



## Harvard University Crime, Justice, and Violence Courses: 2018-2019

*(updated 1/16/19 with Spring 2019 courses added since the fall edition of the course guide)*

### HARVARD KENNEDY SCHOOL

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#### **NEW - SUP 711 - Bleeding Out: Causes, Consequences, and Cures for Urban Violence in the U.S. and Across the Globe**

Thomas Abt

2019 Spring TuTh 11:45am - 1:00pm

Wexner 330

In 2017, 17,284 people were murdered in the United States – more than 47 per day. As citizens, we do not bear this risk equally: the nation’s number one victims of violence are disadvantaged and disenfranchised young men. For African American youth, homicide is the leading cause of death, accounting for more deaths than the nine other top causes combined. To the south, Latin American countries are home to 8 percent of the world’s population but 33 percent of its murders. Of the 20 countries in the world with the highest homicide rates, 17 are Latin American, as are 43 of the top 50 cities. There, as here, poor and politically powerless young men are the primary victims and perpetrators. Urban violence, also described as street, gang, youth, community, or gun violence, accounts for more violent deaths than any other category of crime. It has become fashionable in some circles to describe such violence as an infectious disease, but this metaphor lacks urgency. Urban violence is better understood as a grievous injury, a gushing wound that demands immediate attention in order to preserve life and limb. In this course, students will be introduced to life-saving treatments that can address urban violence right now, without further delay. They will work their way through the evidence, critically assessing and synthesizing material as they go. Students will approach these tasks primarily as pragmatic problem-solvers, translating theory, evidence, and data into workable policy solutions. Students completing the course will gain a thorough understanding of the key policy issues related to urban violence and gain the skills necessary to gather, analyze, and present evidence and data in an efficient yet sophisticated manner. In short, this course will help students to “play the game” at the highest levels of policymaking so that they may advise senior decision makers and eventually join their ranks themselves. .

#### **NEW - SUP 715 - Morals, Money and Movements: Criminal Justice Reform as a Case Study**

Cornell Brooks

2019 Spring

TuTh 1:15pm 2:30pm

Wexner 330

Students will explore the elements of successful and unsuccessful criminal justice campaigns as well as how to build coalitions, create compelling narratives, and create movement momentum with impact. This is a moment of generationally unprecedented activism, a Twitter Age of social justice, represented by movements for immigration reform, gun reform, immigration rights, LGBTQ rights, Black

Lives, as well as voting rights and democracy. In terms of policy, the broad movement for criminal justice reform offers incisive and on occasion inspiring lessons as well as dire warnings about the possibilities for social justice. Money and morality, economics and ethics, have served as powerful arguments for criminal justice reform including: elimination of money bail as a turn key for American debtors' prisons; decreasing police-involved shootings; eliminating solitary confinement for children; deconstruction of a carceral state; breaking the nexus between predatory taxation and predatory policing, and reducing the social as well as financial costs of incarceration. Money and morality not only characterize arguments made for criminal justice reform but also describe the basis for community organizing, building coalitions, launching social justice campaigns, inspiring public support as well as opposition, creating narratives and setting the stage for effective negotiation. Through Money, Morals and Movements, students will explore: 1) leadership lessons, arguments and strategies used in successful and unsuccessful criminal justice campaigns; 2) building coalitions based on economic interests and moral commitments; 3) creating compelling narratives with empirical research, moral traditions and community stories; 4) stacking litigation, legislation, advocacy and organizing to create movement momentum with impact, and 5) counting the costs without "selling out."

### **SUP 710 - Policing, Crime, and Justice in a Global Context**

Thomas Abt and Christopher Winship

Fall 2018 MW 10:15 a.m. - 11:30 a.m. Belfer L1 Weil Town Hall (HKS)

Graduate

Maintaining public safety in an effective and just way is a major challenge for all societies. Critical to this is the role of the police. In this course, students will examine and evaluate innovative police strategies that aim to deliver safety and legitimacy simultaneously, both in the United States and across the globe. Using the best and most rigorous research available, students will learn to approach policy issues from the perspective of a senior decisionmaker interested in concrete change and measurable results.

Please note, a limited number of seats will be held for Sociology students and advanced level undergrads.

Eligible for cross-registration

### **IGA 227 - Insurgents, Terrorists, and Violence: Causes and Consequences of Civil War**

Dara Kay Cohen

Fall 2018 TuTh 2:45 p.m. - 4:00 p.m. Belfer L1 Weil Town Hall (HKS)

Graduate

Why do civil wars begin? What motivates the members of armed groups, including rebel groups and terrorist organizations? When and how do civil wars end? What are the social and economic consequences of war? In this course, we will consider major questions about civil war, terrorism, and the use of violence by armed groups. We begin with a review of theoretical constructs, then turn to a series of debates drawn from recent research on the causes of civil wars, how insurgent and terrorist groups are organized, the dynamics of violence during wars, and the ways that wars are terminated. The course will conclude with an examination of policy responses and interventions.

