

CRIMINAL JUSTICE REFORM: THEORY AND RESEARCH IN ACTION

**Spring 2016 Syllabus
Mondays 10:10am to noon
Room 110**

Tracey Meares, Walton Hale Hamilton Professor of Law
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, Cleveland, Minneapolis, and Chicago—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 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 such 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, and 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. Meares 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.

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

Monday, January 25th

American Policing in 2016

In August 2014, Michael Brown was killed by Officer Darren Wilson in Ferguson, Missouri, setting off an intense national debate about the future of American policing. In the year and a half since, the Black Lives Matter movement was born, the President convened a high profile Task Force to recommend changes to policing, states have enacted new legislation, and advocates from various quarters are advancing their own paths to reform. How far have these efforts come and where are (and should) they be going?

Coates levels a number of criticisms at current reform efforts, all of which might be described as reasons why these efforts do not go far enough or are unlikely to succeed (e.g. the criminal justice system is overused to respond to social ills, police officers are unsuited to the “social work” tasks they are often assigned, and police officers lack legitimacy in African American communities). And Victor Rios’s work paints a grim picture of life on the receiving end of policing as it is currently practiced in some communities, raising the specter of deep, structural problems that will not be easily repaired. What do you make of these critiques and what are their implications for our work with police departments this semester?

Readings

INTERIM REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING (Mar. 2015) (Introduction; Pillar One: Building Trust & Legitimacy; Pillar Two: Policy & Oversight, pp. 1 – 30; Pillar Four: Community Policing & Crime Reduction, pp. 41-50).

U.S. CONFERENCE OF MAYORS, WORKING GROUP OF MAYORS AND POLICE CHIEFS, STRENGTHENING POLICE-COMMUNITY RELATIONS IN AMERICA’S CITIES (Jan. 22, 2015).

Lydia Saad, *Americans’ Faith in Honesty, Ethics of Police Rebounds*, GALLUP (Dec. 21, 2015).

National Conference of State Legislatures, *States with Police Enactments in 2015*.

Ta-Nehisi Coates, *The Myth of Police Reform*, THE ATLANTIC (Apr. 15, 2015).

VICTOR M. RIOS, *PUNISHED: POLICING THE LIVES OF BLACK AND LATINO BOYS* (2011) (pp. vii – xvi; 24-27; 40-46; 57-63).

Monday, February 1st – Guest Brittany Packnett

Activism, Community, Racial Equality, and Police Reform

The voices and experiences of young people of color have been at the forefront of today’s police reform movement. This moment of protest, while focused on police-

community relations, has given a rare opportunity for broader and interconnected community narratives to enter the national discourse. These narratives usually reveal police misconduct as one of many interlocking concerns, with deep structures of disadvantage and racism as the broader drivers of protest and calls for reform.

How do the interlocking issues affecting people of color, especially youth, feed into #BlackLivesMatter and the movement for police reform? How can the law and policy of policing meaningfully integrate community voices and narratives? What is the bundle of change that the movement can and should fight for? What can and should be the role of educational institutions—particularly K-12, but beyond—in the battle for police reform? How expansive should the movement's mission be in its articulated goals and priorities, and what are the trade-offs (if any) between comprehensiveness and effectiveness?

Our guest today is Brittany Packnett, a member of the President's Task Force on 21st Century Policing, a member of the Ferguson Commission, a leader in Campaign Zero and the Black Lives Matter movement, and the executive director of Teach for America-St. Louis.

Readings

Campaign Zero: Solutions, *available at*

<http://www.joincampaignzero.org/solutions/#solutionsoverview> (NOTE: not included in the posted course materials; please read online).

FERGUSON COMMISSION, *FORWARD THROUGH FERGUSON: A PATH TOWARD RACIAL EQUITY* (Oct. 14, 2015) (pp. 10-12, 18-19, 22-23, 26-63).

Barry Friedman & Maria Ponomarenko, *Democratic Policing*, 90 N.Y.U. L. REV. 101 (2015) (pp. 122-29, 164-83).

Nikole Hannah-Jones, *School Segregation, the Continuing Tragedy of Ferguson*, ProPublica (Dec. 19, 2014), *available at* <http://www.propublica.org/article/ferguson-school-segregation>

Brittany Packnett, *Education Didn't Save Mike Brown*, Teach for America Blog (Aug. 14, 2014), <https://www.teachforamerica.org/blog/education-didnt-save-mike-brown-2>.

