

The University of Chicago Harris School of Public Policy
Fall 2022

“Police Reform and Police Legitimacy”
PPHA 37106

Instructor: B. Robert Owens, Lecturer, browens@uchicago.edu

TA: **TBA**

Time: Tues/Thurs, 8:00am–9:20am

Location: Keller **TBA**

Office hours: Tuesdays, 9:30am–10:30am or by appointment

Course description

This course introduces students to the concept of legitimacy in policing, the related reform efforts implemented in police departments throughout the United States in recent years, and the recent challenges to reform from activist movements to defund or abolish the police.

Policing in the United States has been plagued by deep, systemic problems for many years, and there are few examples of successful and sustained police agency reform that can be held up as models. For decades before the mass protests that erupted in the summer of 2020 after the murder of George Floyd, local, state and federal efforts to reform the police have yielded frustratingly halting progress and ambiguous, partial evidence about what works. Ubiquitous video records of police-civilian interactions have changed the relationships among the police, the public, local political authorities, and the media. At the same time, policing itself is changing in profound ways. New technological capabilities have increased public expectations of transparency and efficiency in policing while raising concerns about privacy and due process rights. Local police have taken on an expanding portfolio of responsibilities, including presence in public schools, mental health crisis response, and counter-terrorism. The transition from the Obama Administration to the Trump Administration resulted in an abrupt shift in the relationship of the federal Department of Justice with local law enforcement agencies. The Biden Administration reversed course, in particular re-initiating Department of Justice-led investigations and consent decrees.

This course will equip students to understand the issues at stake in the contemporary policy debates surrounding policing and the foundational scholarly knowledge underpinning those debates. Course topics include: the organizational structure of policing, its functional purpose, the normative expectations of citizens and communities that rely on the police for protection, and how police performance is measured. We will examine the trajectories of several cities, including Chicago, which have gone through local- or federal-led systematic police reform programs and evaluate the impact and promise of specific policy choices. The course will conclude with a consideration of the scope and limits of the concept of “police reform” and how the policy discourse around the goals of reform has changed over time.

Expectations, accommodations, assignments, and grading

The class will meet twice weekly. Tuesday sessions will be lectures, and the Thursday sessions will be discussions. Students are expected to come to Thursday discussion sessions fully prepared to discuss all the readings. The instructor will be available for office hours on Zoom. Individuals and small groups are equally welcome and encouraged to schedule time.

The course assignments will deal with difficult and contentious topics, including police violence and its aftermath, and will include materials that may be triggering or painful. Students who wish to take the class should be prepared to engage academically with this challenging material and should come with a firm

commitment to engage one another in respectful, open, and rigorous discourse. Please contact the instructor early on with any concerns about this general policy or specific readings.

Do not hesitate to contact the instructor with questions about disability accommodations or for support in accessing other university-wide resources.

Grading will be based on contributions to class discussion, two short response papers (approx. 1,000–1,500 words each), and a final paper of approx. 3,000 to 6,000 words. The expectation for contributions to class discussion includes an expectation of contributing written discussion points to the course Canvas site prior to Thursday discussion classes. At least two posts by each student are expected over the quarter; more than two posts are welcome. For the final paper, students may either (1) respond to one of several prompts, to be distributed in advance; or (2) choose another paper topic in consultation with the instructor.

The relative weight of these components in the final grade will be: Class contributions: 20%; Response papers: 30%; Final paper: 50%. Papers should be submitted online through the course Canvas site with only student ID attached (no names). Papers will be graded anonymously.

All students are entitled to one automatic, 48-hour extension for any single assignment. To exercise the extension, students should notify the instructor and TA in an email prior to the paper deadline. No reason needs to be given for exercising the extension, and no penalty will be applied in grading the paper. Outside of the exercise of the single, automatic extension, late papers will be downgraded one grade per day (A to A-, etc.) for each day they are late. Papers more than 8 days late will not be accepted.

Plagiarism of any part of any paper will result in a failing grade on that paper and possibly a failing grade in the course. Your basic rules of thumb should be, do not put any text that you did not write yourself into your paper except for clearly referenced quotations, and cite all your sources such that any reader could locate them without difficulty. If you have any doubts about what this means, talk to the instructor.

Required readings and optional books for purchase

All required readings will be made available on the course website. Those that are accessible through open-source platforms are also linked below.

