

**47: 202: 425 Miscarriage of Justice
Three Credits
Fall 2018**

**Tuesday and Thursday
10:00am - 11:20am**

I. Course Information

Instructor Information:

Instructor: Katarzyna Gershman
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Office Hours: By Appointment Only

Course Overview:

The major purpose of this course is to provide a critical and interdisciplinary examination of the current functioning of the American criminal justice system, focusing specifically on the procedures used by various criminal justice actors that can lead to errors in case processing and unjust outcomes.

We will examine policies and practices of the American criminal justice system (e.g., police procedure, prosecution, jury selection, scientific evidence, appellate court procedures, etc.) that unintentionally contribute to the wrongful apprehension, prosecution, conviction, incarceration, and even execution of the innocent.

Moreover, we will explore the collateral consequences of punishing “false positives,” including implications for undermining the legitimacy of the criminal justice system and allowing impunity for culpable offenders who remain at-large.

Prerequisite:

English

B.S., Criminal Justice Program Learning Goals

Upon completion of the B.S. in Criminal Justice at Rutgers University-Newark, students should be able to:

1. Describe the development and functions of major criminal justice institutions (e.g., police, courts, corrections, and juvenile justice), the activities of actors within these institutions, and how they relate to one another as well as the broader social, political, and economic world.
2. Describe the mechanisms, correlates, theoretical underpinnings, and situational contexts of crime, criminal behavior and opportunity, and techniques for prevention and treatment.
3. Apply and analyze theories related to the policies and practices of the criminal justice system and its major institutions.
4. Demonstrate the ability to gather, explain, and apply empirical research in the field of criminal justice.
5. Obtain a comprehensive knowledge about the process of conducting criminal justice research, and develop the skills to conduct criminal justice research with appropriate methodologies.

Course Learning Objectives:

1. Critically evaluate various sources of error in the criminal justice system, such as investigative procedures and trial tactics
2. Understand the commonalities of notable wrongful conviction cases
3. Analyze due process and crime control philosophies and their relationship to unjust outcomes
4. Describe the intersections between specific criminal justice policies and miscarriages of justice

Required Readings:

Huff, C. R. & Killias, M. K. (Eds.). (2013). *Wrongful Convictions & Miscarriages of Justice: Causes and Remedies in North American and European Criminal Justice Systems*. New York, NY: Routledge. ISBN: 978-0415539951

Course Requirements:

Exams: This course will measure knowledge of the outlined topic areas through the administration of two exams. Unless otherwise noted, students are responsible for all of the material covered in each section of this course. Exams will be essay format and will be based on a combination of course lectures and assigned readings; thus, it is imperative to complete all assigned readings and take complete notes during lectures. Exams will not be cumulative.

Wrongful Conviction Case Group Profile: Students will be required to investigate a single case of wrongful conviction in depth, and discuss the facts of the case in conjunction with what we have learned from scholarly research on the causes and consequences of wrongful conviction. Each group will select a different case for investigation for this paper. The profile must be 8 - 10 pages in length, double-spaced, 12 point times roman font, and in APA format. The paper is due **December 11Th**. Late submissions will not be accepted.

Participation: Students are expected to engage in a basic level of participation throughout this course. To facilitate participation and generate more interesting discussions, students are expected to complete the assigned reading prior to the class in which the topics are to be discussed.

Additionally, if students are continually absent, habitually arrive late or leave early, or are otherwise disruptive (e.g., chatting during class, texting, using laptops or other electronic devices for non-academic purposes, being disrespectful to fellow students), their participation grade may be negatively impacted. If a student is particularly disruptive during class, they may be asked to leave.

Grading

Grade Distribution:

Exams	50%
Group Paper	30%
Group Work	10%
<u>Participation</u>	<u>10%</u>

Total 100%

The following grading scale will be used for this course:

A	90–100%
B+	85-89%
B	80-84%
C+	75-79%
C	70-74%
D	60-69%
F	<60%

Course Structure:

Classroom Conduct: It is the intent of the instructor to establish a class environment that is conducive to the exchange of ideas in a mutually respectful manner. Due to the nature of the material that will be discussed throughout this course, it is expected that there will be a variety of perspectives on the general issues of crime and crime control, which is both welcomed and encouraged. However, in the course of discussion, students are expected to be respectful of others' opinions. Additionally, to ensure that topics for the day are adequately covered, if students wish to discuss an issue in greater detail than time constraints allow, an appointment should be made with the instructor.

