

FINAL

AUTUMN QUARTER (2011)

ADVANCED SEMINAR ON CRIMINAL LAW & PUBLIC POLICY: A RESEARCH PRACTICUM

Joan Petersilia (Petersilia@law.stanford.edu)

Collaborating with California Attorney General Kamala Harris and Santa Clara County

SLS Course Number: 417-0-01 (3 Units)

Class: Tuesdays and Thursdays, 11:10-12:40, Room N102

Office Hours: Tuesdays 2:30-3:30, Room N237, whenever my door is open and by appointment

This course will provide students with a rare opportunity to engage in real-world crime policy analysis, both as a way to use some of the skills they have learned in previous SLS courses, and to help them learn about the political and practical issues involved in constructing public policies.

We will organize ourselves as a provisional policy think-tank or, if you prefer, a makeshift policy institute or short-term consulting group. As such, this practice-oriented course has both learning and real-world policy reform goals, which makes this course unique within SLS and, I hope, refreshing and compelling. Students will work with a “client” agency or organization in the crime policy sector to carry out a policy-related research and analysis project.

For Autumn 2011, the clients for the course are California Attorney General Kamala Harris and the Santa Clara County Community Corrections Partnership (CCP). Attorney General Harris is the author of the 2009 book, *“Smart on Crime: A Career Prosecutor’s Plan to Make Us Safer,”* and is committed to seeking new approaches to reforming the state’s prison system. We will be testing some of her ideas in Santa Clara County (SCC), as they move to implement the State’s new public safety realignment legislation, A.B. 109. The new law goes into effect Oct 1, bringing thousands of state prisoners back to county jails and probation departments. SCC must now determine how to best supervise these felons in the community.

Students will learn how to:

1. Identify and analyze empirical data for policy purposes;
2. Develop evidence-based policy proposals;
3. Interact with high-level policymakers around politically sensitive issues; and
4. Effectively prepare a policy report and deliver a formal presentation to government officials.

Students will work in teams of 2 to 3 persons on projects related to the client’s needs and student interests. Topics currently under discussion include; how to empirically assess the recidivism risk of convicted felons; how will the State’s realignment efforts impact local court system (e.g., resources, plea bargaining, sentencing); how do population shifts impact district attorney/public defender responsibilities associated with revocation; what are the most pressing housing, healthcare, and job barriers for returning prisoners; how does parole supervision change when authority is transferred from the State to the county; what are the costs and benefits of using community based sanctions of different types; how can a county best work with volunteers, faith-based and business leaders to improve programs; how is drug enforcement optimized under a realigned corrections system; and what are the costs and benefits of specialized mental health, reentry, and drug courts. Students will also have the option of enrolling in a directed study with Dr. Petersilia for a second quarter (Winter 2012) to develop their proposals and studies further.

This is a “consent of instructor” course and enrollment is limited to 15 second- or third year Stanford Law students. Prerequisites are: Sentencing, Corrections and Public Policy (621-01), Juvenile Justice & Public Policy (527-01), or Mass Incarceration and Its Effects (384-01), or other relevant criminal justice work or course experience.

Books and Readings

Three books are required for the course, and all are available at the Stanford bookstore.

Kamala D. Harris, *Smart on Crime*, Chronicle Books, San Francisco, 2009.

James Q. Wilson and Joan Petersilia, *Crime and Public Policy*, Oxford University Press, 2011.

Eugene Bardach, *A Practical Guide for Policy Analysis* (3rd edition), CQ Press, 2009.

Additional articles will be made available in a Course Reader and on *Coursework*.

The syllabus indicates the general schedule of coverage, although we may vary somewhat depending upon our pace and discussions. You should come to class well prepared to discuss the assigned readings. Since the class depends upon the active participation of all students, students who miss more than two classes will not be eligible for Honors.

Requirements

Elements used in grading: Grades are based on class participation, teamwork, and interaction with the client (20%), preparation and delivery of policy briefing (20%), and completion of the policy paper that integrates the student's analysis and policy recommendations (60%).

The course meets the SLS research writing (R course) graduation requirement. It is considered a paper class and as such follows the SLS requirements. The paper must be at least 26 pages long, and all papers must be submitted to the Registrar's Office. The Law School's final deadline for submission of papers for the autumn quarter is January 30, 2012.

The written work will involve three steps.

1. Provide a brief synopsis of the planned project topic (3-6 pages) by October 14 (end of Week 3)

The synopsis should include the following sections:

Context: who is the client, why is the topic important, and why is it policy relevant?

How should the problem be defined?

What evidence (research literature, cases, and data) should be assembled and what methods used to analyze the problem?

What two or three alternative key policy options should be considered by your client as potential solutions?

Key readings in a short bibliography (identify 10-15 relevant sources).

2. Provide a first draft of the project (15-25 pages) by November 15 (Week 8)

The first draft should build on a revised version of the synopsis by including the following sections.

