



HARVARD Kennedy School

MALCOLM WIENER CENTER

for Social Policy

*Program in Criminal Justice Policy
and Management*

Program in Criminal Justice Policy and Management

Harvard Kennedy School

hks.harvard.edu/criminaljustice

Harvard University Crime, Punishment, and Violence Course Guide: 2021-2022

This course guide primarily covers courses open for cross-registration to graduate students across Harvard. Courses restricted to small segments of students in particular schools are not included.

HARVARD KENNEDY SCHOOL

Creating Justice in Real Time: Vision, Strategies and Campaigns

MLD 375

Cornell Brooks

2022 Spring

M W 3:00pm - 4:15pm

The pandemics of police brutality and COVID-19 demonstrate that the fight for justice is multigenerational and multifaceted. Angela Davis, the activist, philosopher, and academic, reminds us that, “sometimes we have to do the work even though we don’t yet see a glimmer on the horizon that it’s actually going to be possible”. Amidst generationally unprecedented activism, advocates around the world make demands for social justice through visions, strategies and campaigns—with varying degrees of success. Working with the William Monroe Trotter Collaborative for Social Justice, municipal and state government, as well as national/state advocacy organizations, a select cohort of students will work to address current injustices in real time—with a focus on what is demonstrably effective. Specifically, a very select cohort of students will develop visions, strategies and campaigns as well as legislative, policy, best practice, organizing, communication, and moral framing strategies to address injustices related to police brutality and Covid-19. Some groups of students will work with client state governments to develop studies, plans, campaigns and strategies to address racial, ethnic, generational and regional inequities related to the pandemic. Similarly, other student groups will work with mayors and municipal governments to develop studies, plans, campaigns and strategies related to police brutality and calls to “defund the police.” Students will employ principles such as moral ambition, perfect/imperfect victims, concentric/consecutive coalitions, and scholarship as an organizing tool.

The course size is limited to 30 students, with a few slots reserved for non-HKS students. This is an application based course. Interested students should fill out the google form at this link:

<https://forms.gle/ygVbANxshxh9v1e3A>

Institutional & Community-Based Strategies to Support Children & Strengthen Families

SUP 211

Julie Boatright Wilson

2021 Fall

T Th 9:00am - 10:15am

The Covid pandemic has taken a toll on families, disrupted our models of service provision and challenged us to think about new ways to better support children, youth, their families and, in many cases, the communities in which they live. Starting with a developmental framework, this course will examine the current design and implementation of programs focused on early childhood, adolescence and young adulthood. We will use last year's experience with Covid to identify specific challenges as well as opportunities for designing and implementing services. We will look closely at innovative programs to understand why they are effective and strategize on how to scale them in the context of the fragmented US governance system, focusing in particular on the US child welfare, juvenile justice and mental health systems as well as the issue of youth homelessness. This coming year we will also be looking closely at strategies to support LGBTQI+ children, youth and their families. The goal is to gain an understanding of how to design and implement more effective supports for these populations.

Course Notes: Also offered by the Graduate School of Education as H-307.

Law, Order and Algorithms

DPI 617

Sharad Goel

2021 Fall

MW 12:00pm - 1:15pm

Data and algorithms are rapidly transforming law enforcement and the criminal legal system, including how police officers are deployed, how discrimination is detected, and how sentencing, probation, and parole terms are set. Modern computational and statistical methods offer the promise of greater efficiency, equity, and transparency, but their use also raises complex legal, social, and ethical questions. In this course, we examine the often subtle relationship between law, public policy, and technology, drawing on recent court decisions, and applying methods from machine learning and game theory. We survey the legal and ethical principles for assessing the equity of algorithms, describe computational techniques for designing fairer systems, and consider how anti-discrimination law and the design of algorithms may need to evolve to account for machine bias. Concepts will be developed in part through guided in-class coding exercises, though prior programming experience is not necessary.