Attendance: Students are expected to attend class actively and regularly, arriving on-time and coming prepared to discuss assigned readings. Attendance will be taken each class period to hold students accountable for coming to class over a shortened time frame during the summer session. Students who miss more than 2 (two) absences during the

semester will be penalized.

Checking Blackboard Regularly: Students are expected to regularly check Blackboard, as it will be used for course announcements and communication between students and the instructor. Through Blackboard, the instructor will announce changes to the syllabus, readings, and class schedule as well as other information pertinent to the course.

II. Course Schedule

Date	Class Topic	Readings & Assignments Due
Week 1 09/04 09/06	Syllabus Course Introduction	Syllabus and Course Q&A Chapter 1
Week 2 09/11 09/13	The Adversarial System Types of Justice Errors	Chapter 2 Chapter 3
Week 3 9/18 9/20	Errors of Justice: What We Know and Don't Know Film: <i>Southwest of Salem: The Story of the San Antonio Four</i>	Chapter 4
Week 4 9/25 9/27	Eyewitness Testimony Blackboard Class	Supplementary Reading (BB) We meet only Tuesday (Thursday class will be posted on BB)
Week 5 10/02 10/04	Police Interrogations and False Confessions Informants	Supplementary Reading (BB) Bloom, <i>Jailhouse Informants</i> (BB)
Week 6 10/09 10/11	Film: <i>The Central Park Five</i>	
Week 7 10/16 10/18	Prosecutorial Errors Ineffective Defense Counsel	Supplementary Readings (BB) Chapter 5
Week 8 10/23 10/25	Ineffective Defense Counsel	Chapter 6 Supplementary Readings (BB)
Week 9 10/30	Group Recap/Exam 1 Review	Come prepared to update the professor about

11/01	EXAM ONE	your group work, as well as with any questions you may have in preparation for exam one.
Week 10 11/06 11/08	Forensic Science	Chapter 7 Chapter 8
Week 11 11/13 11/15	Bias in the CJ System	Chapter 9 Supplementary Reading (BB)
Week 12 11/20 11/22	Thanksgiving Break	No Class
Week 13 11/27 11/29	Jury Decision - Making	Chapter 12 Supplementary Reading (BB)
Week 14 12/04 12/06	Life After Exonerations Policy Based Solutions	Chapter 13 Chapter 14 (We will also review for exam two)
Week 15 12/11	EXAM TWO Group Case Project Due	In Class submission only. No late papers will be accepted.

Course Policies:

Academic Integrity

As a member of the Rutgers University community you are not to engage in any academic dishonesty. You are responsible for adhering to basic academic standards of honesty and integrity as outlined in the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students <http://studentconduct.rutgers.edu/academic-integrity>

Your academic work should be the result of your own individual effort, you should not allow other students to use your work, and you are required to recognize and reference any material that is not your own. Violations of the university's policy will result in appropriate action.

Students with Disabilities

Rutgers University is committed to providing equal educational opportunity for persons with disabilities in accordance with the Nondiscrimination Policy of the University and in compliance with § 504 of the Rehabilitation Act of 1973 and with Title II of the Americans with Disabilities Act of 1990. For additional information please visit the website <https://ods.rutgers.edu/> or contact the representative for the Newark Campus.

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Psychological and Counseling Services

If you experience psychological or other difficulties as a result of this course, or because of other issues that may interfere with your performance in the course, please contact the university's psychological and counseling service center (<http://www.counseling.newark.rutgers.edu>; 973-353-5805), which is located in Blumenthal Hall, room 101. The center offers a variety of free, confidential services to part-time and full-time students who are enrolled at Rutgers.

If you are interested in finding out more about

- Accelerated Master's Program (B.S. /M.A.)
- Criminal Justice National Honor Society (Alpha Phi Sigma)

Please refer to the School of Criminal Justice website <http://rscj.newark.rutgers.edu/>

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