

Part 6.

VI. Criminal Legal Process in the U. S.

A. Texts & Readers.

- Cole, G. Am. System of Criminal Justice, most recent ed.
Friedman, L. & Fisher, G. ed. The Crime Conundrum: Essays on Criminal Justice (1997).
Jacob, H. Justice in Am. (1965 on)
Jacob, H. Urban Justice (1973)
Neubauer, D. Am.'s Courts & the Criminal Justice System, most recent ed.
Robertson, J. Rough Justice
Tonry, M. ed. Oxford Handbook of Crime & Criminal Justice (2010).

B. Data. Check with the US Dept. of Justice, Bureau of Justice Statistics, also subscribe to their monthly catalogs. <http://www.albany.edu/sourcebook/index.html>

C. History of crime, criminal justice policy, & institutions.

- Agee, C. The Streets of San Francisco: Policing & the Creation of a Cosmopolitan Liberal Politics, 1950–1972. (2014).
Ayers, E. Vengeance & Justice (1984) (19th cent. South)
Agyepong, T. The Criminalization of Black Children: Race, Gender, & Delinquency in Chicago's Juvenile Justice System, 1899-1945, (2018).
Beattie, J. Policing & Punishment in London, 1660-1750 (2001).
Behnken, B. Borders of Violence & Justice: Mexicans, Mexican Americans, & Law Enforcement in the Southwest, 1835-1935 (2022).
Best, J. Controlling Vice: Regulating Brothel Prostitution in St. Paul 1865-1883 (1998).
Barker, V, "Explaining the Great Am. Crime Decline," 35 L&SI 489 (2010).
Blumstein, A. & Wallman, J. Ed. The Crime Drop in Am. (2006).
Bodenhamer, D., "The Efficiency of Criminal Justice in the Antebellum South," 3 Crim. Justice Hist. (1982).
Bodenhamer, D., "The Democratic Impulse & Legal Change in the Age of Jackson," 45 Historian 206 (1983).
Bodenhamer, D, "Criminal Justice & Democratic Theory in Antebellum Am.," 5 J. Early Republic 481 (1985).
Brooks, E. Gotham's War Within a War: Policing & The Birth of Law-And-Order Liberalism in World War II-Era (2023).
Carlson, J. Policing the Second Amendment: Guns, Law Enforcement, & the Politics of Race (2020).
Chapin, B.. Criminal Justice in Colonial Am. (1983).
Christianson, S. With Liberty for Some: 500 Years of Imprisonment in America (1998).
Dale, E. Criminal Justice in Am. 1789-1939 (2011).
Denney, M. "To Wage a War": Crime, Race, & State Making in the Age of FDR," 35 Stud. Am. Pol. Dev. 16 (2021).
Donahue, J., Aneja, A., Weber, K. "Right-to-Carry Laws & Violent Crime: A Comprehensive Assessment Using Panel Data & a State-Level Synthetic Control Analysis" 16 J. Emp. Leg. Stud. 198 (2019).
Feeley, M. "Vanishing Female," 25 L&SR 719 (1991).

