

Syllabus
Wrongful Convictions
Program in Criminal Justice
Spring 2018
Rutgers, The State University of New Jersey

Days/Times: Monday and Wednesday, 5 pm to 6:20 pm

Location: Lucy Stone Hall, B269

Instructor: Elizabeth Weill-Greenberg

Email: elizabethwg@gmail.com or ewgreenberg@njisj.org

Office Hours: Wednesday 6:30-7:30 pm, location: TBD (If you cannot make my office hours but would like to meet please let me know! I'll try to find a time that works for you!)

Learning Goals: A Statement of Principles:

The Program Committee for the Program in Criminal Justice at Rutgers University in New Brunswick has adopted a series of learning goals for students who complete the major. These goals represent the consensus of the faculty regarding the concepts a student should grasp and the skills a student should acquire in the course of completing the major. These goals guide the choices faculty make about the structure of the curriculum and the requirements for our majors. Moreover, they guide faculty and instructors preparing course material and teaching courses.

The Program in Criminal Justice will provide students with a rich understanding of crime and criminal justice in the United States and abroad through an interdisciplinary approach that blends a strong liberal arts educational experience with preprofessional instruction in the field of criminal justice. Graduates of the program will be well-informed citizens on the topic of crime and justice, and qualified for graduate study or for employment as practitioners in a variety of legal, policymaking, and law enforcement fields. Criminal justice majors graduating from a research university should be able to use critical thinking, factual inquiry, and the scientific approach to solve problems related to individual and group behavior. In addition, students should have an understanding of the legal, political and policymaking processes that affect criminal justice systems in the United States and elsewhere in the world. Finally, students should be familiar with the institutional structures and latest developments in the field in order to engage in meaningful debate about current public policy issues.

Course Overview: This course will cover the causes of wrongful conviction, including eyewitness misidentifications, false confessions, racism, media bias, homophobia, and faulty forensic science. Case studies will be used to illustrate these causes. The course will include both lectures and discussions so please come prepared to discuss assigned readings so you can help contribute to an informed and interesting discussion!

Readings:

Required Books:

Picking Cotton by Ronald Cotton and Jennifer Thompson

The Wrong Guys: Murder, False Confessions, and the Norfolk Four by Tom Wells and Richard Leo

Articles: Hyperlinks for all articles are on the syllabus.

Guest Lectures: It is important to view innocence in the context of the Criminal Justice System and not to use it to justify (even tacitly) inhumane treatment of those who are guilty. To help us with this, we will be hearing from guest lecturers throughout the semester. This will also be an opportunity to talk with people working in the criminal justice reform field.

Grading and Assignments:

(20%) Attendance: There will be pop-up in-class assignments to check attendance. Each student is permitted to miss three classes. Please see *Attendance Policy* detailed below.

(20%) Assignment Due January 31: Using Thompson's Opinion Piece, "I was Certain But I was Wrong," answer the following questions: What is Thompson's central argument? What is she trying to communicate to her audience? What evidence does she use to try to persuade the reader that her central argument is correct? (About 250 words)

(10%) Assignment Due February 21: In list form, explain three situational pressures that contributed to Danial Williams' false confession. In list form, explain three dispositional vulnerabilities that contributed to Danial Williams' false confession. Please write one or two sentences per factor. The focus for this assignment is demonstrating that you understand the different types of pressures and can write in a clear, succinct manner.

(20%) Midterm Due via email March 7, midnight: View the movie, *Inside Out*. If you do not have access to the movie, please let me know as soon as possible. In a 3-5 page essay please answer the following questions:

How does the movie portray memory? How does this portrayal conflict with the lessons learned from eyewitness misidentification cases? How could the movie have portrayed memory in a more accurate manner? For assistance, check out this piece on the subject:

http://www.northwestern.edu/newscenter/stories/2015/06/opinionsuntimesdanie_pixar.html

(10%) Assignment Due April 2: A victim is carjacked and reports the crime to the police. Two hours later the car is found in a parking lot. A latent thumb print is lifted off the steering wheel. It is run through the Automated Fingerprint Information System. The system produces ten people who are potential matches to the thumb print.