Policing, Citizenship, and Inequality in Comparative Perspective

SUP 710

Yanilda Gonzalez

2022 Spring

T Th 1:30pm - 2:45pm

Police provide an essential service for citizens – security and protection – without which the exercise of all other rights becomes heavily constrained. Police institutions are also the primary entity of the state with which most citizens come into direct contact. In practice, however, governments throughout the Americas (and beyond) have long struggled to organize police institutions such that they address societal demands for security, and that the deployment of coercion against citizens is applied equitably and constrained by law and external accountability. From São Paulo and Johannesburg to Chicago and Baltimore, police forces engage in widespread extrajudicial killings and torture that largely target marginalized sectors of society, including Afro-descendants, the poor, and those living in the urban periphery. At the same time, these groups are also underserved by their police – and the state – leaving

them vulnerable to high rates of crime and violence. Through comparative analysis of police institutions in Latin America, the United States, and other regions, this course probes the ways in which police institutions shape the lived experiences of individuals and communities, and how police may help reproduce existing social inequalities.

Race and the State: The Role of Public Policy in U.S. Racial Inequality

SUP 770

Desmond Ang

2021 Fall

T 4:30pm - 7:15pm

This course examines the causes and consequences of racial inequality across a range of domains - from education and criminal justice to labor markets and civic and social engagement. While providing students with an economic toolkit for understanding and discussing discrimination, this course also draws on work in sociology and social psychology to shed light on the real-world ramifications of racial inequality in America. Throughout the course, students will engage in critical evaluation of the impacts that public policies – both current and historical – have on marginalized communities. Example topics include: 1) the social costs of police violence in minority neighborhoods, 2) the consequences of “ban the box” measures on discrimination in hiring, and 3) the role of civil rights policies in minority representation and racial polarization.

Course Notes: This course is jointly offered with the Graduate School of Education as A145 and the School of Public Health as HPM 556.

FACULTY OF ARTS AND SCIENCES

Madness, Incarceration and Capitalism

ANTHRO 1679

Kaya Williams

2022 Spring

By all counts, rates of mental illness in the United States have been rising dramatically over the past few decades. With a private healthcare system that guarantees adequate healthcare only to the country's ruling class, mental illness in the United States is largely treated within the country's jails and prisons. And yet, the violence of the United States' system of policing and incarceration is psychologically damaging — making the country's jails, prisons, and detention centers paradoxically both the cause of and primary solution to the country's rising rates of mental illness. The goal of this course is to better understand this paradox, and to begin to build a shared language to work our way out of its restrictive grasp. The course will draw on writers and thinkers in anthropology, sociology, history, black studies, and disability studies in an attempt to grasp the slippery concepts of madness, capitalism, and captivity and to understand the ways in which these categories interact in the U.S. today.

Course Level: For Undergraduate and Graduate Students

Race, Solidarity, and the Carceral State
EMR 141
Sara Awartani
2021 Fall
T 12:00pm - 2:45pm

This seminar surveys how U.S. social and racial justice movements have encountered and interacted with the rise of the carceral state. Using case studies from Black, Arab American, Latinx, and other New Left and progressive movements, we will ask: what possibilities of resistance are imagined under conditions of repression? And how have these possibilities of resistance and conditions of repression changed over time? Together we will consider how imprisonment, surveillance, and political repression have shaped social movements, racial formations, and U.S. politics since the late 1960s, with attention to the following topics: COINTELPRO & the civil rights movement; Operation Boulder and federal surveillance; Reagan, counterterrorism, and the New Left; prisons and policing; and the militarization of borders.

Course Level: For Undergraduate and Graduate Students

Legal History Workshop: Race and Policing in Historical Context
HIST 2475
Kenneth Mack Anna Lvovsky
2022 Spring
W 4:30pm - 6:30pm

This workshop aims to provide students with a historical perspective on the intersections between law, race, and police institutions in the United States. Assignments and class discussions will feature a mix of major works in the field of legal history, introducing students to critical methodologies and historiographical debates, and workshop presentations by leading historians currently writing on questions of race and policing. Further information about the topics to be covered will be available closer to the Spring semester.