- Feeley, M., Aviram, H. Social Historical Studies of Women, Crime, & Cts.”, 6 Annual Rev. Law & Soc. Sci. 151 (2010).
- Ferdiand, T. Boston's Lower Criminal Cts 1814-50 (1992).
- Friedman, L. Crime & Punishment in Am. History (1993).
- Gaskins, R. "Changes in the Criminal Law," 25 Am. J. Legal Hist. 309 (1981) (18th cent.).
- Geis, G. & Bienen. Crimes of the Century: from Leopold & Loeb to O.J. Simpson (1998).
- Goebel, J. Law Enforcement in Colonial N.Y. (1944).
- Goldberg, A. & Rosenfeld, R. Understanding Crime Trends (2008).
- Goluboff, R. Vagrant Nation: Police Power, Constitutional Change, & the Making of the 1960s (2016).
- Grasso, A. “‘No Bodies to Kick or Souls to Damn’: The Political Origins of Corporate Criminal Liability,” 35 Stud. Am. Pol. Dev. 57 (2021).
- Greenberg, D. Crime & Law Enforcement in the Colony of N.Y. (1974).
- Greenberg, D, "Crime, Law Enforcement, & Social Control in Colonial Am.," 26 Am. J. Legal Hist. 293 (1982).
- Hagen, J. Who Are the Criminals? (2010)
- Harring, S. "Class Conflict & the Suppression of Tramps in Buffalo, 1892-4," 11 L&SR 873 (1977).
- Harring, S. Policing the Class Society (1983).
- Henderson, D. Congress, the Cts., & Criminals (1986).
- Hirsch, A. Rise of the Penitentiary (1992).
- Ireland, R. "Privately Funded Prosecution of Crime in 19th Century U.S.," 39 Am. J. Legal Hist. 43 (1995).
- Jacobs, J., Potter, K., Hate Crimes (1998).
- Johnson, D. "Vigilance & the Law," 33 Am. Q. 558 (1986).
- Kamerling, Henry. Capital & Convict: Race, Region & Punishment in Post-Civil War America (2017).
- Lane, R. Policing the City: Boston 1822-1885 (1967).
- Lane, R. Murder in America (1997).
- Malka, A.. The Men of Mobtown: Policing Baltimore in the Age of Slavery & Emancipation (2018).
- Marietta, J. & Rowe, G. Troubled Experiment: Crime & Justice in Pa. 1682-1800 (2006).
- Mayeux, S. “‘An Honest But Fearless Fighter’”: The Adversarial Ideal of Public Defenders in 1930s & 1940s Los Angeles,” 36 Law & Hist. Rev. 619 (2018).
- Mayeux, S. Free Justice: A History of the Public Defender in Twentieth-Century America (2020).
- Mears, D. Am. Criminal Justice Policy (2010).
- Meranze, M. Laboratories of Virtue (1996).
- Mitrani, S., The Rise of the Chicago Police Department: Class & Conflict, 1850–1894 (2013).
- Musgrave, P. “Bringing the State Police In: The Diffusion of U.S. Statewide Policing Agencies, 1905–1941,” 34 Stud. Am. Pol. Develop. 3 (2020). Obert, J. “The Coevolution of Public & Private Security in Nineteenth-Century Chicago,” 43 L&SIInq 827 (2018).
- Obert, J., Mattiacci, E.”Keeping Vigil: The Emergence of Vigilance Committees in Pre-Civil War America,” 16 Perspectives on Pol. 600 (2018).
- Pitts, Y. “Into Law's Artifice: Postwar Policing, Sexual Difference, & the Epistemic Gap,” 40 Law & Hist. Rev. 839 (2022)..
- Pliley, J. Policing Sexuality: The Mann Act & the Making of the FBI (2014).
- Quicker, J., Batani-Khalfani, A. Before Crips: Fussin’, Cussin’, & Discussin’ among South Los Angeles Juvenile Gangs (2022).
- Richardson, J. The New York Police [to 1901] (1970).
- Rowe, G. "Black Offenders, Criminal Cts., & Phila. Society in Late 18th Century," 22 J. Soc. Hist. 685 (1989).
- Rubin, A. “Professionalizing Prison: Primitive Professionalization & the Administrative Defense of Eastern State Penitentiary, 1829–1879, 43 L&SIInq 182 (2018).
- Rubin, A. The Deviant Prison: Philadelphia’s Eastern State Penitentiary & the Origins of America’s Modern Penal System, 1829–1913. (2021).

Schrader, S. Badges without Borders: How Global Counterinsurgency Transformed American Policing (2019).

Schweber, H. "Ordering Principles," 32 L&SR 367 (1998).

Semmes, R. Crime & Punishment in Colonial Md. (1995).

Seo, S. Policing the Open Road: How Cars Transformed American Freedom (2019).

Shapiro, B. Beyond Reasonable Doubt & Probable Cause (1992).

Spindel, D. Crime & Society in No. Carolina 1663-1776 (1989).

Steinberg, A. The Transformation of Criminal Justice (1991).

Stolberg, M. "Policing the Twilight Zone," 7 J. Policy Hist. 393 (1995) (fed. role).

Strange, C. Discretionary Justice: Pardon & Parole in New York from the Revolution to the Depression (2016).

Stuntz, W. The Collapse of Am. Criminal Justice (2011).

Sutherland, E. "Diffusion of Sexual Psychopath Laws," 56 Am. J. Soc. 142 (1950).

Thatcher, D. "Olmsted's Police," 33 Law & Hist. 557 (2015).