Out of the 10 people, the fingerprint examiner declares the print a match to Shane Mack. List three arguments as to how Shane can be innocent of the carjacking. Please write one or two sentences for each reason.

(20%) Final Exam (Date/Time TBD): This will be an in-class exam. The content of the exam will be a series of essay questions. We will review for the exam in class.

Digital Free Classroom: I understand that many students use laptops to take notes in class. However, often laptops are used to multitask (check email, social media) and so I ask that all laptops and phones be stowed away in backpacks during class. If you have a medical need or special circumstance requiring the use of these devices during class, please talk to me. I will provide each student with his or her own notebook for notetaking. *Please note that using your laptop or phone during class without permission will result in an absence for class.*

Copious notetaking in class is not necessary or encouraged as all lectures will be on SAKAI. Rather than try to take notes on everything that is said I would prefer students focus on participating in the discussions, absorbing the material, and asking questions. This class is about developing critical thinking skills and understanding the concepts covered. For more information on how laptops can distract from classroom learning I refer you to:

<http://www.sciencedirect.com/science/article/pii/S0360131506001436>

https://www.nytimes.com/2017/11/22/business/laptops-not-during-lecture-or-meeting.html?_r=0

Attendance Policy: Students are expected to attend all classes; if you expect to miss class, please use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me.

To receive an A in attendance you are only permitted to miss three classes. If you must miss more than three classes for medical reasons or due to a personal emergency, please let me know. No one should attend class if they are feeling sick -- it's not good for you or those around you!

There will be occasional pop-up in-class assignments to check for attendance.

Style Guide:

At the top of every written assignment please write your full name, the date of submission, and the question being answered.

At the end of a paragraph please cite the sources used in that paragraph in any of the following formats:

- Listed in parentheses
- Footnotes
- Endnotes

Your citation should include the name of the source (name of the article or book) and the page that the material is on.

Academic Honesty: Please familiarize yourself with the Rutgers University policies and procedures on academic honesty, available at http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

Plagiarism is the use of another person's words, ideas, or results without giving that person appropriate credit. To avoid plagiarism, every direct quotation must be identified by quotation marks or appropriate indentation and both direct quotation and paraphrasing must be cited properly according to the accepted format for the particular discipline or as required by the instructor in a course. Some common examples of plagiarism are:

- Copying word for word (i.e. quoting directly) from an oral, printed, or electronic source without proper attribution.
- Paraphrasing without proper attribution, i.e., presenting in one's own words another person's written words or ideas as if they were one's own.
- Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement.
- Incorporating into one's work graphs, drawings, photographs, diagrams, tables, spreadsheets, without proper computer attribution.

If you have any questions, please feel free to ask for guidance from me.

Accommodations: If you require special accommodations, please let me know:
<https://ods.rutgers.edu/myaccommodations>.

Student Services: Information on student services can be found at the end of the syllabus.

Schedule of Classes and Assignments

January 17: Introductions and Overview

Reading for next class:

<http://www.newyorker.com/magazine/2016/01/18/recognitionannalsofjusticepaulkix>

Pages 53-80: <http://www.publications.ojd.state.or.us/docs/S059234.pdf>

<https://mobile.nytimes.com/2017/12/15/nyregion/to-curb-bad-verdicts-court-adds-lesson-on-racial-bias-for-juries.html?referer=https://t.co/QyiRqpWnYB>

Unit 1: Eyewitness Misidentifications: I could never forget that face

January 22: Case Study: Timothy Cole, Clarence Elkins

Reading for next class:

Picking Cotton (Part One)

January 24: Case Studies: Ronald Cotton, Clarence Elkins

Reading for next class:

Picking Cotton (Part Two)

