Inside Page. This need not be an in-depth paper – one paragraph to one to two pages max is what we are aiming for. Responses are due on Sunday, 11/15, at 5pm, and we will ask you to please read each other's responses before you come to class on Monday.

Thus far this semester, we have endeavored to introduce you to a variety of academics and practitioners who are working to improve American policing. We have not been comprehensive, and we aimed to focus on those who are marshaling social science research to assist with this task (rather than traditional legal scholars and practitioners, with whom we imagined you were likely more familiar). What themes and/or questions have emerged for you over the course of the semester thus far? How has your view of the current policing reform "movement" - to the extent you believe such a movement exists - evolved? Are you more or less optimistic about possibilities for change? What do you view as the key obstacles to reform?

Monday, November 23rd – guests Tracie Keese, Rick VanHouten, & Chief Dean Esserman

Procedural Justice Inside Police Departments

This class will focus on the internal dynamics within police organizations and their implications for criminal justice reform. The success of police reforms hinges on the degree to which line officers adopt the new policies and incorporate them in their daily work. Many argue that this will be dependent on the environment within the department more so than external pressure. Topics to be discussed are (1) police culture and how it shapes the internal climate within a department, (2) how that culture can facilitate or hinder police reform efforts, (3) the importance of procedural fairness within departments to improving the lives of officers, the efficiency of the organization, and better relationships with the public, (4) strategies to induce the cultural shifts that will likely to be needed to sustain long-term reforms.

Our guests are a former Captain in the Denver Police Department, the President of the Fort Worth Police Officers Association, and the current Chief of the New Haven Police Department.

Readings

Ben Bradford & Paul Quinton, *Self-Legitimacy, Police Culture and Support for Democratic Policing in an English Constabulary*, 54 BRIT. J. CRIMINOL. 1023 (2014).

P.A.J. Waddington, *Police (Canteen) Sub-Culture: An Appreciation*, 39 BRIT. J. CRIMINOL. 287 (1999) (excerpted).

Bethan Loftus, *Police Occupational Culture: Classic Themes, Altered Times*, 20 POLICING & SOCIETY 1 (2010) (excerpted).

Monday, November 30th – guest Andrew Papachristos

Social Network Analysis

Neither violence – nor violence prevention – occurs in a vacuum. Psychologists and sociologists have long understood the importance of social relationships for understanding human behavior, and measuring these relationships can provide important insight into the incidence and effectiveness of crime and criminal justice. In this class, we will provide a brief overview of one way in which these relationships can be captured, and studied (social network analysis). New ways in which these tools can be applied to better understand (from a quantitative standpoint) some of the issues discussed thus far in the course, how these quantitative insights can be leveraged and developed into real-world interventions, and what – if anything – one can do from an institutional standpoint to foster the types of relationships and social connections that have proven to be associated with positive outcomes.

Our guest is an Associate Professor of Sociology at Yale University.

Readings

David S. Kirk & Andrew V. Papachristos, *Cultural Mechanisms and the Persistence of Neighborhood Violence*, 116 AM. J. SOCIOLOGY 1190 (2011).

David S. Kirk, Andrew V. Papachristos, Jeffrey Fagan & Tom R. Tyler, *The Paradox of Law Enforcement in Immigrant Communities Does Tough Immigration Enforcement Undermine Public Safety?*, 641 ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, 79 (2012).

Monday, December 7th

Final Rounds

All project groups will report out on the results of their work this semester, and we will brainstorm open questions and next steps.

Available Projects

Each student who participates in this Workshop will be expected to join a project team. Students should anticipate that their teams may need to meet with instructors regarding their projects as required (but no more than once per week). At the start of the semester, teams will identify a mutually-convenient time for those meetings.

Six City Police Department Policy Reform

The National Initiative for Building Community Trust and Justice (NI) is a consortium of experts who have been enlisted by the Department of Justice to help rebuild trust between law enforcement and the communities they serve. This team of experts includes Tracey Meares and Tom Tyler, who will be joined by partners from John Jay College, CUNY; the Center for Policing Equity at UCLA; and the Urban Institute.

Beginning this fall, the NI will implement interventions in six pilot cities around the country (Birmingham, AL; Fort Worth, TX, Gary, IN; Minneapolis, MN; Pittsburgh, PA; and Stockton, CA) that are designed to improve police-community relations. The interventions will be developed based on existing research concerning procedural justice, implicit bias, and race and reconciliation.

One of those interventions will be an in-depth analysis of each police department's data, policies, and practices to identify ways they might be improved to enhance procedural justice, reduce implicit bias, and foster reconciliation with communities. Students who join this team will undertake a review of existing policies and practices in our six sites in areas relevant to procedural justice. Key areas of concern will include those involving relations with the community (engagement policies; use of force guidelines) and internal policies within the department (what officer activities and behaviors are fostered and rewarded). We anticipate reviewing practices surrounding holding officers accountable and communicating departmental policies and practices around such accountability mechanisms clearly, frequently, and with as much transparency as possible.

Students will also identify policies adopted in communities across the country that have served as leaders in these areas to compile a set of model practices. These will be made available to the six departments, along with the results of our analysis of their existing policies.

Students who participate on this team *must* commit to keep sensitive information we learn about the six police departments with which we're working *strictly confidential*. Students who do not feel comfortable making this commitment should not join this team.

Procedural Justice and Juveniles

Current work in procedural justice focuses primarily on adults, but people develop their understandings of justice in the contexts of schools and family. We seek to learn more about how children and adolescents learn what is fair by connecting

the procedural justice literature to the legal socialization literatures and other developmental contexts. Students in this group will help to design and implement the initial phase of this project, which may involve conducting interviews of a small sample of juveniles to begin to understand how they experience their interactions with police, probation officers, and other juvenile justice and corrections officials. Students might also interview a small sample of relevant authorities to develop an initial profile of their approaches to managing juveniles.

Students involved in this project will also engage with the work of the CT Governor's Commission on Youth and Urban Violence, which is scheduled to issue its final report in early 2016. Students will have the opportunity to attend meetings and assist with the creation of the Commission's report.