Thompson, C. An Organ of Murder: Crime, Violence, & Phrenology in Nineteenth Century America (2021).

Tonry, M., ed. Crime & Justice in America, 1975-2025 (2013).

Trost, J. "The Impostor Rule & Identity Theft in America," 35 Law & Hist. Rev. 433 (2017).

Turner, F. "The Contradictions of Reform: Prosecuting Infant Murder in the Nineteenth-Century U.S." 39 Law & Hist. Rev. 277 (2021).

Vogel, M. "Social Origins of Plea Bargaining," 33 L&SR 161 (1999).

Waldrep, C. Roots of Disorder: Race & Criminal Justice in the American South, 1817-80 (1998).

Walker, S. Popular Justice (1980& later eds.).

Wilf, S. Law's Imagined Republic (2010).

Zimring, F. The Great Am. Crime Decline (2007).

D. The politics of the definition of crime: "status," "vice," "corporate," delinquency, illness, meas rea, etc.

1. Development of case law.

Edelman v. Calif. (1953)
 Thompson v. Louisville (1960)
 Robinson v. Calif. (1962)
 Shuttlesworth v. Birmingham (1965)
 Hicks v. D.C. (1966)
 Wainwright v. City of New Orleans (1968)
 Powell v. Texas (1968)
 Johnson v. Fla. (1968)
 Coates v. Cincinnati (1971)
 Palmer v. City of Euclid (1971)
 Papachristou v. Jacksonville (1972)

2. Secondary Sources.

Barnes, N. "Criminal Politics: An Integrated Approach to the Study of Organized Crime, Politics, & Violence," 15 Perspectives on Pol. 967 (2017).

Beckett, E. & Hebert, S. Banished (2011).

Beckett, K., Beach, L, Knaphus, E. Reosti, A. "US Criminal Justice Policy & Practice in The Twenty-First Century: Toward the End of Mass Incarceration?" 40 Law & Policy 321 (2018).

Beckett, K., Francis, M. "The Origins of Mass Incarceration: The Racial Politics of Crime & Punishment in the Post-Civil Rights Era," 16 Annual Rev. Law & Soc. Sci. 433 (2020).

- Beckett, K., Beach, L. "The Place of Punishment in Twenty-First-Century America: Understanding the Persistence of Mass Incarceration," 46 L&SIInq, 1 (2021).
- Beckett, K, Beach, L. "Understanding the place of punishment: Disadvantage, politics, & the geography of imprisonment in 21st century America," 43 Law & Policy 5 (2021).
- Bell, M. "Abolition: A New Paradigm for Reform," 46 L&SIInq 32 (2021).
- Bergalli, R. & Sumner, C. ed. Social Control & Political Order: European Perspectives at the End of the Century (1997).
- Bevacqua, M. Rape on the Public Agenda (2000).
- Black, D. "Crime as Social Control," 48 Am. Soc. Rev. 34 (1983).
- Braithwaite, J. Corporate Crime in the Pharamaceutical Industry (1983).
- Bumiller, K. "The Nexus of Domestic Violence Reform & Social Science: From Instrument of Social Change to Institutionalized Surveillance," 6 Annual Rev. Law & Soc. Sci. 173 (2010).
- Calavita, K. & Pontell, H. "The State & White-Collar Crime," 28 L&SR 297 (1994).
- Calavita, K., Pontell, H. & Tillman, R. Big Money Crime: Fraud & Politics in the Savings & Loan Crisis (1997).
- Capers, B, Deer, S., Yung, C. eds. Feminist Judgments: Rewritten Criminal Law Opinions. (2022).
- Carter, L. & Beth, L. "Rule of Law in Criminal Justice," 40 JOP 894 (1978).
- Cheng, T. "Violence Prevention & Targeting the Elusive Gang Member," 51 L&SR 42 (2017).
- Chesney-Lind, M. The Female Offender (1997).
- Chiao, V. Criminal Law in the Age of the Administrative State (2019).
- Chiarello, E. "The War on Drugs Comes to the Pharmacy Counter: Frontline Work in the Shadow of Discrepant Institutional Logics," 40 L&SIInq 86 (2015).
- Clifford, M. ed. Environmental Crime: Enforcement, Policy, & Social Responsibility (1998).
- Clinard, M. & Yeager, P. Corporate Crime (1980).
- Cloward, R. & Ohlin, L. Delinquency & Opportunity (1960).
- Cocca, C. Jailbait (2004).
- Cohen, A. Delinquent Boys (1955).
- Corrigan, R. "Making Meaning of Megan's Law," 31 L&SIInq 267 (2006).
- Cuklanz, L. Rape on Trial (1995).
- Darley, J., Carlsmith, K., & Robinson, P. "The Ex Ante Function of the Criminal Law," 35 L&SR 165 (2001).
- De Orio, S. "Bad Queers: LGBTQ People & the Carceral State in Modern America," 47 L&SIInq 691 (2022).
- Dubber, M. & Farmer, L. (eds). Modern Histories of Crime & Punishment (2007).
- Ewick, P. "Punishment, Power, & Justice," in Garth, B. & Sarat, A, Justice & Power in Sociolegal Studies (1998).
- Farrall, S., Karstedt, S. Respectable Citizens - Shady Practices: The Economic Morality of the Middles Classes. (2020).
- Farmer, L. "The Obsession with Definition," 5 Soc. & Leg. Stud. 57 (1996).
- Farrell, A., Bouché, V., Wolfe, D. "Assessing the Impact of State Human Trafficking Legislation on Criminal Justice System Outcomes," 41 Law & Policy 174 (2019).
- Ferrell, J. Crimes of Style (1991).
- Fisse, B. & Braithwaite, J. The Impact of Publicity on Corporate Offenders (1983).
- Fisse, B. & Braithwaite, J. Corporations, Crime, & Accountability (1993).