<http://www.nytimes.com/2000/06/18/opinion/iwascertainbutiwaswrong.html>

January 29: Case Study: Ronald Cotton

Expectations for Written Assignments

Assignment Due January 31: Using Thompson's Opinion Piece, "I was Certain But I was Wrong," answer the following questions: What is Thompson's central argument? What is she trying to communicate to her audience? What evidence does she use to try to persuade the reader that her central argument is correct? (About 250 words)

Reading for next class:

Picking Cotton (Part 3)

January 31: Case Study: Ronald Cotton

Reading for next class:

<http://www.newyorker.com/magazine/2013/12/09/theinterview7>

Unit 2: False Confessions: I would never confess to something I didn't do

February 5: Case Study: Michael Crowe

Reading for next class:

The Wrong Guys, Chapters 1-3

February 7: Case Study: The Norfolk Four

Reading for next class:

The Wrong Guys, Chapters 4-5

February 12: Case Study: The Norfolk Four

Reading for next class:

The Wrong Guys, Chapters 6-7

February 14: Know Your Rights -- Guest Lecture presented by the ACLU of New Jersey

Reading for next class:

The Wrong Guys, Chapters 8-9

February 19: Case Study: Norfolk Four

Reading for next class:

The Wrong Guys, Chapters 10-13

February 21: Case Study: Norfolk Four

Assignment Due February 21: In list form, explain three situational pressures that contributed to Danial Williams' false confession. In list form, explain three dispositional vulnerabilities that contributed to Danial Williams' false confession. Please write one or two sentences per factor. The focus for this assignment is demonstrating that you understand the different types of pressures and can write in a clear, succinct manner.

Reading for next class:

(Overview and Overall findings only) <http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf

<http://www.innocenceproject.org/newseventsexonerations/whatwrongfulconvictionsteachusabout-racialinequality>

<http://www.innocenceproject.org/lessonsaboutblackyouthandwrongfulconvictionsthreethingsyou-shouldknow/>

Unit 3: Racism, Media, and Wrongful Convictions

February 26: Midterm Review

Case Study: The Central Park Five

Reading for next class:

<http://grist.org/cities/howourfearofwildingcoloredthecentralparkfivecase/>

Wolf Pack: The Press and the Central Park Jogger <http://www.usprisonculture.com/blog/wp-content/uploads/2012/08/wolfpack.pdf>

https://www.washingtonpost.com/posteverything/wp/2016/10/12/im-one-of-the-central-park-five-donald-trump-wont-leave-me-alone/?utm_term=.6532267e0808

February 28: Case Study: The Central Park Five

March 5: Case Study: The Central Park Five

Reading for next class:

<https://www.newyorker.com/magazine/2014/10/06/before-the-law>

<https://www.newyorker.com/news/news-desk/kalief-browder-1993-2015>

<https://www.teenvogue.com/story/kalief-browder-incarceration-docuseries>

Unit 5: Presumed Guilty: The criminalization of Black children and adults

March 7: Case Study: Kalief Browder

Midterm Due via email March 7, midnight: View the movie, *Inside Out*. If you do not have access to the movie, please let me know as soon as possible. In a 3-5 page essay please answer the following questions:

How does the movie portray memory? How does this portrayal conflict with the lessons learned from eyewitness misidentification cases? How could the movie have portrayed memory in a more accurate manner? For assistance, check out this piece on the subject:

http://www.northwestern.edu/newscenter/stories/2015/06/opinionsuntimesdanie_pixar.html.

March 10-March 18: Enjoy your spring break!