Eligible for cross-registration

With permission of instructor/subject to availability

## **IGA 342M - Human Rights Dilemmas in Child Protection**

Jacqueline Bhabha

Fall 2 2018 TuTh 9:45 a.m. - 11:15 a.m. FXB 710 (HSPH)

Graduate

A growing number of children and adolescents around the world are subjected to violence, exploitation and other forms of abuse. These harms persist despite the proliferation of international norms and structures designed to protect this population and promote its wellbeing. In many cases global transformations exacerbate rather than reduce the risks of abuse and increase the protection challenges these risks give rise to. Though each category of child protection deficit has its own characteristics and its attendant normative framework, they all share common and definable elements. An investigation of the human rights dilemmas that arise in child protection on a global scale presents, in a microcosm, a perspective on the social and political dynamics affecting some of the world's most vulnerable populations. One focus of the course is the child protection issues themselves, their genesis and impact. The other is the human rights strategies and dilemmas relevant to those (at both the individual and societal levels) charged with responding to rights violations affecting children and fulfilling public child protection obligations. In the midst of historic technological advances and significant progress in the realm of international human rights, the strategic choices and responsibilities facing leaders and others concerned with child protection are of increasing complexity and scope. A key concern of the course will be to integrate legal approaches with those developed in the health and social sciences. A recurring theme will be the evaluation of how international obligations map onto policy outcomes and how human rights mechanisms affect problems facing vulnerable children on the ground. The course will begin with a brief review of the theory and literature relating to child protection and international human rights. It will proceed with an in-depth discussion of case studies covering central aspects of child protection-child labor, child trafficking, child soldiering and child persecution. Analytic points will be derived from an investigation of specific problems, the legal frameworks relating to them, and the solutions that have been advanced to address them.

Please check syllabus for first day of class. Also offered by the School of Public Health as GHP 553.

Eligible for cross-registration

With permission of instructor/subject to availability

## **IGA 615 - Protecting the Homeland(s): The Challenges of Domestic Security**

Juliette Kayyem

Fall 2018 MW 2:45 p.m. - 4:00 p.m. Littauer Bldg 140 (HKS)

Graduate

Recently, homeland security has rested on four key activities -- prevention, protection, response, and recovery -- oriented principally against the threat of terrorism. As much as homeland security is about the U.S., a robust notion of homeland security must take account of our essential need to safely, securely, and intensively engage the rest of the world. Thus, homeland security describes the intersection of evolving threats and hazards with the traditional governmental and civic responsibilities of civil defense, emergency response, law enforcement, customs, border control, public health, and immigration. While tremendous focus has been placed on terrorism, cyber and natural disasters, other interconnected threats and challenges characterize today's world - including illicit trafficking in narcotics, economic and financial instability, and the search for new energy supplies - that have tremendous impact on our notions of homeland security, and the Department that was created to

address them. To provide students the tools necessary to conceptualize the challenges facing homeland security in a interconnected world, this course will examine what is commonly referred to as the "homeland security enterprise," defined as the broad scope of contributions from all federal agencies, levels of governments, businesses, and nongovernmental organizations, individuals, families, and communities, as well as international partnerships.

Eligible for cross-registration

With permission of instructor/subject to availability

## **FACULTY OF ARTS AND SCIENCES**

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### **AFRAMER 123X - Mass Incarceration in Historical Perspective**

Elizabeth Hinton

Fall 2018-2019 MW 3:00 p.m. - 4:15 p.m. Sever 103 (FAS)

Graduate and Undergraduate

Today 1 in 3 African American boys will spend part of their lives behind bars, a profound reflection of the limitations of law and democracy in the United States. By examining the connections between race and the development of legal and penal systems over time, this course investigates the historical process that eventually gave rise to the mass incarceration of black and Latino Americans in the late twentieth century. The course is structured according to the major punitive changes that often emerged after the expansion of constitutional and civil rights for African Americans. Our historical consideration will provide us the necessary background to address the ongoing consequences of racial disparities in the criminal justice system and the momentous public policy implications of this dynamic.

Eligible for cross-registration

With permission of instructor/subject to availability

### **AFRAMER 150X - Race, Racism, and American Politics**

Lawrence Bobo

Fall 2018-2019 M 9:00 a.m. - 11:45 a.m. Barker 230 (FAS)

Graduate and Undergraduate

This course takes up the questions of whether, how much (if at all), and why racial group identity and racism influence American political discourse, behavior and policy-making regarding issues of importance to African American communities. The course will also consider the future of debates within African American political thought and politics in the coming post-Obama era. The focus will be primarily on the post World War II era, especially the post-Civil Rights period to the present day. Among the topics we will address are: Obama and the racial divide in America, the rise of the Tea Party, the new politics of immigration, and the rhetoric of "law and order" in American politics and its connection to the mass incarceration. Readings will consider how sociologists, political scientists, and historians have tried to understand the complex and changing role of race and racism in American politics and policy-making.

Eligible for cross-registration

With permission of instructor/subject to availability

**ANTHRO 1683 - The City Jail: Race and Incarceration in the United States**

Kaya Williams

Fall 2018-2019 Th 3:00 p.m. - 5:00 p.m. Harvard Hall 102 (FAS)

Graduate and Undergraduate

This course will investigate the conditions of mass incarceration in America through the figure of the municipal jail (which sees on average twelve million admissions annually). We will begin with the question: What is a jail? and move from there to interrogate the cultural, economic, political and legal forces that shape the conditions of possibility for the 21st century jail. Taking as objects of study both the jail itself and the practice of incarcerating people in local jails, this course will combine scholarly work on U.S. criminal justice with a variety of non-academic texts including legal decisions, contemporary journalism, and documentary film. Over the course of the semester students will learn to “locate” the city jail in a number of different ways: within the complex political and economic structures of the American municipality, within the criminal justice system writ large, and within the country’s long history of anti-black racism and struggles for freedom. Students will use the jail itself as a conceptual anchor from which to question the taken-for-granted terms of American practices of captivity

## Notes

This course meets for two hours from 3:00 pm to 5:00 pm.

