

Crime and Punishment
Fall 2010
Course Description and Syllabus

Mondays, 6:00 – 8:00 p.m.
School of Law, Room 242

Hank Shea, UST Law Senior Distinguished Fellow

I. COURSE OBJECTIVE

The United States currently incarcerates more than 2.3 million people. This means that at least one in 100 adults in this country is in jail or prison. “One in 100: Behind Bars in America”, The Pew Center on the States at 5, February 28, 2008. Five states now spend as much on corrections departments and facilities as they do on higher education. Id. at 16.

This course will explore the theories of criminal punishment in the context of examining the historical evolution of sentencing policies and procedures in this nation. We will focus particularly on the period of the mid-1980 to the present and the advent and role of mandatory minimum terms of imprisonment and determinate sentencing guidelines in dramatically increasing the population of incarcerated offenders. We will endeavor to evaluate the effectiveness and sustainability of such practices in protecting the public, deterring crime, and achieving justice for victims in an era of increasing competition for scarce tax dollars. We then will undertake to propose and weigh alternatives to incarceration for punishing various groups of offenders. The ultimate purpose of this course will be for each student to determine whether our current incarceration policies should be continued or, if not, what other alternatives should be considered or pursued.

II. SUMMARY COURSE DESCRIPTION

This course will provide an opportunity for students to examine and confront one of the most vexing criminal justice issues of our time – how should we punish those who break our laws. Borrowing from the case study methodology employed in our Ethical Leadership courses, students will discuss cases, articles, and speakers’ comments with the aim to discern the merits and disadvantages of the current incarceration priorities and to deliberate whether better options exist for punishing offenders and achieving justice for all concerned.

Guest lecturers will present a wide variety of viewpoints and experiences each week for the students’ consideration, followed by class discussion and analysis of an assigned topic in the second half of class. Written journals will require each student to synthesize the assigned readings, class discussions, and the student’s own reflections.

Each student also will write a separate paper in lieu of a final exam, or, in the alternative, collaborate with a small group of fellow students to prepare and conduct a relevant criminal justice presentation for the class.

Given this format, the course has two essential learning objectives. First, learning to analyze and critically evaluate ideas, arguments, and points of view concerning our criminal justice system and second, developing skills in expressing those ideas and positions both orally and in writing. At the same time, it will be important to learn to apply course material to improve your thinking and problem solving skills as future lawyers and decision-makers.

III. COMPONENTS OF THE COURSE

A. Course Meetings

Mondays 6:00 – 8:00 pm
6:00 – 7:00 pm - Guest Speaker(s)
7:00 – 8:00 pm - Discussion

B. Readings

A bound compilation of course readings can be purchased in the bookstore. Some supplemental readings will be handed out for the following week's class. Readings assigned may not always correspond to the weekly speaker topics. The speakers have been chosen for their wealth of experience and knowledge and are encouraged to discuss their experiences. It is also safe to assume that most of the speakers will not be familiar with the reading materials for the course. Pointed questions regarding the readings to presenters should be avoided.

C. Guest Speakers

This course will utilize practicing attorneys, judges, correctional officials, and others to give a real-life perspective on the topics under discussion each evening. All of them are listed in the weekly topics at the end of the syllabus.

D. Class Participation

All class meetings in this course depend for their success on vigorous, candid, reflective participation by all present. Because of the nature of the course material and the discussion-oriented classroom environment, and in fairness to students who may be precluded from taking this course by enrollment restrictions, it is imperative for all students to attend all class meetings. In addition, the journaling component will, in large part, involve reflection on the class discussion. **Any student who has more than one unexcused absence will be dismissed from the course and receive no credit.**

Content. Class participation should spring from the particular topic covered in the session, as delineated by its presenters and in the assigned readings.

Purpose. Class participation is encouraged in this course because it has proven to be a highly effective means of exploring, individually and collectively, the thoughts and experiences of participants on the topics at hand.

Grading. Class participation determines one-third of a student's final grade. Grades will be determined by the quality of a student's in-class comments, not their quantity or duration. Extra credit will be awarded to students who volunteer to introduce guest speakers.