OPTIONAL:

Ferguson Commission, *Forward Through Ferguson: A Path Toward Racial Equity* (Oct. 14, 2015) (pp. 64-103 (detailed Justice for All calls for action); 104-129 (detailed Youth at the Center calls for action)).

NPR's *This American Life*, *The Problem We All Live With*, Parts I & II, <http://www.thisamericanlife.org/radio-archives/episode/562/the-problem-we-all-live-with> (listen to the story (approx. 1 hour) or read the transcript)

Monday, February 8th

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? 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).

Monday, February 15th – Guest Bruce Western

Policing's Place in a Broader Criminal Justice Reform Agenda

In this class, we will consider the relationship between policing and other important issues of criminal justice reform — chiefly, mass incarceration. What concerns, principles, and policies are at the center of prison reform and other criminal justice reform movements? To what extent do the missions and focuses of the police reform and mass incarceration movements overlap, and where might they diverge? How, historically, has policing contributed to the development of incarceration policy historically? In what ways does policing fit into the broader reform agenda?

Our guest is a Professor of Sociology at Harvard University, Guggenheim Professor of Criminal Justice Policy, and director of the Malcolm Wiener Center for Social Policy at the Harvard Kennedy School. Dr. Western is one of the nation's foremost experts on mass incarceration, prison reentry, and inequality.

Readings:

NATIONAL RESEARCH COUNCIL, THE GROWTH OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES (Jeremy Travis, Bruce Western & Steve Redburn eds., 2014) (pp. 1-11; 104-129).

Jeremy Travis & Bruce Western, *Protests Shine Light on Deeper Issues with Modern Justice*, BOSTON GLOBE (Dec. 16, 2014)

MARIE GOTTSCHALK, *CAUGHT: THE PRISON STATE AND THE LOCKDOWN OF AMERICAN POLITICS* (2014) (pp. 258-282).

OPTIONAL:

NATIONAL RESEARCH COUNCIL, *THE GROWTH OF INCARCERATION IN THE UNITED STATES: EXPLORING CAUSES AND CONSEQUENCES* (Jeremy Travis, Bruce Western & Steve Redburn eds., 2014) (pp. 33-69 — strongly suggested as background on the rise of incarceration, jail, community corrections, and racial disparities within each).

Monday, February 22nd – Guest Peter Kraska

Militarization

In this class we will discuss issues of police militarization and their implications for policing in 21st century America. We will explore the expansion of PPUs over the last 3 decades in terms of absolute numbers, frequency of usage, and roles/tasks, with a particular emphasis on the policies/events that drove this proliferation. Questions we will consider include: How should one define “militarism” and the “militarization of police” and how do we distinguish paramilitary police units (PPUs) from “normal” police units? What explains the concurrent rise of militarization along with seemingly incompatible ideas about the ideal function—specifically, community policing? What is the (potential) effect of militarization on citizens and their relationship with the law? What place (if any) should militarization/PPUs have in modern policing and can and should the trend interface with a procedural justice/legitimacy perspective?

Our guest is Professor and Chair of Graduate Studies and Research in the School of Justice Studies at Eastern Kentucky University. He has published widely on police militarization.

Readings

RADLEY BALKO, *RISE OF THE WARRIOR COP: THE MILITARIZATION OF AMERICA’S POLICE FORCES* (2014) (pp. 51-53; 56-64; 242-48; 320-332).

Peter B. Kraska & Victor El Kappeler, *Militarizing American Police: The Rise and Normalization of Paramilitary Units*, 44 *SOC. PROBS.* 1 (1997).

P.A.J. Waddington, *Swatting Police Paramilitarism: A Comment on Kraska and Paulsen*, 9 *POLICING & SOCIOLOGY* 125 (1999).

Executive Office of the President, *Review: Federal Support for Local Law Enforcement Equipment Acquisition* (Dec. 2014) (p. 1-6).

Law Enforcement Equipment Working Group, *Recommendations Pursuant to Executive Order 13688: Federal Support for Local Law Enforcement Equipment Acquisition* (May 2015) (p. 1-9).

OPTIONAL:

Peter B. Kraska, *Questioning the Militarization of U.S. Police: Critical Versus Advocacy Scholarship*, 9 POLICING & SOCIETY 141 (1999).