Course Notes: Law students will have a choice of enrolling in the workshop for two or three credits. Those who choose to write a substantial paper will receive three credits upon successful completion of the course; those who do not complete substantial papers will receive two credits. All FAS graduate students who enroll in the workshop must complete a substantial paper and will receive four credits upon successful completion of the course. Offered jointly with the Law School as LAW 2596. The enrollment cap for FAS students is 15.

Jointly Offered with: Harvard Law School as HLS 2596

Theories of Criminal Justice: Criminalization, Policing, and Punishment
PHIL 175
Vincent Chiao
2021 Fall
Th 3:00pm - 5:45pm

The last half-century witnessed an unprecedented explosion in the scale of American criminal justice, both in terms of the size of the American prison population and in terms of the scope of the criminal law. In more recent years, how the police enforce the criminal law has again become a focal point for public controversy. As a result, the philosophical foundations of criminal justice, including its purposes, its institutions and processes, and the outcomes it produces, have come in for renewed scrutiny. The aim of this course is to provide students with a working familiarity of some of the major theoretical approaches to criminal justice in political and social theory. In this course, we will examine a range of historical and contemporary writings on crime, punishment and policing, with readings drawn from philosophy, social theory and law.

Course Level: For Undergraduate and Graduate Students

Conflict, Justice, and Healing

SOCIOL 1152

Matthew Lee

2021 Fall

MW 1:30pm - 2:45pm

Serious crime and other forms of conflict are experienced as a traumatic violation. This is to be avoided at all costs. And yet... some survivors experience surprising levels of resilience, a renewed sense of meaning and purpose, empowerment, and post-traumatic growth. Some offenders turn towards a deeper sense of truth and existential responsibility. Some communities transcend institutionalized patterns of dehumanization and violence to embrace the challenging path of forgiveness, reconciliation, healing, and inclusive flourishing. When and how do individuals and communities heal after conflict? We engage with these issues through a series of diverse case studies, including contemporary examples drawn from the international Black Lives Matter movement, prisoner reintegration efforts in the U.S., victim/offender dialog in the Middle East, and embodied emancipation in post-apartheid South Africa, as well as classic cases such as the Cuban Missile Crisis. A critical engagement with the emerging fields of conflict transformation and positive criminology reveals potential restorative pathways to individual and communal well-being, and ultimately harm prevention. A growing body of empirical research on the social conditions and processes that give rise to these outcomes will also help us explore such timeless questions as: What is justice? How can "enemies" reconcile? What is the good life?

Course Level: For Undergraduate and Graduate Students

Criminal Justice and Social Inequality

SOCIOL 2282

Robert Sampson

2021 Fall

M 3:45pm - 5:45pm

William James 450 (FAS)

This seminar will examine inequalities in crime and justice, focusing on developments during the past quarter-century. We will give special attention to racial and class inequalities; the relationship between crime and criminal justice involvement; social change and life-course inequalities; the perils of

prediction; and sociological strategies to mitigate inequalities in both crime and criminal legal processing. Students will examine promising new lines of inquiry.

GRADUATE SCHOOL OF EDUCATION

Educating Incarcerated Youth: Practice, Research, Policy, and Advocacy

EDU T406

Lynette Tannis

2021 Fall

F 1:30pm - 4:15pm

Lottery-Based Enrollment Our nation's incarcerated youth are arguably our most disenfranchised population. They are disproportionately children of color, children with special needs, children living in poverty, and children who identify as LGBTQ+ or non-conforming. 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 engage with juvenile justice educators and juvenile justice experts and will reflect on effective practices for the education of youth who are incarcerated.

Jointly Offered with: Faculty of Arts & Sciences as EDST 126

Education in Carceral Spaces

EDU T010I

Kaia Stern

2021 Fall 2: 10/18/2021 to 12/6/2021

W 10:30am - 1:15pm

(also 2022 Spring 2: 3/1/2022 to 4/27/2022)

How do we do education in carceral spaces? What is the purpose/power of formal education? Given that human connection is generally contraband in jails and prisons, and education is about connection, what is our praxis? This course will be held in conversation with students and leaders who are currently incarcerated. We will visit local jails and prisons to listen and learn from people who are deeply familiar

with cradle-to-cell trauma, systems of racialized punishment, and the possibility of the classroom as a sacred space. Our work will engage a range of disciplines including ethics, transformative pedagogy, neuroscience, and public policy. Some questions for consideration: How do we realize education as the practice of freedom inside policed classrooms? How do we conceptualize abolition? In what ways is language justice both vital and insufficient?