Eligible for cross-registration

With permission of instructor/subject to availability

**GOV 1759 - Behavioral Insights and Public Policy: Nudging for Good**

Michael Hiscox

Fall 2018-2019 MW 3:00 p.m. - 4:15 p.m. Harvard Hall 103 (FAS)

Graduate and Undergraduate

Behavioral economics focuses on the ways in which our individual actions, rather than resulting from rational self-interested decisions, reflect a variety of biases, habits, emotions, and considerations about others. Many governments have created behavioral insights teams to apply these insights to rethink traditional approaches to policy. We will examine recent research and applications in areas including healthcare, crime, discrimination, retirement savings, consumer credit, environmental conservation, welfare, employment, education, taxation, and foreign aid.

Eligible for cross-registration

With permission of instructor/subject to availability

**HISTSCI 249 - The Opioid Epidemic in Historical Perspective**

Allan Brandt

Fall 2018-2019 W 3:00 p.m. - 5:45 p.m. Science Ctr 469 (FAS)

Graduate

This course will trace the use of opiates and other addictive substances over the last century. The goal will be to understand the historical and social contexts of the emergence and significance of the current epidemic, as well as public policies designed to address its impact. The course will also explore the social, cultural, medical, and political determinants of the rise in opioid addiction and its associated

morbidity and mortality. Students will be required to write an original research paper that will be part of a multi-authored anthology on the history of the epidemic.

Permission of the instructor is required to enroll in this course.

Eligible for cross-registration

With permission of instructor/subject to availability

### **HISTSCI 277 - Big Data and Surveillance**

Rebecca Lemov

Fall 2018-2019 Th 9:00 a.m. - 11:45 a.m. Science Ctr 252 (FAS)

Graduate

This course investigates the emergence of new types of surveillance fueled by big data. The premise of the course is that these urgent contemporary issues can begin to be better understood by use of historical epistemological methods. In this spirit, first we will examine the question, "What is big data?" We will ask how it differs from other forms of knowledge, how it bears on the scientific method, and how we might best define it. Next the course will explore different historical forms of surveillance -- comparing the totalized top-down forms of surveillance in, for example, East Germany, with new data-driven forms emerging today. Finally we will explore areas such as predictive policing and algorithmically-driven decision-making in many arenas and ask about their implications for freedom and subjection.

Eligible for cross-registration

With permission of instructor/subject to availability

### **MBB 980R - Psychopaths and Psychopathy: Psychological, Neuroscientific, Legal, and Policy Issues**

Richard McNally

Spring 2018-2019 W 3:00 p.m. - 4:59 p.m.

Graduate and Undergraduate

Psychopathy is often used to describe individuals who act in criminal even non-criminal predatory or conscience-less fashion. It is not, however, an official term in the Diagnostic and Statistical Manual of Mental Disorders, though antisocial personality disorder has in the past been described as encompassing psychopathy and sociopathy. Psychopathy was explored by Cleckley in his 1944 book *The Mask of Sanity*; and by Robert Hare in his 1999 book *Without Conscience*, and in his 2003 revision of his *Psychopathy Check-list*. My psychology department seminar on *Psychopaths and Psychopathy* a decade ago focused on behavioral research and case studies up to that time. By that time the American Psychiatric Association had issued a statement that psychopaths and those with antisocial personality disorder were not, for heuristic reasons, eligible for the insanity defense. Also, at that time, the determination that a convicted killer was a psychopath was often a strong indicator that the death penalty was warranted. Since then neuroscience research has increasingly explored brain structure and brain function in relation to the disorder causing some professionals to reevaluate the applicability of former positions on insanity and other defenses. Related research has further examined social and philosophical factors, and further operationalized behavioral considerations. In this interdisciplinary discussion-based seminar, students from any of a number of concentrations will examine and discuss

that newer research in the context of previous research, and will write and present a briefer case study as well as a longer paper about a topic of their choosing.

Eligible for cross-registration

With permission of instructor/subject to availability

**PHIL 288 - Punishment and Imprisonment**

Tommie Shelby

Fall 2018-2019 M 12:00 p.m. - 2:45 p.m. Emerson 310 (FAS)

Graduate

This seminar will examine classic and recent philosophical theories of punishment with a focus on incarceration. We'll critically discuss justifications of punishment based on deterrence, retribution, fairness, forfeiture, consent, public censure, and moral education. We'll also examine the moral considerations for and against rehabilitation and incapacitation through incarceration. Considerable attention will be given to assessing the case for the abolition of prison as a form of punishment.

Eligible for cross-registration

With permission of instructor/subject to availability

**PSY 1585 - On and Beyond the Witness Stand: Social Psychology and Law**

Joseph Vitriol

Fall 2018-2019 MW 10:30 a.m. - 11:45 a.m. CGIS Knafel K050 (FAS)

Graduate and Undergraduate

Why do eyewitnesses often identify the wrong suspect? What leads innocent people to confess to crimes they did not commit? How do jurors evaluate trial evidence and arrive at a verdict? This course examines the interface between social psychological research and the law to address such questions. We will examine scientific evidence and scholarly perspectives surrounding the role of psychological experts in the legal system; the use of social science in law and public policy; criminal behavior and policing; eyewitness memory and lineup procedures; lie detection and police interrogation; innocence and false confessions; jury selection and decision-making; judicial and prosecutorial discretion; and implicit bias and discrimination litigation. This course will equip students with a scientific understanding of how psychology can be used to both inform and improve our legal system and public policies.

