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## **CRIJ7340: ADMINISTRATION OF JUSTICE**

FALL 2017

*Department of Criminal Justice and Criminology*

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Class Day & Time:	Mondays, 9:00AM to 11:50AM
Class Location:	A213, Criminal Justice Center
Professor:	Dr. Brandy Blasko
Office &	C219, Criminal Justice Center
Office Hours:	Mondays from 1:00PM to 3:00PM, or by appointment
Office Telephone:	936-294-3489
E-mail:	bblasko@shsu.edu

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## **COURSE OVERVIEW**

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### **COURSE DESCRIPTION**

Crime and justice can be understood as two main components of “criminal justice” which make up a broad area of study. While criminological theory (how we understand crime) and the operation of criminal justice (societal response to crime) are inextricably linked, this course focuses on the latter. Specifically, this course will examine what we do about crime, why and how we do what we do, and the problems, issues, and implications facing those efforts. In particular this course focuses on “decisionmaking,” or on the exercise of discretion that shapes decisionmaking on many levels. On a broader level we can think about decisionmaking in criminal justice as involving formulation of policy—for example laws, legislature, and administrative decisionmaking—which boils down to the exercise of discretionary authority to make rules that are carried out by criminal justice actors. For example: How should police be deployed? When should force be employed? How should judges decide at various stages of proceeding? What penalties should be affixed to various criminal acts? How does a parole board make liberty decisions for persons who have been convicted and confined? On a narrower level, the focus on the exercise of decisionmaking discretion involves understanding the body of decisions made by key actors at the various stages of the criminal process. Taken together, this course examines criminal justice as a problem of the exercise of discretion in decisionmaking by key actors, both in the formulation of policy designed to govern its operation and in the decisions made by different actors involved in different stages of the criminal process. The substance of the course is also concerned with the problems arising from the exercise of discretion in justice and how such decisionmaking is, could be, or should be guided. By necessity, we will focus selectively on examples of the exercise of discretion at different criminal justice stages and on issues that emerge within specific criminal functions.

### **COURSE GOALS AND OBJECTIVES**

This course is aims to advance students’ social science competencies in several specific ways.

1. To increase students' knowledge and skills by:
  - Exposing students to multiple scholarly works, viewpoints, and types of feedback;
  - Developing students' capacities for both written and oral self-expression; and
  - Advance the ability to think and speak knowledgeably and critically and about issues linked to decisionmaking and related public policies.
2. Encourage students to become more active participants in their own education by:
  - Creating an environment that will facilitate the honest exchange of ideas;
  - Providing a setting for students to test their personal understandings about sexual offenses and offenders and hone their personal understandings to align with empirical evidence;
  - Encouraging students to personally reflect on the connections among course material, class discussions, their prior knowledge, and the media;
  - Increasing students' self-efficacy and leadership, including leadership activities and interpersonal skills; and
  - Increasing students' perceptions of meaningful learning experiences.
3. To enhance important social values, including commitment to criminal justice reform.

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## REQUIRED READING

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### BOOKS

1. Gottfredson, M. R. & Gottfredson, D. M. (1988). *Decisionmaking in criminal justice: Toward the rational exercise of discretion* (2<sup>nd</sup> ed.). New York, NY: Plenum Publishing.
2. Hawkins, K. (1992). *The uses of discretion*. London: Oxford University Press.
3. Walker, S. (1993). *Taming the system: The control of discretion in criminal justice*. New York, NY: Oxford University Press.

### JOURNAL ARTICLES AND REPORTS

The following are available electronically via *Blackboard*:

1. Auerhahn, K. (2002). Selective incapacitation, three strikes, and the problem of aging prison populations: Using simulation modeling to see the future. *Criminology & Public Policy*, 1, 353-388.
2. Bedau, H., & Radelet, M. (1987). Miscarriages of justice in potentially capital cases. *Stanford Law Review*, 40, 21-179.
3. Brennan, T. (1987). Classification: An overview of selected methodological issues. *Crime and Justice*, 9, 201-248.
4. Foote, C. (1954). Compelling appearance in court administration of bail in Philadelphia. *University of Pennsylvania Law Review*, 102, 1031-1954.
5. Fyfe, J. J. (1988). Police use of deadly force: Research and reform. *Justice Quarterly*, 5, 165-205.
6. Goldkamp, J. S. (1980). Philadelphia revisited: An examination of bail and detention two decades after Foote. *Crime & Delinquency*, 26, 179-192.
7. Goldkamp, J. S. (1985). Danger and detention: A second generation of bail reform. *The Journal of Criminal Law and Criminology*, 76, 1-74.
8. Goldkamp, J. S. & Vîlcică, E. R. (2009). Judicial discretion and the unfinished agenda of American bail reform: Lessons from Philadelphia's evidence-based judicial strategy. *Studies in Law, Politics and*