Please note that enrollment is limited and by application only.

Transformative Justice: From Classroom to Cellblock to Community

EDU T416

Kaia Stern

2022 Spring

W 10:00am - 11:50am

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/transformational 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, transformational 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 transformational justice in diverse environments.

Enrollment is limited. Instructor permission required. Enrollment instructions will be posted to the course website.

HARVARD LAW SCHOOL

Art of Social Change

HLS 2011

Michael Gregory and Crisanne Hazen

2022 Spring

M 1:45pm - 3:45pm

This course explores various strategies for systemic law and policy reform, focusing on education, child welfare (abuse and neglect, foster care, adoption), and juvenile delinquency/law enforcement. We bring into the classroom as visiting lecturers leaders from the worlds of policy, practice, and academia: successful change agents representing different disciplines, career paths, and strategies for change. We examine significant reform initiatives and debate with the speakers and each other how best to advance

children's interests. The emphasis is on weighing different approaches to social change, inside and outside of the courtroom, with the goal of informing students' future advocacy efforts. Through readings, speakers, and in other ways, we will endeavor as much as possible to bring the voices of young people themselves into our conversations. Course requirements consist of reaction papers related to the readings and class presentations. This course is part of the Child Advocacy Program (CAP), and you can visit the program's website (cap.law.harvard.edu) to see a schedule of the speakers and topics from previous semesters. Students are also encouraged to enroll in CAP's Child Advocacy Clinic and to consider enrolling in other courses related to children's law, a list of which you can find on the website. Cross-registrants are welcome.

Be Careful What You Wish For

HLS 3090

James Greiner

2021 Fall

M 4:15pm - 6:15pm

Prerequisites: Students who have completed either of the following Spring 2021 reading groups, Evaluating Criminal Justice Reform or Legal Policies, Randomized Control Trials, and Ethics, are not eligible to enroll in this offering due to overlap. **Exam Type:** No Exam Many interventions in law and in public policy sound great at first, but subsequent empirical investigation demonstrates that they are either ineffective or counterproductive. This reading group will review several such interventions and consider their implications. **Note:** This reading group will be held on the following dates: TBD

Capital Punishment in America

HLS 2020

Carol Steiker

2021 Fall

Th F 10:30am - 12:30pm

For JD students, Criminal Law is required. For LLM students, permission of the instructor is required to waive the requisite. **Exam Type:** In Class 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 nearly five decades since the Court "constitutionalized" capital punishment in the early 1970's. Doctrinal topics to be covered include the role of aggravating and mitigating factors in guiding the sentencer's 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 Capital Punishment Clinic. Students who enroll in the Capital Punishment clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the Capital Punishment clinic, they will also lose their reserved seat in this course. Please see the clinic's description for more information.

There is an early drop deadline of August 27, 2021 for students enrolled in this course through the Capital Punishment clinic.

Complex Federal Investigations

HLS 2286

John Gleeson

2021 Fall

Th 10:30am - 12:30pm

This course will examine many of the problems and issues that arise during federal criminal investigations of complex entities. We will explore investigations of corporate criminal conduct (by both companies and individuals), organized crimes groups, and national security investigations. Topics include the legal and practical issues surrounding the use of investigative powers of the federal grand jury; the investigative use of tools such as the immunity, contempt and perjury statutes; the RICO statute; electronic surveillance methods including "bugs," "wiretaps" and more recent technology; the use of plea- and cooperation-bargaining agreements to advance investigations; the role of professional responsibility rules, including those governing investigative contacts with persons represented by counsel; whistleblower laws; and the government's interactions with (and use of) company counsel during the course of criminal investigations.