Prerequisite(s)

Recommended: The Psychology Department requires completion of Science of Living Systems 20 or Psychology 1 or the equivalent of introductory psychology (e.g. Psych AP=5 or IB =7 or Psyc S-1) and at least one foundational course from PSY 14, PSY 15, PSY 16, or PSY 18 before enrolling in this course; or permission of instructor.

Eligible for cross-registration

With permission of instructor/subject to availability

**PSY 2485 - Bad Genes, Bad Parents, Bad Behaviors**

Joshua Buckholtz

Fall 2018-2019 F 12:00 p.m. - 2:45 p.m. Northwest Bldg 243 (SEAS)

Graduate

This class will explore the biology of criminal behavior and violence. We will examine the construct of "anti-sociality" and unpack clinical and diagnostic issues surrounding its diverse manifestations, such as psychopathy. A strong emphasis will be placed on biological mechanisms. A particular focus will be on understanding how genes and environments act and interact to predispose antisocial behavior by shaping brain function and development.

Prerequisite(s)

Recommended: The Psychology Department requires completion of Science of Living Systems 20 or Psychology 1 or the equivalent of introductory psychology (e.g. Psych AP=5 or IB =7 or Psyc S-1) and either PSY 18 or PSY 1861 before enrolling in this course.

Eligible for cross-registration

With permission of instructor/subject to availability

**SOCIOL 2044 - Human Trafficking, Slavery and Abolition in the Modern World**

Orlando Patterson

Spring 2018-2019 TuTh 10:30 a.m. - 11:45 a.m.

This course surveys the nature, types and extent of modern servitude, distinguishing broadly between those resulting from international trafficking such as trans-national prostitution, human smuggling into bonded labor, child soldiering and organ trafficking, and more intra-national forms such as debt-bondage and the domestic exploitation of women and other vulnerable groups. Examines the conceptual and theoretical issues raised in attempts to distinguish among these types of differential power relations; the empirical difficulties of estimating the magnitude of what are inherently secretive processes; and the ideological controversies surrounding the subject. Explores ethical, socio-political and practical issues raised by these trends.

Notes

Grad level version of Societies of the World 44. Meets with SOW 44 and has separate section. Graduate-level version of Societies of the World 44: Human Trafficking. Meets with SOW 44 and has separate section.

Eligible for cross-registration

With permission of instructor/subject to availability



### **WOMGEN 1270 - Gender, Violence, and Power**

Leena Akhtar

Fall 2018-2019 W 3:00 p.m. - 5:45 p.m. Boylston G07 (FAS)

Graduate and Undergraduate

This seminar will explore understandings of gender-based violence through the lenses of feminist and trauma theory. Topics include intimate partner violence, sexual assault, child abuse, workplace harassment, Title IX, and street harassment. We will examine the evolution across time of cultural and medico-legal understandings of the problem, important developments in policy, medicine, and law in the last 40 years, and how violence looks outside of the male-female binary through which it is often understood.

Eligible for cross-registration

With permission of instructor/subject to availability

### **GRADUATE SCHOOL OF EDUCATION**

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#### **NEW - EDU T416 - Transformative Justice: From Classroom to Cellblock to Community**

Kaia Stern

2019 Spring

Wednesdays 10:00am - 12:59pm

Larsen 106 (HGSE)

How do we understand justice? What are the connections between trauma, education and mass incarceration? From cradle to prison cell, what is our praxis—that is, how do we do education, and what are its fruits? This course explores the systems of racialized punishment that have created the current conditions around school suspensions, arrests, and incarceration. It focuses on the growing movement for restorative/transformative justice, paying particular attention to factors associated with delinquency and crime; such as citizenship, poverty, race, and gender. The course uses readings, discussion, workshops, and meetings with expert practitioners in diverse settings (schools, prisons, and neighborhoods) to provide the tools educators need to nurture learning communities that affirm human dignity. Visiting practitioners will include indigenous leaders, prison educators, and teachers from the Boston Public Schools. Our work will engage a range of disciplines including applied ethics, transformative pedagogy, neuroscience, and public policy to ask fundamental questions about what it means to keep humanity at the center of conflict resolution. Please note that this course includes a practicum—students will support and/or implement various methods of transformative justice in diverse environments. An optional visit to a jail or prison will be incorporated into the curriculum. “Enrollment is limited. Instructions for enrollment are posted on the course website.”

