

## **Criminal Courts: Issues and Innovation**

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### Description:

This course seeks to introduce the student to some of the basic and/or most critical functions of the criminal courts, which serve as the central, structural framework for the criminal justice apparatus or “system.” Although the course will spend a little introductory time with an overview of courts (their structure and function), the principal aim of the course is to look more closely at a number of basic functions and critical issues and, particularly, the implications they raise for justice.

Examples of the sorts of functions to be investigated are listed below (the actual list is subject to discussion, timing of court events and students’ schedules). The key methodology of the course will be problem investigation, combining observation, interview and class discussion, and portfolio creation. Class readings will be integrated into the experience, used as background and resource materials in preparation for observation and portfolio production. The final product will be a portfolio (collection) including a number of small pieces reflecting the student’s observations and critical questions from various observations and a concluding piece tying all the observations together. In addition, the student will submit a paper based on a more in-depth investigation of a particular problem pursued by the student through interview and observation during the semester. This will include more in-depth discussion of some aspects of court function that the student has selected for in depth individual investigation, drawing in local and national (or other) available data and outside readings as appropriate. (For a more detailed discussion of the portfolio approach, see the last section of the syllabus.)

The course will begin by reviewing the recent “exposé” investigation of the criminal courts in Philadelphia by the Philadelphia Inquirer. The link is provided in blackboard, as are individual copies of the articles (though it is best to follow the Inquirer’s own assemblage). The student’s questions and analysis of the issues raised by this treatment of one of the nation’s largest court systems will serve as our point of departure. As we as a class and individual students pursue our own independent investigation.

See directly:

[http://www.philly.com/philly/news/special\\_packages/78794487.html](http://www.philly.com/philly/news/special_packages/78794487.html)

Or, go to blackboard for this course under course documents.

### Suggested Class Observations (Subject to Discussion, Timing and Access)

As a class, we will make approximately seven group visits to selected observable aspects of Philadelphia’s State and Federal criminal courts. This list is illustrative for practical reasons, depending on accessibility during the class time, among other factors. These or other functions, viewed in more depth, can also serve as the topic of students’ individual investigations.

Bail—state and Federal  
 Preliminary Hearings/ Arraignment—state  
 Jury Selection/Voir Dire—probably state  
 Problem-solving Courts: Drug Court, Mental Health Court,  
 Community Court  
 Trial—State or Federal  
 Sentencing—(State or Federal)

**Tentative Outline and Schedule (Subject to Adjustment)**

I	1/19/10	Class	Introduction	Overview
II	1/26/10	Class	Problem Identification	Read and carefully analyze (all) Inquirer coverage (and updates); <b>Due: summary of analysis;</b> Identify key measures needed for empirical investigation
III	2/2/10	Site visit	The Pretrial Release Decision (“Bail”)/Charging (Justice Center) (US Magistrate, Federal Court)	Readings: Goldkamp, Goldkamp and Vilcica, ABA Find data relating to national and Phila on Key data
IV	2/9/10	Class	Identify and discuss issues from Observation	Re: Bondsmen/Guidelines/PJI—find sites
V	2/16/10	Site visit	Misdemeanor Trial	Feeley, Process is Punishment
VI	2/23/10	Class	Alternative adjudication: Obs: Community Court	Readings on Community Court: (See blackboard by then) Feibnblatt and Berman; Goldkamp et al., Hartford
VII	3/2/10	Site Visit	Preliminary Hearing Obs: Preliminary Hearings/Arrestments	
VIII	3/16/10	Class	Discussion of Preliminary Hearing Notes	Vilcica Chapters
IX	3/23/10	Site Visit	Alternative adjudication: Obs: Drug Court/ MH/Gun	Drug Court readings, other special court readings
X	3/30/10	Class	Discussion of these courts/readings	
XI	4/6/10	Site Visit	Trial	Burnett; Plea Bargaining; Video
XII	4/13/10	Class	Discussion of trial notes	
XIII	4/20/10	Site Visit	Sentencing	Tonry, Von Hirsch; Guidelines Draft investigation paper due
XIV	4/27/10		Student presentations/reviews	Reviews due

**Exam week:** 5/4/10, 12 noon

**Due: Final portfolio and final paper due**

Hardcopy and in pdf through email attachment

## Portfolio

During each observation, the student will be expected to take notes. In addition, either as a group or individually, when appropriate, the student may try to ask questions of participants. Please discuss “appropriateness” in each setting with the professor.) We hope to conduct six or seven on-site observations as a close. Whatever the precise number, each student will take notes on every aspect or question that is raised for the student investigator. If taking notes isn’t possible in the setting itself, then the students will be required to immediately following the event find a quiet spot to get down as many thoughts as possible. However the notes are produced. The student is required by the next week to submit a 3-5 page discussion of the observation, descriptions, observations, questions, issues that will form the basis (when revised) of a contribution to the portfolio. When the observations are completed and the notes are translated into thoughtful and well-written 3-5 page discussions, the portfolio will be based on each of these, a brief introduction and a thoughtful, pulling it all together conclusion. As a package, revised and polished, this will be submitted at the end of the semester.

## Final Paper

The student will select one area for investigation and through research (including literature and data) and more intensive observation will submit an 8-10 page final paper at the end of the semester. More intensive observation includes 3 to 5 visits of the function, observation notes, issues formulation, and discussion. The question the in-depth paper will address is a) what is/are the key issues, what are the implications for justice and what solutions seem to address the issues raised.

## REFERENCES (Optional)

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