- Flavin, J. Our Bodies, Our Crimes (2009).
- Friedman, L. "Use of Criminal Sanctions in the Enforcement of Economic Legislation," 17 Stanford L.R. 197 (1965).
- Geis, G. The White-Collar Criminal (1968).
- Goetz, B. "Organization as Class Bias in Local Law Enforcement," 31 L&SR 557 (1997).
- Goluboff, r. Vagrant Nation (2016).
- Goodman, P., Page, J., Phelps, M. 2017. Breaking the Pendulum: The Long Struggle Over Criminal Justice (2017).
- Goodmark, L. A Troubled Marriage: Domestic Violence & the Legal System (2012).
- Goodwin, M. Policing the Womb: Invisible Women & the Criminalization of Motherhood. (2020).
- Green, T. Freedom & Criminal Responsibility in American Legal Thought. (2014).
- Groff, E., Haberman, C. eds. Understanding Crime & Place: A Methods Handbook (2023).
- Gustafson, K. Cheating Welfare (2011).
- Hagan, J. Who are the Criminals? (2012).
- Horowitz V. et al. "Pragmatic Punitiveness: The Institutionalization of Criminal Domestic Violence Protection Orders," 31 Soc. & Leg. Stud. 679 (2022).
- Jacobs, J. & Potter, K. Hate Crimes (1998).
- Jenness, V. "The Emergence, Content, & Institutionalization of Hate Crime Law: How a Diverse Policy Community Produced a Modern Legal Fact," 3 Annual Rev. Law & Soc. Sci 141 (2007).
- Johnson, D., Warren, P., Farrell, A. eds. Deadly Injustice: Trayvon Martin, Race, & the Criminal Justice System (2015).
- Johnstone, G. "From Vice to Disease," 5 Soc. & Leg. Stud. 37 (1996).
- Katz, J. Seductions of Crime (1988).
- Klarman, M. "Racial Origins of Modern Criminal Procedure" 99 Mic. L. Rev. 48 (2000).
- Koops, B. Et al. "The Reasonableness of Remaining Unobserved: A Comparative Analysis of Visual Surveillance & Voyeurism in Criminal Law," 43 L&SInq 1210 (2018).
- Lempert, R. "A Resource Theory of the Criminal Law," In Garth, B. & Sarat, A. How Does Law Matter? (1998).
- Leon, C. Sex Fiends, Perverts, & Pedophiles (2011).
- Marceau, J. Beyond Cages: Animal Law & Criminal Punishment (2019).
- Matza, D. Delinquency & Drift (1964).
- Mears, D. et al. "A Legacy of Lynchings: Perceived Black Criminal Threat Among Whites," 53 L&SR 487 (2019).
- Medwed, D. Prosecution Complex (2012).
- Meier, R. & Geis, G. Victimless Crimes? (1997).
- Miller, L. The Myth of Mob Rule: Violent Crime & Democratic Politics (2016).
- Oleson, J., Kramer, R. Contesting Crime Science: Our Misplaced Faith in Crime Prevention Technology
- Packer, H. Limits of the Criminal Sanction (1968).
- Parsons, A From Asylum to Prison: Deinstitutionalization & the Rise of Mass Incarceration after 1945 (2018).
- Paternoster, R. & Simpson, S. "Sanction Threats & Appeals to Morality," 30 L&SR 549 (1996).
- Peay, J. Ed. Criminal Justice & the Mentally Disordered (1998).
- Phelps, M. "Possibilities & Contestation in Twenty-First-Century US Criminal Justice Downsizing," 12 Annual Rev. Law & Soc. Sci. 153 (2016).
- Pratt, J. "Governing the Dangerous," 5 Soc. & Leg. Stud. 21 (1996).
- Provine, D. M. Unequal under Law: Race in the War on Drugs (2008).
- Provine, D. M. "Race & Inequality in the War on Drugs," 7 Annual Rev. Law & Soc. Sci. 41 (2011).
- Provine, D. et al., Policing Immigrants: Local Law Enforcement on the Front Lines (2016).