#### **EDU T410B - Educating Incarcerated Youth: Practice, Research, and Policy**

Lynette Tannis

Fall 1 2018 F 1:30 p.m. - 4:29 p.m. Longfellow 319 (HGSE)

Graduate

Our nation's incarcerated youth are arguably our most disenfranchised population. They are disproportionately children of color, children with special needs, and children living in poverty. Many of them dropped out or were forced out of school and funneled through the school-to-prison pipeline. Each year, more than 1,000,000 cases are heard throughout our nation's juvenile courts. Depending on the nature of the offense, some children are automatically transferred to an adult court and serve their time in adult facilities. With this system in place, annually, more than a 100,000 children are incarcerated in juvenile and adult facilities throughout the United States. Due to a primary institutional focus on safety and security, children who need education as a means to lead productive lives and to positively contribute to society often receive little exposure to high-quality educational programs. What must we do to ensure the opportunity gap these children face does not continue to persist? The premise of this course is that teachers, school leaders, and other educators must be prepared to work effectively with this disadvantaged and often ignored population. This course provides a lens for examining our nation's juvenile justice educational settings, practical tools for teaching and leading in institutional settings, and a space for urgent dialogue about how we, as a society, will address the learning needs and equitable treatment of marginalized youth. Students will also engage with juvenile justice education experts and will participate in a field visit to a juvenile detention facility to observe and reflect on practices for the education of incarcerated youth. Permission of instructor required.

#### Notes

Class will meet on the following dates: September 7 September 14 September 21 September 28 October 5 October 12

Eligible for cross-registration

With permission of instructor/subject to availability

## HARVARD LAW SCHOOL

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### **NEW - HLS 2971 - History of Policing**

Anna Lvovsky

2019 Spring

Mondays 5:00pm - 7:00pm

Location:TBA

This seminar will examine the history of policing in the United States. Topics include the emergence of a uniformed police force in the nineteenth century, the police professionalization movements of the Progressive Era and twentieth century, law enforcement during Prohibition, militarization, and the rise of community policing in the 1980s. We will consider the extent to which trends in American policing have been unique or reflected broader global shifts in law enforcement; the dynamic relationship between police practices and judicial rules governing state power; the role of unions; the relationship between municipal police forces and more specialized federal agencies; and the roles of race, class, and gender in law enforcement. Students may choose to submit either one longer seminar paper or two shorter papers over the course of the semester.

## **NEW - HLS 2918 - Mass Incarceration and Sentencing Law**

Nancy Gertner

2019 Spring

Tuesdays 1:00pm - 4:00pm

This course will first put 20th century sentencing law in sociological and historical context. It will examine the history, philosophy, and administration of the criminal sentencing process, the causes of growth in the US penal population, the historical roots of that growth from the mid 20th century to the present, and the impact of those policies on communities of color and the crime rate. We will then examine more closely the legal framework that enabled those policies, including the war on drugs, emphasis on retribution over rehabilitation, the changes in sentencing law and the structure of sentencing decisionmaking. Particular attention will be devoted to substantive sentencing standards (the insights of neuroscience, evidence based lessons from diversion programs) in addition to the procedures governing those decisions. The course will explore different kinds of sentencing regimes—state guideline systems, international models on which sentencing standards have evolved from common law decision making or judge-imposed guidelines (Australia, Israel, England), in addition to the federal sentencing guidelines. We will consider the interplay between principles of proportionality, severity, and parsimony on sentencing law. This course will be divided into two parts: the first part of the term will involve the substantive law of sentencing, and the sociological and historical context in which it evolved as described in the original course description. But the second part of the term will be somewhat unusual. I will invite judges (federal and state), prosecutors, defense lawyers to join the class in addressing particular sentencing issues, with discussions centered around hypothetical cases. All the participants will sentence; they will review the cases, determine the sentences, and discuss them at the class sessions. The issues will be cases involving addiction and drug offenses, mental health, the neuroscience of childhood adversity, juvenile offenders, sex offenders, and issues of race and gender. The idea is not only to look at sentencing at the meta level, but also at the level of the concrete case, which may challenge the generalizations of the sentencing law. Note: The first class will meet on February 5, 2019. An additional makeup session will be scheduled at a later date.

## **Capital Punishment in America**

Jordan J. Steiker

Fall 2018 MTu 1:15 p.m. - 2:45 p.m.

Graduate

Prerequisite: JD students must have completed Criminal Law. For LL.Ms, instructor permission is required to waive the prerequisite.

This course considers the legal, political, and social implications of the practice of capital punishment in America, with an emphasis on contemporary legal issues. The course will frame contemporary questions by considering some historical perspectives on the use of the death penalty in America and by delving into the moral philosophical debate about the justice of capital punishment as a state practice. It will explore in detail the intricate constitutional doctrines developed by the Supreme Court in the four decades since the Court "constitutionalized" capital punishment in the early 1970s. Doctrinal topics to be covered include the role of aggravating and mitigating factors in guiding the sentencers decision to impose life or death; challenges to the arbitrary and/or racially discriminatory application of the death penalty; the ineligibility of juveniles and persons with intellectual disability for capital punishment, limits on the exclusion and inclusion of jurors in capital trials; allocation of authority between judges and juries in capital sentencing; and the scope of federal habeas review of death sentences, among other topics.

Some seats are reserved for students enrolled in the winter-spring Capital Punishment Clinic. Students who enroll in the clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student enrolled in a clinical seat drops the winter-spring clinic, they will also lose their seat in this course.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Corporate Criminal Investigations**

Daniel Scott Kahn and Leo R Tsao

Fall 2018 M 5:30 p.m. - 7:30 p.m.