Schedule

Week 1: Structure and function of policing in America

Tues: Lecture

Thurs: Discussion

Readings:

1. Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power*. University of North Carolina Press (2020) **(selections TBA)**
2. Malcolm Sparrow, *Handcuffed: What Holds Policing Back, and the Keys to Reform*. Brookings Institution Press (2016) (Chapter 1, pp. 1–39).
3. Patrick Sharkey, *Uneasy Peace: The Great Crime Decline, the Renewal of City Life, and the Next War on Violence*. Norton (2018) (Chapters 2–3, pp. 14–60).

Week 2: Legitimacy, procedural justice, and legal estrangement

Tues: Lecture

Thurs: Discussion

Readings:

1. Tom Tyler, “Enhancing Police Legitimacy.” *The Annals of the American Academy of Political and Social Science* 593:1, 84–99 (2004).

2. Monica Bell, “Police Reform and the Dismantling of Legal Estrangement.” *Yale Law Journal* 126, 2054–2150 (2017).
3. Victor Rios, *Punished: Policing the Lives of Black and Latino Boys*. New York University Press (2011) (pp. 52–63).

Optional:

Andrew Papachristos, Tracey Meares, Jeffrey Fagan, “Why Do Criminals Obey the Law? The Influence of Legitimacy and Social Networks on Active Gun Offenders.” *Journal of Criminal Law and Criminology* 102:2 (2012).

Glen Walters and P. Colin Bolger, “Procedural justice perceptions, legitimacy beliefs, and compliance with the law: a meta-analysis.” *Journal of Experimental Criminology* 15 (2019).

James Forman, *Locking Up Our Own: Crime and Punishment in Black America*. Farrar, Straus and Giroux (2017) (Chapters 3–4, pp. 78–150).

Week 3: Accountability and oversight I: Local oversight models and civil litigation

Tues: Lecture

Thurs: Discussion

Readings:

1. U.S. Department of Justice, *Investigation of the Chicago Police Department* (2017), pp. 46–70, 74–79.
<https://www.justice.gov/opa/file/925846/download>
2. Sharon Fairley, “Survey Says?: U.S. Cities Double Down on Civilian Oversight of Police Despite Challenges and Controversies.” *Cardozo Law Review De Novo* (2020).
http://cardozolawreview.com/wp-content/uploads/2020/01/FAIRLEY.DN_2019.pdf
3. Joanna Schwartz, “Allocating the Costs of Police Misconduct Litigation: Available Evidence and a Research Agenda.” Working paper (2021).
<https://craftmediabucket.s3.amazonaws.com/uploads/Microsoft-Word-Allocating-the-Costs-of-Police-Misconduct-Litigation-12.8.20.docx.pdf>

Optional:

Joanna Schwartz, “Qualified Immunity’s Boldest Lie.” *University of Chicago Law Review* 88, 605–684 (2021).

https://lawreview.uchicago.edu/sites/lawreview.uchicago.edu/files/Schwartz_QualifiedImmunity_88UCLR605.pdf

Joanna Schwartz, “The Case Against Qualified Immunity.” *Notre Dame Law Review* 93:5, 1797–1852 (2018).

<https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4796&context=ndlr>

Week 4: Accountability and oversight II: Federal reform efforts

Tues: Lecture

Thurs: Discussion

Readings:

1. *Investigation of the Baltimore City Police Department*, U.S. Department of Justice (August 2016) (selections TBA). <https://www.justice.gov/crt/file/883296/download>
2. *United States of America v. Police Department of Baltimore City et al.* consent decree (January 2017) (selections TBA). <https://www.justice.gov/opa/file/925056/download>
3. “Motion for Continuance of Public Fairness Hearing” in *United States of America v. Police Department of Baltimore City et al.* (April 2017). <https://htv-prod-media.s3.amazonaws.com/files/motion-doc-1491267565.pdf>

4. Jeff Sessions, “Memorandum for Heads of Civil Litigating Components and United States Attorneys” (2018). <https://www.justice.gov/opa/press-release/file/1109621/download>
5. Merrick Garland, “Memorandum for Heads of Civil Litigating Components and United States Attorneys” (2021). <https://int.nyt.com/data/documenttools/justice-dept/21d2019efd4541a7/full.pdf>
6. NPR, “Police Consent Decrees are Coming Back—But They Might Not Make Sense Anymore.” <https://www.npr.org/2021/06/22/1009182213/police-consent-decrees-are-coming-back-but-they-might-not-make-sense-anymore>. (5 minutes 27 seconds to listen).

Optional:

Baltimore Police Department Monitoring Team, “First Comprehensive Re-Assessment” (September 2020).