March 19: Case Study: Kalief Browder

March 21: *Guest lecture: Juveniles, Racism, and the Justice System -- New Jersey Institute for Social Justice*

March 26: *Guest lecture: Bail Reform in New Jersey -- Drug Policy Alliance*

Reading for next class:

https://www.dartmouth.edu/~chance/chance_news/for_chance_news/ChanceNews12.05/Cole.pdf

Unit 6: The Fallacy of Certainty in Forensics: What Law and Order never told you

March 28: Case Studies: Brandon Mayfield, Byron Mitchell (Fingerprints)

Reading for next class:

https://www.washingtonpost.com/news/the-watch/wp/2017/01/30/incredibly-prosecutors-are-still-defending-bite-mark-evidence/?utm_term=.4136b75e12f7

(Part 2-A)

<https://poseidon01.ssrn.com/delivery.php?ID=991004073021021072088003072096083091096025095076029067119003125024069085005002006072121042119015047112061082120067118000071014119066064011050070073026098114031030061058052118121012080113087023092098024064119101079026068087079123001089028022084066098&EXT=pdf>

April 2: Case Study: Roy Krone (Bitemark Evidence)

Assignment Due April 2: A victim is carjacked and reports the crime to the police. Two hours later the car is found in a parking lot. A latent thumb print is lifted off the steering wheel. It is run through the Automated Fingerprint Information System. The system produces ten people who are potential matches to the thumb print.

Out of the 10 people, the fingerprint examiner declares the print a match to Shane Mack. List three arguments as to how Shane can be innocent of the carjacking. Please write one or two sentences for each reason.

Reading for next class:

(Part 2-B)

<https://poseidon01.ssrn.com/delivery.php?ID=991004073021021072088003072096083091096025095076029067119003125024069085005002006072121042119015047112061082120067118000071014119066064011050070073026098114031030061058052118121012080113087023092098024064119101079026068087079123001089028022084066098&EXT=pdf>

April 4: Case Study: Jimmy Ray Bromgard (Microscopic Hair Analysis)

Reading for Next Class:

[http://www.gainnocenceproject.org/images/SBS%20Seminar10.12.11/Plunkett%20Supplemental%20Materials/Plunkett%20Zip%20File/Motions/Edmunds%20\(WI\)/Edmunds%20motion,%2020070124.pdf](http://www.gainnocenceproject.org/images/SBS%20Seminar10.12.11/Plunkett%20Supplemental%20Materials/Plunkett%20Zip%20File/Motions/Edmunds%20(WI)/Edmunds%20motion,%2020070124.pdf)

<http://www.nytimes.com/2011/02/06/magazine/06baby-t.html>

Unit 7: Shaken Baby Syndrome and Child Sex Abuse: Convicted by science

April 9: Case Study: Audrey Edmunds

April 11: Case Study: Julie Baumer, Michelle Heale

April 16: Final Exam Review

Reading for Next Class:

http://www.mysanantonio.com/news/local_news/article/Did-these-women-molest-two-girls-908873.php

<https://www.rollingstone.com/culture/features/southwest-of-salem-san-antonio-four-junk-forensic-science-w444481>

http://www.slate.com/blogs/outward/2013/12/04/san_antonio_four_junk_science_and_anti_lesbian_p_rejudice_sent_them_to_prison.html

April 18: Case Study: San Antonio Four

April 23: Case Study: San Antonio Four

April 25: Guest Lecture – Activism and Criminal Justice Reform in New Jersey, Rev. Charles Boyer

April 30: How can we prevent and correct wrongful convictions?

Final Exam Review

Student Wellness Services:

Just In Case Web App

<http://codu.co/cee05e>

Access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD.

Counseling, ADAP & Psychiatric Services (CAPS)

(848) 9327884 / 17 Senior Street, New Brunswick, NJ 08901/ rhscaps.rutgers.edu/

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professional within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners.

Violence Prevention & Victim Assistance (VPVA)

(848) 9321181 / 3 Bartlett Street, New Brunswick, NJ 08901 / vpva.rutgers.edu/

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call 8489321181.

Disability Services

(848) 4456800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>

The Office of Disability Services works with students with a documented disability to determine the eligibility of reasonable accommodations, facilitates and coordinates those accommodations when applicable, and lastly engages with the Rutgers community at large to provide and connect students to appropriate resources.

Scarlet Listeners

(732) 2475555 / <http://www.scarletlisteners.com/>

Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.