Graduate

The criminal investigation and prosecution of large-scale corporate misconduct are among the most high profile areas of focus for federal prosecutors and the white-collar defense bar. Recent major prosecutions of individuals and corporations for violations of the Foreign Corrupt Practices Act (FCPA), the Bank Secrecy Act (BSA), and the International Emergency Economic Powers Act (IEEPA) demonstrate that this remains an active area of enforcement for U.S. law enforcement. The interpretation of these laws by courts continues to develop and evolve, implicating a number of significant legal issues. Moreover, such investigations are becoming increasingly global in nature, as foreign law enforcement and regulatory agencies become more active in focusing on these crimes. These multi-jurisdictional investigations pose new obstacles to government enforcers and defense practitioners, and new legal questions for courts to address.

This seminar will explore various aspects of corporate criminal investigations and prosecutions. Topics to be covered include principles of corporate liability; conducting internal and government investigations of corporate misconduct; strategic considerations for prosecutors and defense counsel in corporate criminal investigations; Department of Justice policies on charging, including those designed to incentivize voluntary disclosures, cooperation and remediation; legal and practical issues implicated by multi-jurisdictional cases; corporate compliance programs; and proposals for reform of corporate criminal laws and policies.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Criminal Procedure: Adjudication**

Adriaan Lanni

Fall 2018 WTh 1:00 p.m. - 3:00 p.m.

Graduate

The subject of this course is the criminal process "from bail to jail." We will address some of the main constitutional and policy issues that arise about the structure of this process, including the right to counsel, the influence of prosecutorial discretion, the institution of plea bargaining, the role of the jury, and the choice of sentencing procedures. We will also address some important issues about the outcomes produced by this process, including the problem of wrongful convictions (innocence) and disparate racial and class impacts.

Eligible for cross-registration  
With permission of instructor/subject to availability

### **Criminal Procedure: Investigations**

John R. Kroger  
Fall 2018 MTu 8:10 a.m. - 10:10 a.m.  
Graduate

The state's power to search persons and places, intercept electronic communications, detain suspects, and arrest and interrogate individuals is regulated by the Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution as well as a number of major statutes. This course examines the evolving law in these areas, with an emphasis on the ways in which changes in theories of constitutional interpretation and in technology have influenced the laws development and altered the scope of our rights to privacy and personal security.

Eligible for cross-registration  
With permission of instructor/subject to availability

### **Crimmigration: The Intersection of Criminal Law and Immigration Law**

Phil Torrey  
Fall 2018 Tu 1:10 p.m. - 3:10 p.m.  
Graduate

The intersection of criminal law and immigration law is a growing field of law that is at the forefront of today's immigration debate. As immigration laws have become more "criminalized" and criminal laws have become more "immigrationized" it is increasingly important for immigration attorneys and criminal law attorneys alike to understand the immigration consequences of criminal convictions and the myriad ways in which these two areas of law intersect. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to analyze how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, and national security.

Some seats in this course are reserved for students in the fall Crimmigration Clinic. Students who enroll in this course under a clinical seat have an early drop deadline of August 28, 2018. For more information, please view the clinics Course Catalog description.

Eligible for cross-registration  
With permission of instructor/subject to availability

### **Cyber Criminal Law and Procedure**

Seth Philip Berman  
Fall 2018 Th 5:00 p.m. - 7:00 p.m.  
Graduate

The Internet has changed the world of business, commerce, communication, and also crime. The borderless nature of the Internet has complicated the investigation and enforcement of cybercrime. Each day brings news of a new cyberattack on a company, a government entity, and even, perhaps, on the very foundations of our democracy. Meanwhile, new technologies seem to create new ways of committing crimes almost as rapidly as they create new legitimate business opportunities. Neither law enforcement nor businesses have a good idea how to respond.

Substantive criminal law and criminal procedure are straining to catch up with this rapidly evolving criminal landscape. The ability of criminals to operate nearly anonymously and across multiple jurisdictions creates new challenges for judges, prosecutors, defense attorneys, and crime victims. At the same time, new cyber tools and techniques are coming into play that might be used to track cyber criminals, but the constitutionality and privacy implications of these tools are subject to question. This course will explore, among other questions: In what ways does the cross border nature of cybercrime impact legal practice? What are the unique legal barriers to prosecuting cybercrime? What constitutional protections attach to people or data abroad? What international issues arise from the different legal and cultural approaches to privacy and security in different jurisdiction?

In addition to examining the case law and statutory framework, the class will include case studies drawn from my experience as a US federal prosecutor and as an international data breach investigator and lawyer as well as from recent public examples to teach practice and policy in the area.

This course will be of interest to future prosecutors, defense lawyers and criminal justice policymakers.

Eligible for cross-registration

With permission of instructor/subject to availability

### **The Effects of Mass Incarceration: Experiences of Prison and Parole**

Dehlia Umunna

Fall 2018 M 5:00 p.m. - 7:00 p.m.

Graduate

More than 6 million Americans are under "correctional supervision" in the United States, which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over \$60 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty.

Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the reading group will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits.

Note: This reading group will meet on the following dates: 9/10, 9/24, 10/22, 11/5, 11/12, 12/3

Drop Deadline: September 11, 2018 by 11:59 pm EST

Eligible for cross-registration

With permission of instructor/subject to availability

### **Family Law of Poor Families**

Janet Halley

Fall 2018 Tu 5:00 p.m. - 7:00 p.m.