Monday, February 29th – Guest Sean Smoot

The Role of Police Unions in Reform Efforts

Police unions play an important role in departmental decisionmaking and in setting agency tone and culture. But their contributions are often overlooked by reform-minded individuals (or they are simply presumed to be a barrier to reform without further investigation). What accounts for the perceived disconnect between police unions and police reform? Should those who care about reform also care about what Walker calls “shared governance” and workplace democracy? Sklansky argues that the tenor of police union activism in the 1960s alienated them from potential allies who might have supported increased workplace democracy for police officers as a key police reform goal. Is a similar dynamic at work today? What role can and should unions play in addressing the health and safety concerns of their members, particularly those challenges (like elevated suicide rates) that officers may be reluctant to acknowledge publicly?

Our guest is the Director and Chief Counsel for the Police Benevolent & Protective Association of Illinois (PB&PA) and the Police Benevolent Labor Committee (PBLC), positions he has held since 2000.

Readings

Samuel Walker, *The Neglect of Police Unions: Exploring One of the Most Important Areas of American Policing*, 9 POLICE PRACTICE & RESEARCH 95 (2008).

David Alan Sklansky, *Police and Democracy*, 103 MICH. L. REV. 1699, 1771-78 (2005).

SAMUEL WALKER, THE BALTIMORE POLICE UNION CONTRACT AND THE LAW ENFORCEMENT OFFICER’S BILL OF RIGHTS: IMPEDIMENTS TO ACCOUNTABILITY (May 2015).

Erin Cox, *Maryland Task Force Recommends 22 Police Reforms*, THE BALTIMORE SUN (Jan. 11, 2016).

INTERIM REPORT OF THE PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING (Mar. 2015) (Pillar Six, Officer Wellness & Safety, pp. 61- 69).

Monday, March 7th guests Al Ferreira & Angel Novalez

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 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, March 14th – SPRING BREAK

Monday, March 21st - Guest Jack Glaser ***Implicit Bias***

In this class we will revisit the issue of implicit bias, and its implications for police practice, recruitment and training. First, we will explore the issue of how best to define implicit bias - which may be better conceptualized as the result of a heterogeneous group of psychological processes that produce disparate outcomes by (for example) race, rather than that of a single mechanism that operates in the same way, every time, across different people and contexts. We will also discuss the ways in which implicit bias may be attenuated, from an empirical standpoint - what works, what doesn't, and what have we not tried yet (or at least not collected data on.) Finally, we will address the issue of how these insights can inform policy.

Our guest is Professor Jack Glaser, Associate Professor at the Goldman School for Public Policy, and a member of the National Initiative. He has published widely on implicit bias and the ways in which empirical psychological research can influence policing, and is currently conducting a quantitative analysis of the National Initiative

sites' policies, with the aim of better understanding how aspects of these policies may engender (or attenuate) biases amongst the sites' officers.

Readings:

Spencer, K.B., Charbonneau, A.K., Glaser, J. (2015). Implicit bias and policing. *Social and Personality Psychology Compass*, 1-14.

Glaser, J., Spencer, K.B., & Charbonneau, A. (2014). Racial bias and public policy. *Policy Insights from Behavioral and Brain Sciences*, 1, 88-94.

Glaser, J., & Knowles, E.D. (2008). Implicit motivation to control prejudice. *Journal of Experimental Social Psychology*, 44, 164-172.

Optional:

Hackney, A., & Glaser, J. (2013). Reverse deterrence in racial profiling: Increased transgressions by non-profiled Whites. *Law & Human Behavior*, 37, 348-353.

Monday, March 28th

Rounds

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

Monday, April 4th – Guest Tor Garnett

Police Officer Recruitment

In this class, we will address policing from the personnel perspective - how do departments recruit officers, who do they tend to attract, and how does the makeup of the police force influence the behavior of that force? We will also cover the skills and knowledge that an officer must have, in order to be effective. As will be discussed in earlier classes, police officers today are charged with more (and more varied) responsibilities than their predecessors. As a result, the need for more and better training, both before an individual joins a department, and after, has become critical; older models may no longer suffice. What this training should look like, however, and how it should be implemented, are still questions that are open to debate. We will discuss the data - where they are available - as well new models for training and recruitment. We will also discuss ways in which future efforts may be designed, such that we can accurately assess their efficacy moving forward.

Our guest is Tor Garnett, Detective Chief Inspector with the Metropolitan Police Service, a US-UK Fulbright Scholar, and co-developer of Police Now - a program designed to encourage outstanding University graduates to join police departments.

Readings:

Interim Report of the President's Task Force on 21st Century Policing. (Mar. 2015) (Pillar Five, Training & Education, pp. 51-60)

David Alan Sklansky, Not Your Father's Police Department: Making Sense of the New Demographics of Law Enforcement, 96 J. Crim. L. & Criminology 1209 (2006).