<https://static1.squarespace.com/static/59db8644e45a7c08738ca2f1/t/5f74e69c2982fc0cb82f4140/1601496732748/BPD+-+Comprehensive+Re-Assessment+9-30-20.pdf>

RESPONSE PAPER 1 DUE BY FRIDAY WEEK 4 (October 21, 2022)

Week 5: Interpreting police data and measuring performance

Tues: Lecture

Thurs: Discussion

Readings:

1. Malcolm Sparrow, *Handcuffed: What Holds Policing Back, and the Keys to Reform*. Brookings Institution Press (2016) (Chapter 2, pp. 40–92).
2. Franklin Zimring, *The City that Became Safe: New York’s Lessons for Urban Crime and Its Control*. Oxford University Press (2012) (Chapters 1 and 5, pp. 1–27, 136–150).
3. City of Chicago Office of Inspector General, “Report on Race- and Ethnicity-Based Disparities in CPD’s Use of Force” (2022). <https://igchicago.org/wp-content/uploads/2022/02/Use-of-Force-Disparities-Report.pdf>.

Optional:

Dean Knox and Jonathan Mummolo, “Toward a General Causal Framework for the Study of Racial Bias in Policing.” *Journal of Political Institutions and Political Economy* (2020).

Dean Knox, Will Lowe, and Jonathan Mummolo, “Administrative Records Mask Racially Biased Policing.” *American Political Science Review* 114:3 (2020).

Week 6: Police use of force: law, policy, practice

Tues: Lecture

Thurs: Discussion

Readings:

1. Chicago Police Department, “Use of Force” (G03-02) (2020). <http://directives.chicagopolice.org/directives/data/a7a57be2-128ff3f0-ae912-8fff-44306f3da7b28a19.html>
2. Chicago Police Department, “Force Options” (G03-02-01) (2020). <http://directives.chicagopolice.org/directives/data/a7a57be2-128ff3f0-ae912-9001-1d970b87782d543f.html>
3. Franklin Zimring, *When Police Kill*. Cambridge: Harvard University Press (2017) (Chapters 2–3, pp. 23–73).
4. *Vos v. City of Newport Beach, California* (9th Circuit Court of Appeals, 2018).

Optional:

Roland Fryer, “An Empirical Analysis of Racial Differences in Police Use of Force.” *Journal of Political Economy* 127:3 (2019).

Cynthia Lum et al., “Body-worn cameras’ effects on police officers and citizen behavior: A systematic review.” *Campbell Systematic Reviews* 16:3 (2020).

Week 7: Police technology

Tues: Lecture

Thurs: Discussion

Readings:

1. Sarah Brayne, *Predict and Surveil: Data, Discretion, and the Future of Policing*. Oxford University Press (2020) (Chapters 4 and 8, pp. 56–73, 136–148, **additional pages TBA**).
2. Dana Goodyear. “Can the Manufacturer of TASERS Provide the Answer to Police Abuse?” *New Yorker* (August 2018). <https://www.newyorker.com/magazine/2018/08/27/can-the-manufacturer-of-tasers-provide-the-answer-to-police-abuse>
3. City of Chicago Office of Inspector General, “The Chicago Police Department’s Use of ShotSpotter Technology” (2021). <https://igchicago.org/wp-content/uploads/2021/08/Chicago-Police-Departments-Use-of-ShotSpotter-Technology.pdf>

RESPONSE PAPER 2 DUE BY FRIDAY WEEK 7 (November 11, 2022)

Week 8: Police culture, police unions, and institutional history

Tues: Lecture

Thurs: Discussion

Readings:

1. John Crank and Robert Langworthy, “An Institutional Perspective of Policing.” *Journal of Criminal Law and Criminology* 83:2, 338–363 (1992).
2. Jill Lepore, “The Invention of the Police.” *New Yorker* (July 2020). <https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police>
3. Steven Rushin, “Police Union Contracts.” *Duke Law Journal* 66:6 (2017).
4. William Finnegan, “How Police Unions Fight Reform.” *New Yorker* (July 2020). <https://www.newyorker.com/magazine/2020/08/03/how-police-unions-fight-reform>

Week 9: Police reform and transformation

Tues: Lecture

Thurs: Discussion

Readings:

1. Amna Akbar, “An Abolitionist Horizon for (Police) Reform.” *California Law Review* 108, pp. 1781–1846.
2. Alex Vitale, *The End of Policing*. Verso (2018) (Chapters 3–6; pp. 55–128).
3. Monica Bell, “Anti-Segregation Policing.” *New York University Law Review* 95, pp. 729–765.
4. Patrick Sharkey, *Uneasy Peace: The Great Crime Decline, the Renewal of City Life, and the Next War on Violence*. Norton (2018) (chapters 8–10; pp. 146–185).

FINAL PAPERS DUE FRIDAY, DECEMBER 9, 2022