- Society*, 47, 115-157.
9. Goldstein, J. (1960). Police discretion not to invoke the criminal process: Low-visibility decisions in the administration of justice. *The Yale Law Journal*, 69, 543-594.
  10. Gottfredson, M. R., & Adams, K. (1982). Prison behavior and release performance: Empirical reality and public policy. *Law & Policy Quarterly*, 4, 373-391.
  11. Gottfredson, M., & Hirschi, T. (1986). The true value of lambda would appear to be zero: An essay on career criminals, criminal careers, selective incapacitation, cohort studies, and related topics. *Criminology*, 24, 213-234.
  12. Gottfredson, M., & Hirschi, T. (1988). Science, public policy, and the career paradigm. *Criminology*, 26, 37-55.
  13. Hanna, C. (1996). No right to choose: Mandated victim participation in domestic violence prosecutions. *Harvard Law Review*, 109, 1849-1910.
  14. Gottfredson, D. M., Hoffman, P. B., Sigler, M. H., & Wilkins, L. T. (1975). Making paroling policy explicit. *Crime & Delinquency*, 21, 34-44.
  15. Hindelang, M. J. (1978). Race and involvement in common law personal crimes. *American Sociological Review*, 43, 93-109.
  16. Johnson, B. D., King, R. D., & Spohn, C. (2016). Sociolegal approaches to the study of guilty pleas and prosecution. *Annual Review of Law and Social Science*, 12, 479-495.
  17. Leo, R. A. (2017). The criminology of wrongful conviction: A decade later. *Journal of Contemporary Criminal Justice*, 33, 82-106.
  18. Moley, R. (1928). Vanishing jury. *The Southern California Law Review*, 2, 97-127.
  19. Nagin, D. S. (1998). Criminal deterrence research at the outset of the twenty-first century. *Crime and Justice*, 23, 1-42.
  20. Packer, H. L. (1964). Two models of the criminal process. *University of Pennsylvania Law Review*, 113, 1-68.
  21. President's Commission on Law Enforcement and Administration of Justice. (1967). *The challenge of crime in a free society*. Washington, DC: United States Government Printing Office.
  22. Pound, R. (1908). Enforcement of law. *Green Bag*, 20, 401-410.
  23. Pound, R. (1938). Individualization of justice. *Fordham Law Review*, 7, 153-156.
  24. Pound, R. (1956). Causes of popular dissatisfaction with the administration of justice. *Baylor Law Review*, 8, 1-25.
  25. Reiss, A. J. (1992). Trained incapacities of sociologists. In T. C. Halliday & M. Janowitz (Eds.), *Sociology of its publics: The forms and fates of disciplinary organization*. Chicago, IL: University of Chicago Press.
  26. Riksheim, E. C., & Chermak, S. M. (1993). Causes of police behavior revisited. *Journal of Criminal Justice*, 21, 353-382.
  27. Smith, D. A., & Visher, C. A. (1981). Street-level justice: Situational determinants of police arrest decisions. *Social Problems*, 29, 167-177.
  28. Toch, H. (1992). Functional unit management: An unsung achievement. *Federal Prisons Journal*, 2, 15-19.
  29. Underwood, B. D. (1979). Law and the crystal ball: Predicting behavior with statistical inference and individualized judgment. *The Yale Law Journal*, 88, 1408-1448.
  30. Von Hentig, H. (1938). Limits of deterrence. *Journal of Criminal Law and Criminology*, 29, 555-561.
  31. Von Hirsch, A. (1983). Commensurability and crime prevention: Evaluating formal sentencing structures and their rationale. *The Journal of Criminal Law and Criminology*, 74, 209-248.
  32. Weigend, T. (2003). Is the criminal process about truth: A German perspective. *Harvard Journal of Law and Public Policy*, 26, 157-173.

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## COURSE REQUIREMENTS

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### LEADING CLASS DISCUSSION

Each student will assist the professor with leading class discussion on some or all of the assigned readings on two occasions over the course of the semester. Each occasion is worth up to 50 points. This portion of the course comprises 20% of your final grade. This responsibility will entail summarizing key materials as appropriate, posing questions designed to facilitate critical review and integration of the current readings with prior readings, and identifying central themes and issues.