Graduate

Poor families are governed by bodies of law which have rarely, if ever, been organized as a distinctive topic in law. But for poor families themselves, the interaction of these legal structures is crucial to their poverty, to the family forms that they adopt, to their relationships to large social structures such as the labor market, housing, and mass incarceration. These dynamics have large implications for the wellbeing of poor individuals and families, for the gender patterns they adopt, and for the social networks they construct to survive and support each other. After an introduction to social science and social theory on families and poverty in the US, this course will examine the welfare system (the Poor Law, AFDC/TANF, Medicaid, public and publicly-subsidized housing, child support enforcement) for its explicit and implicit role in family formation and dissolution, and in the encounters between poor families and their members, on one hand, and social policy about them, on the other. Because marriage is not the predominant way in which poor adults set up their adult/adult relationships, we will study the "law in action" of informal family formation and dissolution, including parenthood. We will study the family law embedded in institutions that poor people, because of their poverty, encounter in a much more pervasive and intense way than others do: prisons, immigration, child protection/child welfare/foster care; child delinquency; homeless policy and provision; school discipline; and domestic violence response. Throughout, our focus will be on these materials from a family-eye perspective: how do poor families strategize in the network of law created by all these legal institutions and practices?

This seminar will be exploratory. Though anchored by core readings and visits to the class by local experts, the seminar will concentrate on new research by student teams, reports to the class, and collective decisionmaking about the most important topics and readings to include, were this topic to develop into a full-fledged 4-credit course.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Government Lawyer**

Alex Whiting

Fall 2018 MTu 1:30 p.m. - 3:00 p.m.

Graduate

The course will examine the roles and responsibilities of the prosecutor, with a particular focus on federal prosecutors. The course will consider questions concerning the politics of prosecution, the role of the prosecutor in the adversarial system (and whether that system is the best for achieving justice), and the autonomy and discretion of the prosecutor. We will look at issues that arise at the policy level

for prosecutors, as well as those that face individual prosecutors in their work. Some specific topics that will be addressed will include prosecutorial ethics; disclosure and discovery issues; pretrial publicity; investigations (including use of the grand jury); sentencing; federalization of crime; and dealing with informants, cooperators, and victims. We will consider these issues in the context of different areas of criminal prosecution, including white-collar crime, organized crime, urban violence, and terrorism.

Some seats are reserved for students in the fall or spring Government Lawyer: United States Attorney clinic. Students who are accepted into the fall or spring Government Lawyer: United States Attorney clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall or spring Government Lawyer: United States Attorney clinic, they will also lose their reserved seat in this course. Please note that this course has early drop deadlines for students enrolled in reserved clinical seats - the drop deadline for fall clinical students is May 11, 2018; the drop deadline for spring clinical students is August 28, 2018.

Eligible for cross-registration

With permission of instructor/subject to availability

### **International Human Rights, Anti-Impunity, and Criminal Law**

Karen Engle

Fall 2018      W 5:00 p.m. - 7:00 p.m.

Graduate

This seminar will study the relationship between international human rights and criminal law, with a focus on the relatively recent turn to individual criminal accountability as the primary means of enforcing human rights. This trend toward criminalization in human rights is in tension with the rising critique of criminal enforcement from both the left and the right in the United States. We will consider how and why human rights law and advocacy came to emphasize criminal prosecution, particularly as a way to "end impunity," in a variety of international and domestic contexts including transitional justice, gender-based violence, universal jurisdiction, and international criminal law. We will ask questions about why a reliance on criminal prosecution has developed in some areas more than others, and about how the turn to criminal prosecution might affect the priorities of the human rights movement and its ability to attend to other issues, such as economic inequality.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Misdemeanor Justice**

Alexandra Natapoff

Fall 2018      Tu 5:00 p.m. - 7:00 p.m.

Graduate

Misdemeanors comprise the vast bulk of the American criminal system, approximately 80 percent of criminal dockets, yet they are under-scrutinized and under-theorized. This class will explore all aspects of the misdemeanor phenomenon, including its economic, racial, and democratic implications, with an eye towards reconceptualizing the entire criminal process from the perspective of the petty offense. Readings will include legal theory and sociological research as well as litigation documents, government investigations, non-profit reports, and media coverage.



Note: This reading group will meet on the following dates: 9/4, 9/18, 10/2, 10/16, 10/30, 11/13

Eligible for cross-registration

With permission of instructor/subject to availability

### **Policy, Law and Development in Africa**

Raymond Akongburo Atuguba

Fall 2018 TuW 10:20 a.m. - 11:50 a.m.

Graduate

In this course, we aim, together, to provoke a rethink of the concepts of "Africa", "African Policy and Law", and "African Development". In this century, and especially in the last decade, Africa has become a critical factor in global space, so we will explore the concept of "Africa", not as a destination, not in objectification, not in ideation, but in the starkness of its profound reality. We will then attempt a mental capitulation of the assumed singularity and mundaneness of "African Policy and Law" and examine the six levels of that concept, whilst illustrating with real case studies its resilience in the face of rabid assaults from the phenomenon of Euro-American liberalism, legal pluralism, militarism, neoliberalism, constitutionalism, globalization, and continuous terrorist attacks on the spaces it occupies in a typical African polity. Flowing from the above and finally, the course examines the capacity and limitations of the extant varieties of African Policy and Law to resolve the continent's most crucial and intractable problem: the paradox of radical poverty in the midst of plenty.