Corporate Criminal Investigations

HLS 2263

Daniel Kahn, Leo Tsao, and. Lorinda Laryea

2022 Spring

W 4:15pm - 6:15pm

The criminal investigation and prosecution of corporate misconduct are among the most high profile areas of focus for federal prosecutors and the white-collar defense bar. Recent major prosecutions of corporations and individuals 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 is an increasing area of enforcement in the United States. Yet, the practice of prosecuting and defending corporations remains one of the least understood areas of criminal law. Decisions on how to charge and sanction corporations are subject to policies set by the U.S. Department of Justice. Moreover, such matters are becoming increasingly complex as foreign law enforcement and regulatory agencies become more active in focusing on these corporate 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.

Criminal Municipal Courts: A Policy and Advocacy Simulation**HLS 3089****Alexandra Natapoff****2022 Spring****T 6:45pm - 8:45pm**

Municipal courts represent an enormous swath of the American judiciary. Nationwide, there are over 7,500 such courts in thirty states. Collectively they process over 3.5 million criminal misdemeanor cases every year and collect at least \$2 billion in fines and fees. Created, funded, and controlled by cities, these courts — sometimes referred to as “summary” or “justice” or “police” courts — tend to be low profile, low resource, and low status, which hampers their ability to provide robust legal process and support for the millions of defendants who pass through their doors. They also often exhibit many of the dysfunctions for which lower courts have been generally criticized: cavalier speed, legal sloppiness, punitive harshness, and disrespectful treatment of defendants. In this course, students will simulate the role of policy advocate for the support and improvement of the criminal municipal court function. Student will study the law, scholarship, and policy practices surrounding the modern municipal court phenomenon. Teams of students will design and draft materials aimed at supporting and improving criminal municipal court practices, including educational materials for municipal court judges, a Best Practices Handbook, and a Citizen’s Guide to Municipal Courts.

Criminal Procedure: Adjudication**HLS 2049****Adriaan Lanni****2021 Fall****T W 10:30am - 12:30pm**

Prerequisite: None Exam Type: One-Day Take-home 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.

Criminal Procedure: Investigations**HLS 2050****Alexandra Natapoff****2022 Spring****M T 4:15pm - 6:15pm**

This course examines the law governing police behavior, primarily by examining the constitutional doctrines of the Fourth, Fifth, and Sixth Amendments that regulate law enforcement action. Topics covered include the right to counsel, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, police use of force, custodial interrogation, and exclusionary remedies. In addition to doctrinal examination, the course will also ask broader policy questions about the regulation, democratic accountability, and scope of police behavior in the United States today.

Crimmigration: The Intersection of Criminal Law and Immigration Law
HLS 2597
Philip Torrey
2021 Fall
T 10:30am - 12:30pm

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 to understand the intersection of criminal law and immigration law. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to understand how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, national security, and Fifth Amendment Due Process jurisprudence. Some seats in this course are reserved for students in the Crimmigration Clinic. For more information, please view the clinic's Course Catalog description.

The Effects of Mass Incarceration: Experiences of Prison and Parole
HLS 2624
Dehlia Umunna
2022 Spring
M 4:15pm - 6:15pm

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 \$80 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 seminar 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.

Gender Violence, Law and Social Justice
HLS 2098
Diane Rosenfeld
2022 Spring
M T 1:45pm - 3:15pm

This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a consideration of the prevalence and variation of types of sexual violence and coercion around the world, we consider questions such as: How, if at all, is violence against women different from other types of violence? How effective have legal strategies to address violence against women been, and

what shifts in thinking about gender-motivated violence would be necessary finally to eradicate it? How has the #MeToo movement reshaped the possibility of legal reform? How does the toleration of sexual violence shape people's expectations and sense of entitlements? What are the implications of gender-based violence for the constitutional guarantee of equal protection of the laws? Does equal protection itself have a gendered meaning and reality? Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking of women and children; and violence against women facilitated by the Internet. The readings consist of primary and secondary materials drawn from several disciplines: law, social science, political science, public health, psychology, evolutionary biology and women and gender studies.