Reluctance to speak. At times it is difficult to participate in class discussion. For a variety of reasons some people are reluctant to speak in group settings, particularly when the topic at hand is volatile or emotion-laden. However, a key component of this course is the cooperative exploration of thoughts and emotions relevant to the topics studied and presented to the group. If a student finds class participation difficult, the student must see the professor at the earliest possible date in the course to discuss how we can work together to make class participation possible.

Assistance to the speakers. The speakers are busy people who are volunteering their time to help us. Each member of the class has a personal responsibility to assist the speakers by responding to questions the speaker poses or by asking questions of the speaker. We cannot sit passively in this class.

E. Journaling – Case Analysis - Written

Students are required to keep a journal throughout the semester to be submitted for periodic review and assessment.

Content. For each class, the student will be responsible for a journal entry that **analyzes** and **synthesizes** the assigned readings, speaker presentation, group discussions for that particular presentation and reading, and the student's own thoughts and reflections on the issues raised. You do not need to cover every topic or issue; select one or two topics or issues most interesting to you. Be sure to use the readings in your journal entries.

Purpose. Journal entries are not research assignments, but instead are designed to help each student integrate assigned readings and class discussion on a topic with his or her own faith and ethics. An important aspect will be the impact of the presentation, readings and discussions on the student's pre-class view of the topic.

Grading. Journal entries for each class meeting should be no more than 600 words, typed and double-spaced. The content of entries beyond 600 words will not be considered for grading purposes. Editing and proofreading are expected. Footnotes

regarding citations or sources are encouraged and do not count against the 600 word limit. The journals will comprise one-third of the student's final course grade.

Journals will be due at the beginning of Classes 5, 9, & 13.

F. Final Paper

The purpose of the Final Paper is for each student to research, explore, and write about one of the criminal justice topics raised during the semester. The paper will be required in lieu of a final exam unless the student obtains approval to prepare and conduct a group presentation.

Content: The paper should critically examine a criminal justice topic by incorporating independent research, thoughtful analysis, and recommendations or proposals for future actions or policies.

Grading: The paper, which is due at the end of the last class meeting, should be typed and no more than 3,000 words in length, double spaced. Editing and proofreading are expected. The paper will count for one-third of the student's final course grade.

The Final Paper is due at the beginning of Class 13.

G. Case Study Assignment – Group Presentation

The purpose of the group presentation is to provide students the opportunity to collaborate on a joint effort to learn teamwork and presentation skills that will simulate the reality of team-oriented legal work. In lieu of a final paper, this is an option for up to 12 students (working in teams of four members) that must be reviewed and approved by the professor.

Content: The case study must deal with a problem or issue involving crime and punishment, ideally relating to one of the criminal justice topics raised during the semester. Case study here includes a typical business school case study, a role play, or a video clip exercise. The team should select readings that support the case study and have questions to guide the reading of the material. The total package for the class to read should not exceed 15 pages. Each group will have 60 minutes of class time for its presentation.

Work with the Professor: At an early stage, the team should discuss the team's ideas for a presentation with the professor. The topic must be finalized and approved by class 6.

Grading: All members of the team will receive the same grade on the team presentation. The grade will count for one-third of the total grade for the course for each student. The team will be graded on (1) the articulation of one to three clear teaching objectives for the case study in the context of the objectives of the course in Part I above and (2) the degree

to which the team achieved its teaching objectives with the case study, including the readings and questions supporting the case study as well as the conduct of the class itself.

Reflective Debrief: The team will meet with the professor to reflect on and debrief the effectiveness of the class. The quality of the team's self-analysis will also be part of the grade.

Team Leader Certification: Each team will select a team leader who will submit in writing a certification that each member of the team contributed reasonably equally to the team's effort.

Creation of Teams for the Case Study Assignment: By the beginning of **class 4**, students will submit names of four students for each team for the Case Study Assignment.

IV. GRADING

Grading will be weighted as follows:

Class Participation – 33 1/3 %

Final Paper – Class Presentation 33 1/3 % %

Journals, including Presentation/Discussion/Reading Integration – 33 1/3%

V. CONFIDENTIALITY

In any discussion focusing on contentious issues or involving personal values, participants must share a high level of trust before they can be frank about their views. Honest self-disclosure can make a speaker vulnerable to criticism from others, especially when comments are taken out of context and shared with persons not present at the discussion. It is expected that participants respect each other and the presenters, and that no one will discuss comments made in the classroom with outsiders. Unless a participant expressly waives his or her right to confidentiality with respect to a particular comment, words spoken in this seminar must not leave the classroom.