*The point is not simply to restate what the readings say but to serve as a facilitator of analysis of important points, themes and issues, along with the professor.*

A draft of discussion questions prepared for that purpose is to be submitted to the professor electronically a minimum of 2 days (48 hours) in advance, or by Saturday at 9:00AM/CST. A final hard copy of the discussion questions is to be submitted to the professor at the start of the class. This portion of the course comprises 21% of your final grade. The grading criteria for this assignment will be provided and discussed in class, and posted to the course *Blackboard* page.

### RESEARCH PROJECT

For the major assignment for this course you will turn in a number of written portions of a research paper based on a data set you select. Upon receiving feedback you will revise your research project and submit all parts at the completion of the course. Project guidelines will be handed out and further discussed during class. All handouts and information can also be found on the course *Blackboard* page.

09/18	<b>PROJECT IDEA PRESENTATIONS</b>
10/02	<b>WRITING DUE:</b> Problem Statement
10/23	<b>WRITING DUE:</b> Introduction Draft
11/06	<b>WRITING DUE:</b> Method Draft
11/20	<b>SHORT PRESENTATIONS ON STUDENT WORK TO DATE</b>
12/04	<b>FINAL PROJECT DUE</b> by 5:00PM via Blackboard <i>SafeAssign</i>

### CLASS PARTICIPATION

All students are expected to have read assigned readings prior to the class meeting and to come to class prepared to discuss the material. Since this class will run as a seminar, class time will generally be interactive and participatory. All students will be expected to play an active part in discussing and analyzing assigned readings.

#### Participation

You will earn up to 72 points (15% of your final grade) for class participation and your contribution to the discussion over the course of the semester. Excluding the first class on August 28, class participation and quality of discussion will be graded during each class session according to the following formula:

6 points	Present, on time, fully prepared, significant and relevant contribution to discussion
5 points	Present, on time, fully prepared, relevant contribution to discussion
4 points	Present, on time, fully prepared, some relevant contribution to discussion
3 points	Present, on time, partially prepared, some relevant contribution to discussion
2 points	Present, late, partially prepared, some relevant contribution to discussion
1 point	Present, late, partially prepared, minimal relevant contribution to discussion
0 points	No contribution to class discussion
0 points	Absent

## GRADE FORMULA

Course grades will be calculated according to the following formula:

COURSE COMPONENT	% OF GRADE	POINT FORMULA	POSSIBLE POINTS
Leading Class Discussion	22%	2 class discussions x 50 pts. each	100
Research Project	--	--	--
Problem Idea Presentation	3%	1 presentation at 15 pts.	15
Problem Statement	3%	1 assignment at 15 pts.	15
Introduction and Method Draft	9%	2 assignments x 20 pts. each	40
Final Presentation	4%	1 presentation at 20 pts.	20
Final Research Paper	43%	1 paper at 200 pts.	200
Class Participation	16%	12 classes x 6 pts. each	72
<b>TOTAL:</b>	<b>100%</b>	<b>--</b>	<b>462</b>

## GRADE SCALE

090.00-100.00 = A	080.00-089.99 = B	070.00-079.99 = C
060.00-069.99 = D	059.00 and below = F	

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## UNIVERSITY POLICIES

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### ACADEMIC HONESTY

Sam Houston State University's policy on academic honesty is as follows: "Sam Houston State University expects all students to engage in all academic pursuits in a manner that is above reproach and to maintain complete honesty and integrity in the academic experiences both in and out of the classroom" (see Student Guidelines Handbook, Section 5.3). Academic dishonesty is, therefore, prohibited. Academic dishonesty includes but is not limited to, cheating, plagiarism—including self-plagiarism, collusion, falsification, and abuse of resource materials. Refer to the University's Code of Student Conduct and Discipline for the specific definitions associated with academic honesty at Sam Houston State University. You assume responsibility for the content and integrity of all academic work that you submit for a course requirement or grade. Academic dishonesty in any form is regarded as a very serious matter and can lead to the failure of this course and dismissal from the University. I strongly recommend you review the University's policy on academic honesty and appeal procedures as needed. For a complete listing of the University's policy, see: <http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

## STUDENT ABSENCES ON RELIGIOUS HOLY DAYS

Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Section 51.011(a)(2) of the code defines a religious holy day: “a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20.” Sam Houston State University’s Academic Policy Statement 861001 provides the procedures to be followed by the student and professor. For a complete listing of the University’s policy, see: <http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