International Criminal Law

HLS 2455

Ioannis Kalpouzos

2021 Fall

W Th 1:45pm - 3:15pm

International Criminal Law examines how the international legal system attempts to name and address the gravest crimes in international law. We will focus on: a) international criminal law as part of public international law, as well as a political project; b) genocide, crimes against humanity, war crimes, and the crime of aggression; c) perpetrators and victims of international crimes; d) domestic and international judicial enforcement, with special attention to the International Criminal Court. Through a discussion that is both doctrinal and critical, the course will seek to illuminate both the law and politics of international criminal justice and to inform its practice.

Law and Neuroscience

HLS 2707

Nancy Gertner

2022 Spring

W 4:15pm - 6:15pm

This seminar examines cutting edge and even controversial linkages between law and neuroscience. We seek to highlight neuroscientific basis for behavior patterns with legal implication including how neuroscience intersects with criminal law, its normative assumptions and criminal punishment, evidentiary rules, memory bias and enhancement, lie and deception detection, adolescent brains and juvenile law. We will look critically at efforts to use neuroimaging in court in connection with the prediction of criminality and predispositions towards mental illness and addiction, as well as efforts to identify neurobiological influences on the brain. Is there such a thing as a criminally violent brain? Does it make sense to speak of the neurobiology of violence or the psychopathology of crime, and how are (or should) such concepts translated into criminal law. The seminar will necessarily lead us to consider the relationship between law and science, more generally, and neuroscience in particular. Speakers will provide insights into their work and research.

Mass Incarceration and Sentencing Law
HLS 2918
Nancy Gertner
2022 Spring
T 1:45pm - 4:45pm

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.

Mind and Criminal Responsibility in the Anglo-American Tradition
HLS 2831
Elizabeth Kamali
2022 Spring
W 4:15pm - 6:15pm

This seminar will explore the deep roots of the modern doctrine of mens rea and will consider a variety of related issues, including insanity, infancy, provocation, and duress. Readings will include a variety of primary and secondary sources from a broad time span in Anglo-American history, from the medieval to the modern. Our goal will be to understand the role of mind in defining the bounds of criminal responsibility at various points in time over the long durée of common-law history, relying upon secondary literature as well as close readings of primary source texts. Students will develop a comparative perspective on issues of mind that continue to perplex lawyers today, while also building a set of critical reading skills that are essential to the work of legal historians and practicing lawyers alike.

Policing in America: The Good, the Bad and The Ugly
HLS 2870
Dehlia Umunna
2022 Spring
M 6:45pm - 8:45pm

Law enforcement in the United States plays a critical, often life-altering role in its citizenry's life. More than 19,000 local, state, and federal law enforcement employ close to 450,000 officers. Police officers are involved in the prosecution of the approximately nine million criminal offenses each year and conduct over 11 million arrests. They are also responsible for the deaths of about 950 people per year since 2015. This seminar examines the establishment, role, and function of police in a democratic society. It will provide a foundation in the history of police and community relationships, police work, police culture/behavior, police discretion and its control, police legitimacy and public support, and community policing, use of force, institutional bias, and racial justice. We will also analyze why law enforcement is such a polarizing issue in society. Experiences in the class will include conversations with local police commissioners and police officers, touring local prisons or jails, meetings with citizens whose lives have been impacted by their interaction with police officers, and a wide variety of written texts, including essays and case studies.

Policing the Police
HLS 2925
Randall Kennedy
2022 January (1/4/2022 to 1/19/2022)
MTWThF
9:00am - 12:30pm

Since the killing of Michael Brown by a police officer in Ferguson, Missouri in August 2014, there has been an upsurge in attention paid to the regulation of police in the United States. Many feel that the legal system is deficient, indeed woefully deficient, in ways that it structures police-civilian interaction. I am particularly interested in police surveillance, stops, frisks, interrogation, arrests, the use of force, and policies facilitating (or thwarting) transparency and responsibility. The course will examine the problems that have given rise to demands for reform and assess reform proposals that have been posited, including what some describe as "abolition" of policing. The reading will be interdisciplinary, including caselaw, legislation, and work drawn from law reviews, criminology, sociology, and political science. I will endeavor to bring to class police officers. I will also endeavor to gain the participation of activists who have been involved in protest, law reform, and other modes of social change.