Quinney, R. Class, State, & Crime 2d ed. (1980).

Rader, N. Teaching Fear: How We Learn to Fear Crime & Why It Matters. (2023).

Ramirez, M. & S. The Case for the Corporate Death Penalty: Restoring Law & Order on Law Street (2017)

Rios, V. Punished: Policing the Lives of Black & Latino Boys (2011).

Salter, M. Crime, Justice & Social Media (2017).

Sanchez, L. "Boundaries of Legitimacy," 22 L&SInq 543 (1997).

Sarat, A., Douglas, L., & Merrill Umphrey, M., eds. Criminals & Enemies (2019).

Scheingold, S. "Cultural Cleavage & Criminal Justice," 40 JOP 865 (1978).

Scheingold, S. The Politics of Law & Order (1984).

Scheingold, S. The Politics of Street Crime (1991).

Scheingold, S. ed. Politics, Crime Control, & Culture (1997).

Scheingold, S. "Constructing the New Pol. Criminology," 23 L&SInq 857 (1998).

Scheuerman, H. et al. "State-Level Determinants of Hate Crime Reporting: Examining the Impact of Structural & Social Movement Influences.," 45 Law & Policy 31 (2020).

Schlegel, K. & Weisburd, D. eds. White Collar Crime Reconsidered (1993).

Sebba, L. ed. Social Control & Justice: Inside or Outside the Law? (1996).

Sherry, M. The Punitive Turn in American Life: How the United States Learned to Fight Crime Like a War (2020).

Simon, J. "Visions of Self-Control," in Sarat, A., Garth, B., & Kagan, R. Looking Back at Law's Century (2002).

Simon, J. Governing Through Crime: How the War on Crime Transformed American Democracy & Created a Culture of Fear (2007).

Sklansky, D. A Pattern of Violence: How the Law Classifies Crimes & What It Means for Justice (2020).

Solan, L. & Tiersma, P. Speaking of Crime: The Language of Criminal Justice (2004)

Stone, C. Where the Law Ends (1975).

Strazella, J. "Federal Role in Criminal Law," 543 Annals (Jan. 1996).

Suddler, Carl. Presumed Criminal: Black Youth & the Justice System in Postwar New York (2019).

Sutherland, E. White Collar Crime (1983).

Tillman, R. Broken Promises: Fraud by Small Business Health Insurers (1999).

Tinkler, J., Becker, S., Clayton, K. "'Kind of Natural, Kind of Wrong': Young People's Beliefs about the Morality, Legality, & Normalcy of Sexual Aggression in Public Drinking Settings," 43 L&SInq 28 (2018).

Turk, A. Criminality & the Legal Order (1969).

Van Cleve, N. & Mayes, L. "Criminal Justice Through "Colorblind" Lenses: A Call to Examine the Mutual Constitution of Race & Criminal Justice," 40 L&SInq 406 (2015).

Weisburd, D., Wheeler, S., Waring, E. & Bode, N. Crimes of the Middle Classes (1991).