## STUDENTS WITH DISABILITIES

It is the policy of Sam Houston State University (SHSU) that individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Students with disabilities that might affect their academic performance should register with the Office of Services for Students with Disabilities located in the Lee Drain Annex (telephone 936-294-3512, TDD 936-294-3786, and e-mail [disability@shsu.edu](mailto:disability@shsu.edu)). If you have a disability that may affect adversely your work in this class, then I encourage you to register with the SHSU Services for Students with Disabilities and to talk with me about how I can best help you. All disclosures of disabilities will be kept strictly confidential. NOTE: No accommodation can be made until you register with the Services for Students with Disabilities. For a complete listing of the University’s policy, see: <http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

## USE OF TELEPHONES/TEXT MESSAGERS IN ACADEMIC CLASSROOMS

It is the policy for this course that all electronics will be turned off before you come to class and kept in your bag the entire time you are in class. Reading incoming text messages, texting, answering calls, or browsing the web with your telephone or any other electronic device are all activities that I define as behaviors that disrupt or obstruct the teaching of you and those around you. If, during an in-class examination, I see you consulting with or using any electronic devices, I will ask you for your test, which will be assigned a failing grade, and lead to other charges of academic dishonesty. For permission to keep a telephone, computer, or other electronic device turned on during class-time, please speak to the professor individually before the start of class. Failure to comply with the course policy on the use of electronic devices during class-time could result in expulsion from the classroom or with multiple offenses, failure of the course. For further information on the university policy, see: <http://www.shsu.edu/dept/academic-affairs/aps/aps-curriculum.html>

## COURSE SCHEDULE

Class 1 Aug. 28	<b>Course Overview: Introduction to Discretion as a Core Problem in Criminal Justice</b> Introductions, use of class time and course requirements, review of course syllabus, and what we will and will not learn in this course.
Sept. 04	LABOR DAY HOLIDAY
Class 2 Sept. 11	<b>Example: Wrongful Execution</b> Bedau & Radelet, 1987; Leo, 2017; Weigend, 2003
Class 3 Sept. 18	<b>Some Background: Themes in Justice Decisionmaking</b> Gottfredson & Gottfredson, Chapters 1 and 10; Pound, 1938 and 1956; President's Commission on Law Enforcement, 1967, pp 7-12; Reiss, 1992; Hawkins, pp 11-46
Class 4 Sept. 25	<b>Perspectives on Discretion</b> Pound, 1908; Walker (all)
Class 5 Oct. 02	<b>Selectivity of Processing or Disproportionality?</b> Packer, 1964; Hindelang, 1978; Blumstein, 1982 and 1993 (revisited)
Class 6 Oct. 09	<b>The Victim as Gatekeeper to the System</b> Gottfredson & Gottfredson, Chapter 2; Hanna, 1996
Class 7 Oct. 16	<b>Policing the Boundaries</b> Gottfredson & Gottfredson, Chapter 3; Fyfe, 1988; Goldstein, 1960; Riksheim & Chermak, 1993; Smith & Visser, 1981
Class 8 Oct. 23	<b>Classification and Prediction in Criminal Justice</b> Gottfredson & Adams, 1982; Gottfredson et al., 1975; Underwood, 1979
Class 9 Oct. 30	<b>Bail/Pretrial Release and Detention: A Non-Punitive Liberty Decision?</b> Gottfredson & Gottfredson, Chapter 4; Foote, 1954; Goldkamp, 1980 and 1985; Goldkamp & Vîlcică, 2009
Class 10 Nov. 06	<b>Prosecution and Adjudication</b> Gottfredson & Gottfredson, Chapter 5; Moley, 1928; Johnson, King, & Spoon, 2016; Toch, 1992
Class 11 Nov. 13	<b>Incapacitation or Removal?: The Practical Solution?</b> Auerhahn, 2002; Gottfredson & Hirschi, 1986 and 1988
Class 12 Nov. 20	<b>Deterrence and Desert in Sentencing Reform: Two Competing Belief Systems?</b> Von Hentig, 1938; Von Hirsch, 1983; Nagin, 1998
Class 13 Nov. 27	<i>Wrap-Up; Glimpse at Topics Not Covered; Comments on Where the Field is Going</i>
Dec. 04	FINALS WEEK

*This syllabus is a plan and is subject to change at any time. If changes are made, they will be discussed in class and you will be provided with an addendum to the syllabus.*