Students who are interested in this class should feel free to send me ideas about topics to explore, readings to examine, and speakers to invite.

Race, Class, and Technology in Criminal Law
HLS 3129
Colin Doyle
2022 Spring
F 1:45pm - 3:45pm

Contemporary criminal law scholarship and criminal law reform efforts have devoted substantial attention to the use of technology as a means of addressing longstanding race and class inequities within the criminal legal system. While some scholars and advocates have welcomed technology as a means of mitigating human bias and systematizing the decision-making of legal actors, others have decried new technology as a means of increasing the surveillance state and obscuring discrimination behind a veneer of scientific objectivity. This reading group will examine critiques of criminal law technology along with social science research into the effects of this technology, with a particular focus on how this scholarship may reshape our understanding of American criminal law's treatment of race and poverty. The reading group will focus on three primary questions: (1) What are the effects of technology used in contemporary criminal law? (2) What might make this technology helpful or unhelpful for broader goals of reducing race and class inequities within American criminal law? And (3) What might the future hold? The reading group will be divided into three units. We will use a range of texts including interdisciplinary scholarly writing, judicial opinions, popular commentary, and podcasts.

Restorative and Transformative Justice

HLS 2654

Adriaan Lanni

2021 Fall

T 4:15pm - 6:15pm

This seminar will discuss the theory behind restorative justice and examine current experiments in the practice of restorative justice, with a visit or two from restorative justice practitioners.

Seeing Criminal (In)Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law

HLS 2984

Rebecca Richman Cohen

2021 Fall

Th 4:15pm - 7:15pm

As America reckons with the profound injustices of mass incarceration, this course looks at the narratives that drive our perceptions of criminal law. Together, we will explore different approaches to understanding how visual storytelling, particularly in the form of documentary film, can shift the way we understand criminal legal narratives. 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. These forms of visual media command a unique ability to evoke empathy and to make persuasive claims about truth. But such capability can also distort and mislead. It can present its truths as "objective," obscuring critical questions about identity, perspective, and power. Grounded in this understanding, we will embark on a project of "media literacy," exploring questions around audience, authorship, truth, and (in)justice. Additional time reserved for viewing films.

Transitional Justice: Dispute Systems Design and Durable Peace**HLS 3072****Lisa Dicker****2021 Fall****W 4:15pm - 6:15pm**

After periods of widespread conflict or repression, the regular justice system of a country is unlikely to be able to deliver an adequate response that provides sufficient redress for victims and heals the society. Transitional justice refers to the judicial and non-judicial processes and mechanisms countries may use to seek to address mass or systemic war crimes and violations of human rights, including prosecutions, truth-seeking processes, reparations programs, and guarantees of non-recurrence, primarily institutional reforms. Practitioners and scholars largely agree that transitional justice is critical to achieving a durable peace and preventing future harms, however, there is no formula for transitional justice and the needs of each context are unique. This reading group will examine transitional justice through a lens of dispute system design, engaging questions such as:

- When should a transitional justice system be established?
- When is a context ripe for transitional justice? How can tensions between justice and peace be addressed?
- Who should design and implement the transitional justice processes?
- Who should be the design decision-makers? Who should be consulted? Who should have ownership of the transitional justice system?
- How should a transitional justice system be designed?
- Which judicial and non-judicial processes and mechanisms should be used and how should each be designed? How do these processes and mechanisms intersect and interact with each other? What values should be promoted and what remedies should be provided?
- When is transitional justice complete and how should the transitional justice system be evaluated?
- How do implementers know when transitional justice has been concluded? What metrics can be used to evaluate the successes and shortcomings of a system?

All of the above are live and heavily debated questions in the field of transitional justice and will be discussed in the reading group through a combination of readings, country-specific case studies, and a simulation on designing transitional justice. The reading group will also connect with one or more guest speakers who engaged in the design and implementation of transitional justice in their countries.

