**University of Southern California
Department of Political Science

Political Science 432**
**THE POLITICS OF (LOCAL) CRIMINAL JUSTICE (Rev. 01.2022)**Spring 2023 – 6:30 p.m. - 9:15 p.m., Wednesdays, Location CPA 102

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| Professor: | George B. Newhouse, Jr. Esq. (Adjunct Prof.)Tel: (213) 709-6387 (mobile)E-mail: Gnewhous@usc.edu gnewhouse@post.harvard.eduOffice Hours: Wednesday from 4:00 to 6:00 p.m. (Other times by appointment) | TA: Kathleen Moore kathleen.moore.2024@lawmail.usc.edu |  |

**Course Description:**

The criminal justice system is a pervasive instrumentality of our political system. Never has it seemed more central, so essential, yet so troubled. It affects virtually everyone at some point in their life, either as a victim, witness, juror, judge, attorney, cop or participant (*i.e*., defendant). Controversies abound, from the LAPD scandals (*i.e*., the infamous Rodney King beating, Rampart scandal) to the more recent shootings/killings of unarmed black men. The local criminal justice system serves as a dominating political institution in contemporary life. Race looms large in all features of our criminal justice system. This course is designed to provide the student with a broad analytical and functional overview of the American Criminal Justice System from a local to an international view, to assess whether it works, in actual operation, to achieve or impede the goal of attaining equal justice. The course will examine the philosophical underpinnings of our system of justice, its history, pragmatic manifestations and problems. We will evaluate the inner workings of the essential institutions. Major focal points will also include the historical antecedents of the criminal justice system, social justice, reform, and the role played by the principal players, ranging from the police, victims (and their advocates), lawyers, judges, jurors, media, public and correctional officials.

Students will be expected to think *critically* about the issues and principles underlying important legal decisions and policies, express and appreciate diverse views, and to consider policy ramifications in taking and defending positions. The course will be enhanced by guest speakers from the criminal justice system offering “real life” experiences and different perspectives of the criminal justice system.

**Course Requirements**:Midterm Examination 25%
Research Paper/ Assignments 25%
Final Examination 50% Class Participation bonus 5%

A closed book mid-term examination covering course readings, class lectures, and class discussions will be given either in class or virtually on Wednesday, March 8, 2023. The Final Examination which includes a take home essay will be given in class on May 10, 2023 at 6:30 p.m. The final examination will be based on all assigned readings, lectures, films and classroom discussions. The research paper/assignment will be due on or before April 5, 2022 and will make up 25% of the grade.

**Required Reading**:

* Text – **American** **Criminal Justice: An Introduction (AJC)**, F. Davis (Cambridge Press, 1st Ed. 2019)
* Course Reader (Available at Bookstore)
* *Textbook will be on reserve in Leavy Library
Additional materials may be placed on reserve during the semester.*

Class Schedule:

**Date Topic**

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| January 11, 2023 | **Week 1- Introduction**. Introduction and overview of the course. Criminal Justice in in Los Angeles in 2023: the Good, the Bad and the Ugly. The historical development of the criminal justice system in America. What is “law” and how does it justify coercion by the state? What is “justice?” What do we have to sacrifice to achieve it? Theoretical underpinnings of the concept of justice: *i.e*., natural law and the philosophical justification for the criminal sanction; common “myths about the criminal justice system;” two competing models of the criminal process and their relation to and impact on the criminal justice system. How is the criminal justice system flawed, particularly in terms of “equal justice” and/or inherent racial imbalances and what can be done to fix it? **Reading:** ACJ: Chap. 1, pp. 1-7, Chap. 2, 15-18; Reader: (1) “Two Models of the Criminal Process,” from The Limits of the Criminal Sanction, Herbert L. Packer, Stanford Univ. Press (1968); (2) Article, NY Times, “He’s Remaking Criminal Justice in L.A. But How Far Is Too Far?”  |
| January 18, 2023 | **Week 2 -- The Criminal Justice System**: **Criminal Law, Constitutional Law and Due Process** Basic overview of criminal process and criminal law, including contrast with civil law. Consideration of the historical and theoretical underpinnings of each system. Concise survey of criminal justice system, from crime to investigation, charge, grand jury investigation, arrest, arraignment, pre-trial proceedings, through trial. Mock grand jury demonstration (volunteer).**Reading**: ACJ: Chap. 3 pp. 19-25, Chap. 6; 45-48; Reader; (3) “The Evolution of Criminal Law, from C. Ray Jeffrey, Crime & Justice In America, Prentice Hall, 1990, pp. 3-12 |
| January 25, 2023 | **Week 3 -- The Criminal Justice System & Law Enforcement I**. Continued examination of Rule of Law in criminal justice system; role of U.S. Supreme Court and other federal courts in creation/evolution of constitutional law and rules of criminal procedure. Who has constitutional rights and how are they enforced? Clash of competing values and priorities. Topics include Bill of Rights incorporation; and expansion of 14th Amendment rights to include Exclusionary Rule; Exclusionary Rule as it impacts police; the politics of police work in the United States. Also examine the evolution of police agencies in the United States and the nature and scope of police work. The conflict between effective law enforcement (crime control model) and civil liberties (due process model). How the courts have attempted to balance these competing interests. Police discretion. Limitations on the exercise of police power. Economics and priorities in policing. **Guest Lecturer: LAPD Officer Savannah Moreton** **Reading:** ACJ: Chap. 3-5, pp. 25-43; Reader (4) Case Excerpts from *Wolf v. Colorado; Mapp v. Ohio* (Case reports of two U.S. Supreme Court cases)  |
| Feb. 1, 2023 | **Week 4 -- Law Enforcement II:** . Is the law enforcement structure in America emblematic of systemic “racism?” Policing the police. From Rodney King to the Christopher Commission to George Floyd and current issues arising from police misconduct, including racism, corruption, scandals and police violence, and more current local policing issues such as the war on gang violence and recent shootings involving police officers. We will also consider the politics of the big city police department and the struggle to reform the police. Should we “Defund the Police” or modify the structure of public safety responders? **Guest Lecturer: Michael Gennaco, Esq.** **Reading**: ACJ: Chap. 3, pp. 19-24; Course Reader: (5) FBI Crime Statistics 2020-21 Department of Justice (available online at [FBI Releases 2021 Crime Statistics - Homeland Security Digital Library (hsdl.org)](https://www.hsdl.org/c/fbi-releases-2021-crime-statistics/#:~:text=Some%20of%20the%20highlights%20include%3A%201%20Overall%20violent,of%20the%2029.4%25%20increase%20in%202020.%20More%20items); (6) Nature, Vol. 573, Article, dated Sept. 2019, “What the Data Say About Police Shootings”; (7) WSJ Article 12/14/19 Arrests for Low-Level Crimes Falling. |
| February 8 & 15, 2023 | **Weeks 5 – 6. The Adversarial System: Theory and Practice**. The adversary system as the cornerstone of our legal system. Sixth Amendment right to counsel & Fifth Amendment Due Process. Evidentiary privileges. Ethical dilemmas imposed on attorneys operating in our legal system. The impact of these doctrines on the function of the trial court as a “truth seeking” machine. |  |
|  | **February 8: Prosecutorial Functions**. The awesome investigatory power of the state and the relative powerlessness of the individual. Topics include: role of prosecutor; prosecutorial discretion, investigative priorities and allocation of resources; prosecutorial abuses; and stages of typical prosecution. **Guest Lecturer: Deputy District Attorney Rebecca Goodrich** **Reading**: ACJ: Chap. 6, pp. 44-47, Chap. 10, pp. 57-62; Chap. 11. Pp. 64-77; Course Reader: (8) Kadish, S.H. (Ed.), Prosecutorial Discretion & U.S. Attorney; (9) *Why Innocent People Plead Guilty*, Article in New York Review of Books, Judge Jed R. Rakoff; (10) Article LA Times, December 18, 2020 “George Gascón's plans to overhaul prosecutions meets resistance”; (11) WSJ Article, dated October 21, 2017, “The Case Against Prosecution”**February 15: Role of the Defense Attorney.** Is the notion of the “honest lawyer” an oxymoron? What is the proper role for the legal advocate (for the defense) in our legal system? What roles do lawyers play in fact? Ethical issues arise. Does the defense lawyer participate in the process as an “officer of the court?” Does the defense lawyer have an obligation to advance the truth seeking function? and other myths. **Guest Lecturer: Mark Werksman, Esq.** **Reading**: ACJ: Chap. 9, pp. 52-56; Course Reader: (12) Chapter in “Pure Legal Advocates and Moral Agents,” from *Justice, Crime and Ethics*; (13) Selection from Alan Dershowitz’s book, *The Best Defense.* (Introduction), Random House (1982) |
| Feb. 22, 2023 | **Week 7: The Courts: Administration of Justice**. The House that Justice Built. A short primer on the structure of the U.S. Court System. Dual state and federal systems. Jurisdiction and appellate review judicial process from investigation through trial. Do trial courts seek “truth” or other values? Foibles of the jury system. The judge's perspective on Justice. **Guest Speaker: Hon. William F. Fahey**, Los Angeles County Superior Court **Reading**: ACJ: Chap. 13 & 16, pp. 80-100, 110-118; Course Reader: (14) *Trial by Jury In the United States* from Alexis de Tocqueville, Democracy In America, Alfred A. Knopf, Inc. (1951);  |
| March 1, 2023March 8, 2023March 15, 2023 | **Week 8: Juvenile Justice.** How does the criminal justice system deal with juvenile offenders? This lecture will discuss the sociopolitical changes in treatment and the new approach to juvenile offenders that began in the 1960’s and the perceived need to get “tough on crime.” We will examine the impact of juvenile waiver laws, allowing juveniles to be tried as adults for crimes committed while children and other constitutional issues raised by the justice system’s approach to juveniles. **Guest Lecturer: Hon. Michael Nash** (ret’d, Juvenile Court PJ)**Reading**: Reader (15) LA Times Editorial, *Juvenile Justice and its Flaws*, November 13, 2017; (16) WSJ Article dated May 26, 2018: *Judicial Tough for Addicted Moms***Mid-term Examination -- In Class****Spring Break [No Class]** | **Mid-Term Examination (Given during Class)** |
| March 22, 2023 | **Week 9: Corrections – Mass Incarceration?** Do we practice “mass incarceration? Issues confronted by penal institutions: who and how to punish; purposes of penal incarceration; prison violence, work programs, prisoner’s rights, health care in prisons, parole issues, and cost of correctional system. Alternatives the long-term confinement. Impact of U.S. Sentencing Guidelines. **Guest Lecturers: Morris Gussin (prison expert and former prisoner).** **Reading:** Course Reader: (17) NY Times Article dated March 26, 2015: "The Radical Humanness of Norway’s Halden Prison;" (18) *WSJ Article: Reform the prisons without going soft on crime, August 15 2018*; (19) Article: “Just Facts: As Many Americans Have Criminal Records as College Diplomas”, Brennan Center of Justice, Nov. 17, 2015; (20) M. Santos Article, 66 Hastings LJ 1549 “On Incentivizing Excellence in Federal Prisons” |
| March 29, 2023April 5, 2023 | **Week 10: Law and Media**. Implications of the “right to a public trial” and role of the media in that process. Collision between the public’s First Amendment right to know and the accused’s right to a fair trial under the Due Process clause. Does the presence of cameras and excessive media coverage have an impact on the fairness of trial? Should the system be reformed? **Guest Lecturer: Joel Rubin, Reporter Los Angeles Times.** **Reading**: Course Reader: (21) Outline -- "The Media's Interest In and Right to Access to the Courts," Article by Rex Heinke, Esq.**Week 11: Punishment. Sentencing, the Death Penalty and Public Policy** [GBN]. Philosophical justification for the criminal sanction. Rehabilitation vs. punishment; notion of deterrence -- when does it work? Alternatives to incarceration. Ultimate penalty. Debate over the efficacy and morality of the Death Penalty. **Guest Lecturer: Lt. Jon Perkins (Ret. Glendale PD) RESEARCH PAPERS DUE****Reading:** ACJ: Chap. 14, pp. 101-109; Course Reader: (22) Top Pro’s & Cons: Should the Death Penalty Be Allowed (Handout); (23) WSJ Article dated May 31, 2017, "How To Give Capital Punishment a Reprieve" |