Whilst the current concentration in many US Universities on African languages, African literature, African culture is important, they need a complement - African policy/lawmaking; the distinctiveness of African Law and its operationalization; and the deep prospects and huge limitations for the use of policy and law to get Africa out of the paradox of radical poverty amid plenty. This course proposes to fill this void.

Methodologically, participants will be divided up into small teaching teams, which will co-teach each of the topics using real case studies. This will be useful for students thinking of a career in teaching. The case studies will cover the full gamut of key issues that confront African polities on a daily basis: macro-economic stability; security and investor confidence; political governance; international trade; extractivism; local economic development; decentralization; human rights; regional integration; international relations; and multilateralism. These case studies will be examined against the backdrop of hard issues of terrorism; immigration; human trafficking; drug trafficking; illicit financial flows to and from Africa; the China in Africa phenomenon; and the role of IFIs, international organizations and NGOs.

The methodological focus of the course will be to improve attitudes, build skills, and transfer knowledge. The most important outcome will be to assist students gain a broader and deeper understanding of the African continent and the policies and laws that operate within her, leading to a change in their attitude towards the continent. This will be done through storytelling, testimonies and roleplays. Second, I will aim to build the skills of students in addressing practical policy and legal issues on the continent. This will be done through case studies, group discussions, and "fieldwork", where students will talk on the phone or via skype (or other means) to Africans working on real life issues, and relay the information acquired from those conversations to their colleagues in class. Finally, I will seek to transfer knowledge about Africa and African Law and Policy from personal experiences - having lived for over forty years in

Africa, and worked on policy, law and development issues there for almost a quarter century, in the nonprofit, for profit, and government sectors, and at the lowest and highest levels of all three sectors.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Seeing Criminal Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law**

Rebecca Richman Cohen

Fall 2018 Tu 5:00 p.m. - 8:00 p.m.

Graduate

The law is awash in stories. Stories from within and beyond the walls of the courtroom shape our impressions of the criminal justice system; they challenge or affirm our norms; they help us make sense of the world and its complexities. Yet these stories often stand in tension with one another. Police body cameras, videotaped confessions, mitigation and victim impact videos, primetime television, citizen journalism, and documentary films often produce narratives that compete with each other, and with our own entrenched beliefs. Together, we will explore different approaches to understanding how visual technologies, particularly with respect to video, have shifted the way we come to understand criminal justice narratives. Visual media commands a unique power to evoke empathy and to make powerful claims about truth. But such power can also distort and mislead. Grounded in these understandings, we will embark on a project of "media literacy" and explore questions around audience, authorship, truth, and objectivity as we consider how visual media may be used as a conduit to communicate criminal justice stories.

Eligible for cross-registration

With permission of instructor/subject to availability

### **Sentencing Law, Policy and Practice**

Jonathan Wroblewski

Fall 2018 Tu 5:00 p.m. - 7:00 p.m.

Graduate

This seminar will examine the law, underlying policy, history, philosophy, and administration of criminal sentencing. It will focus on the shared and intertwined powers and responsibilities of legislators, prosecutors, judges, defense lawyers, probation and pretrial officers, treatment providers, law enforcement, victims, sentencing commissions, and the community on sentencing outcomes. The course will explore the foundational role of the criminal code in sentencing and how different forms of statutory crimes and sentencing guidelines impact the sentencing process and the distribution of sentencing power. Students will learn the basic elements of the federal sentencing guidelines, apply those elements to various fact patterns. The course will also explore the issues of prosecutorial and judicial discretion, plea-bargaining, mandatory minimum sentencing statutes, truth-in-sentencing, racial, ethnic and gender disparities in sentencing, and recent congressional and state efforts to reform sentencing.

Eligible for cross-registration

With permission of instructor/subject to availability

## **Topics in Policy Reform: Race and Poverty in the Criminal Justice System**

Alex Whiting and Carol Steiker

Full Year 2018 W 3:00 p.m. - 5:00 p.m.

Graduate

Prerequisite: The seminar is by permission of the instructors. To apply, students should submit a brief statement of their interest and relevant background (courses, internships, and work/life experience) in criminal justice issues to [aweick@law.harvard.edu](mailto:aweick@law.harvard.edu).

This full-year seminar immerses students in the work of criminal justice policy reform. The centerpiece of the seminar is sustained, substantive work on criminal justice policy initiatives led by the Criminal Justice Policy Program (CJPP), a research and advocacy center based at HLS. Students work on policy projects geared toward real-world reform under the supervision of the Program's Executive Director (Brook Hopkins) and faculty Co-Directors (Professors Carol Steiker & Alex Whiting), and CJPP staff, typically in partnership with outside organizations and government agencies.

This year's policy projects will have as their focus the intersection of race and poverty in the criminal justice system. In addition to the policy projects, the seminar engages students in an ongoing discussion of modes and strategies for achieving criminal justice reform as well as fundamental normative questions about the operation of the criminal justice system, including its interaction with questions of social and racial justice.

The seminar hosts prominent practitioners and policymakers as visiting lecturers to discuss strategies for reform and to provide background and guidance on the seminar's policy projects. Students are invited to all of the public events sponsored by CJPP and may be involved in choosing topics and planning such events.

Although there is no final exam or final paper, students will be expected to do substantial writing over the course of the seminar and to present their policy reform projects to the other seminar participants.

Note: This seminar will meet every other week over the entire year.

Eligible for cross-registration

With permission of instructor/subject to availability