Wilson, J. Thinking About Crime (1983 ed.).

Young, A. Imaging Crime (1996).

Zaloznaya, M., Yakes, A., Wo, J. "Is White-Collar Crime White? Racialization in the National Press Coverage of White-Collar Crime from 1950 to 2010," 48 L&SInq 1117 (2023).

E. Criminal Procedural Due Process & Criminal Justice Institutions (Police, Prosecution, Counsel): Case Law & Studies.

1. The Fair Trial Rule to the 1960s.

a. Cases.

Hurtado v. Calif. (1884)
Palko v. Conn. (1937)
Adamson v. Calif. (1946)
Rochin v. Calif. (1952)

b. General development of criminal procedural rights.

Amar, A. The Constitution & Criminal Procedure (1996).
Barkow, R. "Originalists, Politics, & Law on the Rehnquist Ct.," 74 George Washington L. Rev. 1043 (2006).
Bodenhammer, D., Fair Trial (1991).
Cortner, R., A Mob Intent on Death (1988).
Crespo, A. "Regaining Perspective: Constitutional Criminal Adjudication in the Sup. Ct.," 100 Minn. L. Rev. 1985 (2016).
Decker, J. Revolution to the Right (1992).
Dodd, L. "The Rights Revolution in the Age of Obama & Ferguson: Policing, the Rule of Law, & the Elusive Quest for Accountability," 13 Perspectives on Politics 657 (2015).
Fellman, D. The Defendant's Rights Today (!)
Levy, L. Against the Law (1974).
Smith, C., DeJong, C. & McCall, M. The Rehnquist Ct. & Criminal Justice (2013).
Stuntz, W. "The Substantive Origins of Criminal Procedure," 105 Yale L. J. 393 (1995).
Thomas, G. The Sup. Ct. on Trial: How the American Justice System Sacrifices Innocent Defendants (2008).

2. The Fourth Amendment.

a. Warrant requirement.

(1) Issuance of the Search Warrant.

Coolidge v. N.H. (1971)
Connelly v. Ga. (1977)
Aguilar v. Texas (1964)
Ill. v. Gates (1983)

(2) "Reasonable" Use of Evidence Obtained Without Warrant.

U.S. v. Calandra (1974)
Stone v. Powell (1976)
U.S. v. Janis (1976)
Heien v. N. C. (2014)

(3) Scope of Search Warrant Requirement to Search Domiciles.

Chapman v. U.S. (1961)
Stoner v. Calif. (1964)
Payton v. N.Y. (1980)
Stoner v. California (1964)
Wyman v. James (1971)
Griffin v. Wisconsin (1987)
Illinois v. Rodriguez (1990)

Minnesota v. Olson (1990)
Wilson v. Ark. (1995)
Minnesota v. Carter (1999)
Georgia v. Randolph (2006)
Brigham City v. Stuart (2006)
Hudson v. Michigan (2006)
County of Los Angeles v. Mendez (2017)
District of Columbia v. Wesby (2018)
Lange v. Calif. (2021)
Caniglia v. Strom (2021)

(4) Scope of Warrant Requirement to Conduct Electronic Searches.

Olmstead v. U.S. (1928)
Goldman v. U.S. (1942)

Katz v. U.S. (1967)
U.S. v. U.S. District Ct. (1972)
Dalia v. U.S. (1979)
U.S. v. Kaio (1984)
Kyllo v. U.S. (2001)
U.S. v. Jones (2012)
Riley v. California (2014)
Grady v. N.C. (2015)
Carpenter v. U.S. (2018)

(5) Scope of Warrant Requirement to Search Businesses, especially as part of Administrative Search.

Frank v. Md. (1956)
Camara v. Municipal Ct. (1967)
Calif. Bankers v. Schultz (1974)
Marshall v. Barlow's Inc. (1978)
Lo-Ji Sales v. N.Y. (1979)
Donovan v. Dewey (1981)
New York v. Burger (1987)
Los Angeles v. Patel (2015)

(6) Warrant Requirement & the Use of Informants & Secret Operatives.

U.S. v. White (1971)
U.S. v. Russell (1973)

(7) Warrant Requirement & Access to information related to bodily privacy claims.

Rochin v. California (1952)
Cupp v. Murphy (1973)
United States v. Dionisio (1973).