Diversity in Law Enforcement: A Literature Review. (Jan. 2015) U.S. Department of Justice, Civil Rights Division, Office of Justice Programs.

The New Blue Line: Meet Two Detective Inspectors with a Difference. Evening Standard (Oct. 2014).

Optional:

Teach For America's Commitment to Diversity. (Oct. 2014)

Albert Antony Pearsall III and Kim Kohlhepp, "Strategies to Improve Recruitment," The Police Chief 77 (April 2010): 128-130.

Monday, April 11th – Guest Mark Fondacaro

Procedural Justice and Juveniles

In this class, we turn our attention specifically to policing adolescents and juveniles. Toward this end, we will explore and discuss developmental differences between adolescents and adults and the implications this has for policing minors. We will review the history of minors within the criminal legal system and how this has shaped the relationship between adolescents and the law today. And we will ask whether the infusion of procedural justice might improve adolescent experiences with law enforcement and the legal system more generally. We will engage with strategies and training protocols that have been developed with the goal of improving officers' ability to police young people.

Our guest is a Professor at John Jay College of Criminal Justice who has written extensively about procedural justice and juveniles.

Readings

Laurence Steinberg, *Adolescent Development and Juvenile Justice*, ANNUAL REV. CLINICAL PSYCH. 464-71 (2009).

Tom R. Tyler, Jeffrey Fagan & Amanda Geller, *Street Stops and Procedural Justice: Teachable Moments in Young Urban Men's Legal Socialization*, 11 J. EMPIRICAL LEGAL STUDIES 751 (2014) (excerpted).

Mark R. Fondacaro, Christopher Slobogin & Tricia Cross, *Reconceptualizing Due Process in Juvenile Justice: Contributions from Law and Social Science*, 57 HASTINGS L.J. 955 (2006) (pp. 955-58; 974-89).

OPTIONAL:

Laurence Steinberg, *Adolescent Development and Juvenile Justice*, ANNUAL REV. CLINICAL PSYCH. 477-80 (2009).

Monday, April 18th – Guest Robert Sampson

Collective Efficacy

In this class, we will explore and interrogate the concept of neighborhood “collective efficacy.” We will consider how, and to what extent, policing and procedural justice are connected to collective efficacy, and we will consider whether procedural justice, which has heretofore been understood and measured as an individual-level concern, could be conceptualized and measured at a collective, ecological level. Once understood, what types of policy interventions might contribute to a collective sense of procedural justice, and are those policies different from or more expansive than policies that improve individuals' sense of procedural justice and legitimacy?

Our guest is the Henry Ford II Professor of the Social Sciences at Harvard University. Sampson is a leading researcher and theorist of the social organization of the American city, with particular focus on neighborhood inequality, crime, the life course, civic engagement, and other areas.

Readings:

ROBERT J. SAMPSON, GREAT AMERICAN CITY: CHICAGO AND THE ENDURING NEIGHBORHOOD EFFECT (2012) (pp. 152-161; 168-178; 367-378; 419-426).

Robert J. Sampson, *Collective Efficacy Theory: Lessons Learned and Directions for Future Inquiry*, in TAKING STOCK: THE STATUS OF CRIMINOLOGICAL THEORY (Francis T. Cullen, John Paul Wright & Kristie R. Blevins eds., 2d prtg. 2009) (pp. 149-159).

Tammy Rinehart Kochel, *Can Police Legitimacy Promote Collective Efficacy?*, 29 JUSTICE Q. 384 (2012) (pp. 384-393; 403-416).

OPTIONAL:

Robert J. Sampson & William Julius Wilson, *Toward a Theory of Race, Crime, and Urban Inequality*, in CRIME AND INEQUALITY (John Hagan & Ruth D. Peterson eds., 1995).

Monday, April 25th – Guest Garry McCarthy

American Policing in 2016 – The Leadership Perspective

Our guest is the former Superintendent of the Chicago Police Department, the former Chief of the Newark Police Department, and a former Deputy Commissioner of Operations for the New York Police Department.

Available Projects

Each student who participates in this Workshop will be expected to join a project team. Project teams will meet on Tuesdays, from 3-5pm as needed.

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.

Since the project was launched in September 2014, the NI has been working to implement evidence-based 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. These interventions have been developed based on existing research concerning procedural justice, implicit bias, and race and reconciliation.

As part of this program, the NI is also conducting 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. As part of this class, students will review existing policies and practices in our six sites in areas relevant to procedural justice in particular. 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 *must* commit to keep sensitive information we learn about the six police departments with which we're working *strictly confidential*.