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| April 12, 2023 | **Week 12: White Collar Crime**. Crime in the board room and enterprise liability. Is such crime more or less of a threat to our society than traditional “street crime?” Are the antecedents of such crime different; should corporate “non-compliance” be handled by the criminal justice system? Use of criminal sanction vs. civil sanctions as a method of implementing sound public policies. Independent Counsel laws: strengths and limitations. **Guest Lecturer:** **Reading**: ACJ: Chap. 16 & 17, pp. 122-132; Course Reader: (24) Excerpt from *The Chickenshit Club: Why the Justice Department Fails to Prosecute Executives* by Jesse Eisenger,  |
| April 19, 2023 | **Week 13: Race and Equality In Criminal Justice System**. Do we really have “equal justice” for all or is the system flawed in that certain groups are discriminated against or receive unequal treatment, particularly minorities and disadvantaged groups? Do the wealthy and privileged receive better representation and hence more favorable outcomes? The competing theories regarding over-criminalization and mass incarceration. Reform of the bail system. How can the criminal justice system be reformed? **Guest Lecturer: Juval Scott, Federal Public Defender (WD VA).****Reading**: (25) Washington Post: “Overwhelming Evidence That The Criminal Justice System Is Racist”; (26) Harvard Magazine Article, dated April 2012, "Justice Falls Down: America's Flawed Criminal Justice System"; (27) Constitutional Rights Foundation, undated: “The Color of Justice”; (28) Update on Bail Reform in California Which Becomes First State in Nation to Ban Money Bail, New York Times Article 08.28.18. |
| April 26, 2023 | **Week 14: Terrorism & International Criminal Law Issues** The War on Terrorism and its impact on Civil Rights; US Patriot Act; War Crimes Prosecutions, Extradition and the extra-territorial reach of U.S. criminal laws to regulate foreign crimes. **Guest Lecturer Terree A. Bowers, Esq. Former International Prosecutor** **Reading**: CJ: Chap. 2, pp. 40-45; Course Reader: (29) Article on Rendition “Long Arm of U.S. Law” by G.B. Newhouse, Jr.; (30) WSJ Article: Bosnian Serb Commander Ratko Mladic Sentenced to Life Imprisonment for War Crimes; (31) WSJ Article dated November 20, 2017: “The Hague Aims for U.S. Soldiers"; (32) New York Times article dated October 31, 2022: “The Midterm election debates on crime have overlooked a success of criminal justice reform efforts” |
| May 10, 2023 | **Final Examination: Partial in class and partial take home essay** due next day - Thursday, May 11 COB) |
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Important Note

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to one of your instructors as early in the semester as possible. DSP is located in STU 301 and is open from 8:30 a.m. to 5:00 p.m. (Mon. – Fri.). Their phone is (213) 740-0076.