(8) Seizures

Torres v. Madrid (2021)

(9) Seizure & Transportation of Suspect Persons.

Dunaway v. New York (1979)
Hayes v. Florida (1985)
U. S. v. Alvarez-Machain (1992)
California v. Hodari D. (1991)
Florida v. Bostick (1991)

(10) Public observation of searches with warrant.

Wilson v. Layne (1999)

b. The Exclusionary Rule.

Weeks v. U.S. (1914)
Wolf v. Colorado (1949)
Mapp v. Ohio (1961)

c. Permissible Warrantless Searches, not violating Exclusionary Rule.

(1) Stop & Frisk.

Terry v. Ohio (1968)
Suibron v. N.Y. (1968)
Adams v. Williams (1972)
U.S. v. Hensley (1985)
Minnesota v. Dickerson (1993).
Florida v. J. L. (2000)
Illinois v. Wardlow (2000)
Hiibel v. Sixth Jud. District Ct. of Nevada (2004)

(2) Area of Arrest or Detention.

Chimel v. California (1969)
U.S. v. Robinson (1973)
Gustafson v. Fla. (1973)
U.S. v. Chadwick (1977)
Michigan v. Summers (1981)
U.S. v. Place (1983)
U.S. v. Sokolow (1989)
Maryland v. Buie (1990)
Boyd v. U. S. (2000)
Utah v. Strieff (2016)

(3) Automobiles & other Moveable Vehicles.

(a) Probable cause.

Chambers v. Maroney (1970)
Delaware v. Prouse (1978)
Rakas v. Ill. (1978)
Arkansas v. Saunders (1979)
N.Y. v Class (1986)
Michigan Dept. of State Police v. Sitz (1990)

Alabama v. White (1990)
Ornelas v. U.S. (1996)
Whren v. U.S. (1996)
Knowles v. Iowa (1998)
Florida v. White (1999)
Md. v. Pringle (2003)
Ill. v. Lidster (2004)
Navarette v. Calif. (2014)
Byrd v. U.S. (2018)
Kansas v. Glover (2020)

(b) Scope of vehicle search.

South Dakota v. Opperman (1976)
U.S. v. Ross (1982)
Calif. v. Carney (1985)
N.Y. v. Class (1986)
Calif. v. Acevedo (1991)
Wyo. v. Houghton (1999)
Ill. V. Caballes (2005)
Rodriguez V. U.s. (2015)

(4) Consent & Implied Consent.

Schneckloth v. Bustamonte (1973)
U.S. v. Matlock (1974)
Ill. v. Batchelder (1983)
Birchfield v. N. Dak. (2016)

(5) Hot Pursuit.

Warren V. Hayden (1967)
U.S. V. Santana (1976)

(6) Plain View.

Arizona v. Hicks (1987)
Horton v. California (1990).

(7) Open Fields.

Hester v. U.S. (1924)
Oliver v. U.S. (1984)
Dow Chemical v. U.S. (1986)
California v. Ciraolo (1986)
U.S. v. Dunn (1987)
California v. Greenwood (1988)
Fla. v. Riley (1988)

(8) Customs & Border Area Searches.

U.S. v. Ramsey (1977)
Almeida-Sanchez v. U.S. (1973)

U.S. v. Brignoni-Ponce (1975)
U.S. v. Ortiz (1975)
U.S. v. Martinez-Fuente (1976)

(9) Good Faith.

U.S. v. Leon (1984)
Massachusetts v. Shepard (1984)
Arizona v. Evans (1995)

(10) Inevitable Discovery.

Nix v. Williams (1984).

(11) Arrested Persons & Prisoners.

United States v. Edwards (1974)
Illinois v. Lafayette (1983)
Hudson v. Palmer (1984).

(12) Public School Students.

New Jersey v. T.L.O. (1985).
Vernonia Sch. Dist. 47 J v. Acton (1995)
Bd. of Ed. of Ind. Sch. Dist. No. 92 of Pottawatomie County v. Earls
(2002)
Safford Unified School Dist #1 v. Redding (2009)

(13) Drug Testing of Selected Employees.

Skinner v. Railway Labor Executive's Association (1989)
Nat'l Treasury Employees v. Von Raab (1989)

(14) Drug Testing in other contexts.

Ferguson v. City of Charleston (2001).