The Uniform Code of Military Justice and Civilian Criminal Law**HLS 3128****Jennifer Barrow****2022 Spring****W 4:15pm - 6:15pm**

The Uniform Code of Military Justice (UCMJ) is often viewed as a harsh system of justice. This reading group will explore whether this is the case or if there are ways that adopting aspects of the UCMJ could make civilian criminal law more fair for accused persons. The reading group will focus on three primary areas of comparison: (1) The Article 32 hearing versus the grand jury; (2) The Court Martial versus

civilian criminal trials; and (3) Sentencing under the UCMJ versus civilian criminal sentencing. The reading group will be divided into three units, each of which will address one of these comparisons and will consist of two sessions. The reading group will meet for six two-hour sessions, and participation will be graded credit/fail.

What's Wrong with Mass Incarceration

HLS 3077

Christopher Lewis

2021 Fall

Th F 10:45am - 12:15pm

The virtually unprecedented overall rate at which we lock people up in this country, combined with the extreme concentration of imprisonment among the least well-off, are the twin features of Mass Incarceration. Mass Incarceration has been called the “civil rights struggle of our time” the “social justice problem of our century,” and a “moral outrage.” But what, exactly, is wrong with Mass Incarceration? And what should be done about it? This course examines a range of answers to these questions using both the empirical tools of the social sciences and the normative and conceptual tools of moral and political philosophy. We will think carefully about the relationship between facts and values in debates about race, class, crime, and punishment. Students will be pushed to develop the strongest possible arguments for positions they may not endorse, and to argue against the perspective of the instructor.

White Collar Criminal Law and Procedure

HLS 2254

Antonia Apps

2022 Spring

Th F 10:30am - 12:30pm

The past several years have seen a number of significant developments in white collar criminal prosecutions. Over the last decade, the government has demanded massive financial settlements in white collar prosecutions, including several in which federal prosecutors have sought indictments of corporate entities and demanded guilty pleas as part of the resolution. Recent pronouncements by the Department of Justice suggesting a softening of this approach for companies that self-disclose and cooperate. Prosecutors have also indicated their intention going forward to increase their focus on individual prosecutions, leveraging internal investigations conducted by corporations and insisting that corporations must provide evidence of individual wrongdoing in order to get cooperation credit. There have also been significant developments in numerous areas of white collar law, including insider trading, public corruption, and the Foreign Corrupt Practices Act, to name a few. And investigations that were once limited to the United States now frequently involve regulators and prosecutors across the globe. This course will examine those developments and will focus on (1) case studies in corporate criminal law enforcement, including how federal law, emerging prosecutorial practices, and corporate cooperation guide and shape the resolution of white collar investigations; (2) evolving government expectations about the role of corporations and corporate counsel; (3) ethical and legal dilemmas in conducting a corporate investigation; (4) the emergence of the deferred prosecution agreement and efforts to regulate it; (5) the black-letter law of corporate criminal liability, including the challenges posed by this standard for companies in light of the collateral consequences of indictment; (6) recent developments in insider trading, the FCPA, and public corruption, among other areas; and (7) the impact on US

prosecutions of foreign regulators investigating cross-border conduct. The course will also address various law enforcement investigative techniques commonly used by prosecutors and issues pertaining to sentencing in white collar cases. Note: This course will meet over six weeks, exact dates TBD.

CHAN SCHOOL OF PUBLIC HEALTH

Principles of Injury Control

ID 240

David Hemenway

2022 Spring 1 (1/24/2022 to 3/11/2022)

Th 4:00pm - 6:50pm

This course provides an introduction to a serious public health problem - intentional and unintentional injury - and provides a framework for examining control options. Specific categories of injuries, such as motor vehicle crashes and violence, and specific risk factors for serious injury such as opioid addiction and firearms, are examined in detail.

****Cross-Registrants and Non-Degree Students will be enrolled on a space available basis after the enrollment deadline for the course**

Course Requirements: Students outside of HSPH must request instructor permission to enroll in this course