Context: who is the client, why is the topic important, and why is it policy relevant?

How is the problem defined?

What does the evidence say about addressing the problem? What methods, techniques and data are used in your research?

What two or three alternative key policy options should be considered by your client as potential solutions?

What criteria should be used to evaluate the options? How should your client think about the trade-offs, the pros and costs, of each alternative, to make an informed choice?

Draft bibliography

3. Submit final paper of the project (25 to 30 pages plus any technical appendices) (Due January 30, 2012 to Registrar)

The final report would build on a revised version of the first draft, by including the following

sections.

Executive summary and recommendations

Context: who is the client, why is the topic important, and why is it policy relevant?

How was the problem defined?

What does the evidence say about the problem? What methods, techniques and data did you use in your research?

What two or three alternative key policy options should be considered by your client as potential solutions?

How should your client think about the trade-offs, the pros and cons, of each alternative, to make an informed choice?

What are your final recommendations?

Bibliography and technical appendices

READINGS AND COURSE SCHEDULE

The course is scheduled for Tuesday and Thursdays. We will generally meet as a class on Tuesdays and on some Thursdays. Thursdays will largely be set aside for your project-related meetings and team working sessions. Each working session indicated below is time reserved for your team to meet, perhaps with the client. Full class meetings will be devoted to discussing various methodological, research design, and related topics, as well as presenting and receiving project feedback. **YELLOW INDICATES MATERIALS CONTAINED IN COURSE READER.**

WEEK 1

Understanding Context: California's Pressure for Prison Reform

September 27

Introduction to Course

Read: Petersilia, *CA Correctional Paradox* (reprint given to each student)

September 29

Read: Dansky, Understanding California Sentencing, 2008 (in Course Reader)

Continue discussion of *CA Correctional Paradox*

Student initial discussion of individual class projects

WEEK 2

U.S. Supreme Court Ruling on CA Prison Overcrowding and CA's Realignment Plans

October 4

Confirmed Speaker: Michael Bien, prison rights lawyer, Rosen, Bien & Galvin, San Francisco, CA.

Don Specter, Everything Revolves Around Overcrowding, *Federal Sentencing Reporter*, Feb 2010 (in Course Packet)

Brown v. Plata et al, Supreme Court of the United States, Opinion, 563 U.S., May 23, 2011. (in Course Reader)

October 6

Read: Alison Anderson, CA Senate, The 2011 California Public Safety Realignment (in Course Reader)

Recommended: CA Assembly Bill 109 Criminal Justice Realignment (2011-2012) at
http://www.aroundthecapitol.com/Bills/AB_109/20112012/

CDCR www (realignment materials), other materials on Coursework

WEEK 3

Real-World Policy Implementation: Corrections Realignment in Santa Clara County (SCC)

October 11 Understanding CA's Policy Solution (continue discussion realignment)

Student discussion of progress on policy topics

October 13

Read: Bardach, Part I, A Practical Guide, pp. 1-57

Draft #1 (brief synopsis) of paper topic due to Petersilia on Friday, October 14th

WEEK 4

Fitting Policy Questions to Research Strategies: The Eightfold Path

October 18

Confirmed Speaker: Nancy Brewer, Santa Clara Public Defender's Office, expert on realignment legislation.

October 20

Student team working session; no formal lecture; meet with team, client or Petersilia.

WEEK 5 Fitting Policy Questions to Research Strategies: Assembling the Evidence

October 25

Read: Bardach Part II, Assembling Evidence, pp. 65-92.

Students discuss their methodological and data challenges.

October 27

Harris, *Smart on Crime*

AG Kamala Harris visits with our class at SLS to discuss her book and student projects.

WEEK 6 Research Methods & The Art of Persuasion

November 1 & November 3

November 1

Read: Hensler, Research Methods for Policy Analysis: A Primer for Lawyers, pp, 3-48 (in Course Reader).

November 3

Class Presentation, "How to Deliver Effective Presentations," Doree Allen, Director, Stanford University's Oral Communication Program.

WEEK 7 Research Methods (continued)

November 8 & November 10

November 8

Read: Hensler, Research Methods for Policy Analysis: A Primer for Lawyers, pp, 51-75 (in Course Reader).

November 10

Tour of San Quentin prison at 2:00, or if all students have been to San Quentin we will hold our regular class and students will discuss their project progress with full class.

WEEK 8 Assessing the Scientific Evidence

November 15

Read: selected chapters in Wilson and Petersilia, Crime and Public Policy

November 17

Meet with Santa Clara County CJS officials to discuss preliminary results

NO CLASS NOVEMBER 22 and NOVEMBER 24 (SLS Thanksgiving Recess)

WEEK 9 Politics & Policymaking

November 29

Read: selected chapters in Wilson and Petersilia, Crime and Public Policy

Discuss client interactions/lessons

December 1 (final class)

Final presentations to Kamala Harris at AG Office in San Francisco, meet with DOJ attorneys for orientation and policy discussion