

Roger Williams School of Law
Fall 2018
Criminal Law, Section A
Prof. Allen

FIRST ASSIGNMENT

Welcome to Criminal Law! The casebook for this course is Joshua Dressler & Stephen P. Garvey, *Criminal Law Cases and Materials* (West Academic Publishing, 7th ed. 2016).

The highly recommended, but optional, supplemental text is Joshua Dressler, *Understanding Criminal Law* (Carolina Press, 8th ed. 2018).

A partial syllabus will be posted on “Bridges,” the school’s electronic bulletin board, one week prior to the first day of class.

Before our first class:

1. Read pages 31-35, 38-44, 46-49 of the casebook. (These pages discuss general principles and theories of punishment).
2. Read pages 52-54 of the casebook (*The Queen v. Dudley and Stephens* and the accompanying notes and questions).
3. Read pages 54-61 the casebook (*People v. Superior Court* and the accompany notes and questions through note 3).
4. Read the attached handout: Michael Gonchar, *What Should Be the Purpose of Prison*, New York Times, Feb. 27, 2015.

Come to class prepared to discuss topics raised by the readings including: (1) Who should be punished? (2) How much (and what) punishment should be imposed? (3) What should be the purpose of prison?

I’m looking forward to our lively discussion!

The New York Times

What Should Be the Purpose of Prison?

By Michael Gonchar February 27, 2015 5:00 am

More people are spending time in jail (PDF) because they don't have enough money to pay fines or post bail, or because they are too ill with mental health or drug problems to adequately care for themselves, according to a new report. And the United States prison population is near a record high (PDF) even though violent crime nationally has fallen by nearly 50 percent and property crime has dropped by more than 40 percent from its peak. All this raises an important question:

What should be the purpose of prison?

In a Feb 11 article, "Jails Have Become Warehouses for the Poor, Ill and Addicted, a Report Says," Timothy Williams writes:

Jails across the country have become vast warehouses made up primarily of people too poor to post bail or too ill with mental health or drug problems to adequately care for themselves, according to a report issued Wednesday.

The study, "Incarceration's Front Door: The Misuse of Jails in America," found that the majority of those incarcerated in local and county jails are there for minor violations, including driving with suspended licenses, shoplifting or evading subway fares, and have been jailed for longer periods of time over the past 30 years because they are unable to pay court-imposed costs.

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The report, by the Vera Institute of Justice, comes at a time of increased attention to mass incarceration policies that have swelled prison and jail populations around the country. This week in Missouri, where the fatal shooting of an unarmed black man by a white police officer stirred months of racial tension last year in the town of Ferguson, 15 people sued that city and another suburb, Jennings, alleging that the cities created an unconstitutional modern-day debtors' prison, putting impoverished people behind bars in overcrowded, unlawful and unsanitary conditions.

While most reform efforts, including early releases and the elimination of some minimum mandatory sentences, have been focused on state and federal prisons, the report found that the disparate rules that apply to jails is also in need of reform.

“It’s an important moment to take a look at our use of jails,” said Nancy Fishman, the project director of the Vera Institute’s Center on Sentencing and Corrections and an author of the report. “It’s a huge burden on taxpayers, on our communities, and we need to decide if this is how we want to spend our resources.”

The number of people housed in jails on any given day in the country has increased from 224,000 in 1983 to 731,000 in 2013 — nearly equal to the population of Charlotte, N.C. — even as violent crime nationally has fallen by nearly 50 percent and property crime has dropped by more than 40 percent from its peak.

Students: Read the entire article, then tell us ...

- What should be the purpose of prison?
- Should jails and prisons punish people? Should they serve as a deterrent to crime? Or should they try to rehabilitate people — and help them get back on their feet?

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— Should we incarcerate people for minor offenses, such as driving with suspended licenses, shoplifting or evading subway fares? Or should local officials come up with other alternatives? What should those alternatives be?

— The Vera Institute of Justice study said that while 68 percent of jail inmates had a history of abusing drugs, alcohol or both, jail-based drug treatment programs had been underfunded. Should prisons and jails provide more mental health and drug and alcohol treatment services? Who should pay for those programs?

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