A student or professor who learns of any breach of confidentiality should first try to discuss it with the student or professor involved. If that is not possible and the person aware of the breach believes it to be serious enough to warrant action, the suspected breach may be addressed in a Journal entry or in a conference with the professor.

Maintaining confidentiality about classroom discussions is not to be viewed as a ban on discussing with non-participants the activities and themes of the course. That sort of discussion is encouraged; as it helps participants gain perspective and can lead to healthy reconsideration of personal views. To avoid running afoul of the confidentiality constraints, participants should keep any outside discussion centered on ideas and general activities experienced in *Crime and Punishment*, and they must avoid reference to particular individuals, firms, agencies or other entities.

VI. ACCOMMODATIONS

Qualified students with documented disabilities who may need classroom accommodations should make an appointment with the Enhancement Program – Disability Services Office. Appointments can be made by calling 651-962-6315. You may also make an appointment in person in O’Shaughnessy Educational Center, Room 119. For further information, you can locate the Enhancement Program on the web at <http://www.stthomas.edu/enhancementprog/>.

The University of St. Thomas is committed to a healthy campus community. During the 2010-2011 academic year, there may be ongoing concerns regarding the prevalence among university faculty, staff and students of both the H1N1 virus and seasonal influenza. To help limit the spread of these illnesses, the Center for Disease Control has provided college campuses the following recommendation: students, faculty, or staff with influenza like illnesses (temperature of 100.0 or greater, plus a cough or sore throat) are directed to self-isolate (or stay home) for at least 24 hours after their fever is gone without the use of fever-reducing medicine. In the event that students are unable to attend classes due to this self-isolation recommendation, they should consult the university’s pandemic website <http://www.stthomas.edu/pandemic/plan/default.html> and complete an on-line form informing professors of their absence. In accordance, faculty will provide opportunities for these students to participate in alternative educational delivery due to this illness.

Week/Date	Class Topic
Week 1	Overview of the Course and Introduction to Penal Philosophies, the History of Criminal Punishment, and Sentencing in General
August 30	Professor Hank Shea
Week 2	Sentencing Guidelines: A Foray into Determinate Sentencing
September 13	Professor Hank Shea and Guest: Brian Lukasavitz, Sixth Judicial District Drug Court Coordinator
Week 3	A State Court Perspective on Crime and Punishment (including Juvenile Justice)
September 20	Guest: Minnesota District Court Judge Denise Reilly
Week 4	Exploring Criminal Justice: One Person’s Story
September 27	Guests: Joseph Wright, felon and Sylvia Gutierrez, Restorative Justice and Alternative Dispute Resolution Coordinator
Week 5	Supervision of Offenders and Taking Care of the Victims of Crime
October 4	Guest: Curt Stevens, U.S. Probation Officer
	<i>Journals for Weeks 1 -4 Due</i>

Week 6	The Pros and Cons of Mandatory Minimum Sentences
October 11	Guests: Andrew Dunne, Assistant U.S. Attorney and Kate Menendez, Assistant Federal Public Defender
	<i>Final Paper Topic or Team Presentation Topic Due</i>
Week 7	The Explosion of Prison Populations: One County's Response
October 25	Guest: Mark Sizer, Division Director, Stearns County Community Corrections Division
Week 8	Post-Incarceration: One Model of Successful Reintegration
November 1	Guest: Steve Rothschild, Founder and Chairman, Twin Cities Rise!
Week 9	TBD
November 8	
	<i>Journals for Weeks 5 – 8 Due</i>
	<i>Team Presentation Materials Due</i>
Week 10	A Federal Court Perspective on Crime and Punishment
November 15	Guests: Jeff Paulsen, Assistant U.S. Attorney and Joe Friedberg, criminal defense attorney
Week 11	Extraordinary Restitution and Other Non-Traditional Sanctions or Remedies
November 22	Guest: U.S. District Court Judge Donovan Frank
Week 12	Student Class Presentations
November 29	
Week 13	Course Wrap-Up (and Student Presentations)
December 6	
	<i>Journals for Weeks 9 – 12 Due</i>
	<i>Final Paper Due</i>