(15) Public Premises.

O'Connor v. Ortega (1987)
City of Ontario v. Quon (2010).

d. History & commentary.

Brayne, S. "The Criminal Law & Law Enforcement Implications of Big Data," 14, Annual Rev. L. & Soc. Sci. 293 (2018).
Boustead, A. "Privacy protections & law enforcement use of prescription drug monitoring databases," 43 Law & Policy 229 (2021).
Cloud, M. "The Fourth Amendment During the Lochner Era," 48 Stsnaford L. Rev. 555 (1996).
Cuddihy, W. The Fourth Amendment (2010).
Dias, M. et al. "Consent searches: Evaluating the usefulness of a common & highly discretionary police practice," 21 J. Emp. Leg. Stud. 35 (2024).

Diffie, W. & Landau, S. Privacy on the Line: the Politics of Wiretapping & Encryption (1998).

Garoupa, N., Mungan, M. “The Exclusionary Rule Revisited” 51 J. Leg. Stud. 209 (2022).

Gizzi, M., Curtis, C. The Fourth Amendment in Flux: The Roberts Ct., Crime Control, & Digital Privacy (2016).

Gray, D. The Fourth Amendment in an Age of Surveillance (2017).

Kramer, R., Remster, B. “Stop, Frisk, & Assault? Racial Disparities in Police Use of Force During Investigatory Stops,” 52 L&SR 960 (2018).

Long, C. Mapp v. Ohio

Maclin, T. The Fourth Amendment & the Sup. Cts. Exclusionary Rule (2013)

McInnis, T. The Evolution of the Fourth Amendment (2009).

Meares, T. “The Law & Social Science of Stop & Frisk,” 10 Annual Rev. L. & Soc. Sci. 335 (2014).

Merola, L. & Lum, C. “Emerging Surveillance Technologies,” 96 Judicature 119 (2012).

Murphy, W. Wiretapping on Trial (1965).

Sculhofer, S. More Essential than Ever: the Fourth Amendment in the Twenty-First Century (2012).

Slobogin, C. Virtual Searches: Regulating the Covert World of Technological Policing (2022).

Sommers, R., Bohns, V. “Consent searches & underestimation of compliance: Robustness to type of search, consequences of search, & demographic sample,” 21 J. Emp. Leg. Stud 4 (2024).

Taslitz, A. Reconstructing the Fourth Amendment: a History of Search & Seizure, 1789-1868 (2006).

Welsh, B., Farrington, D., Taheri, S. “Effectiveness & Social Costs of Public Area Surveillance for Crime Prevention,” 11 Annual Rev. L. & Soc. Sci. 111 (2015).

White, M., Fradella, H. Stop & Frisk: the Use & Abuse of a Controversial Policing Tactic (2016).

Wilkes, “The New Federalism in Criminal Procedure,” 62 Ky. J. J. 421 (1973).

Zotti, P. Injustice for All: Mapp v. Ohio & the Fourth Amendment (2005)

3. Fifth Amendment Protections.

a. Fifth Amendment No Self Incrimination & the Role of Counsel.

(1) Cases.

Malloy v. Hogan (1964)
 Massiah v. N.Y. (1964)
 Escobedo v. Ill. (1964)
 Miranda v. Ariz. (1966)
 Harris v. N.Y. (1971)
 Brown v. Ill. (1975)
 Mich. v. Tucker (1975)
 Ore. v. Hess (1975)
 Mich. v. Mosley (1975)
 Brewer v. Williams (1977)
 Ore. v. Mathiason (1977)
 R.I. v. Innis (1980)
 Ore. v. Bradshaw (1983)
 Ore. v. Elstad (1985)

Moran v. Burbine (1986)
Pa. v. Bruder (1988)
Duckworth v. Eagan (1989)
Ill. v. Perkins (1990).
McNeil v. Wisconsin (1991)
Arizona v. Fulminate (1991)
Withrow v. Williams (1993)
Davis v. U.S. (1994)
Dickerson v. U. S. (2000)
Berghuis v. Thompkins (2010).

(2) Commentary

Baker, L., Miranda (1983).
Helmholz, R. et al. The Privilege Against Self-Incrimination (1996).
Leo, R. & Thomas, G. The Miranda Debate (1998).
Levy, L. Origins of the Fifth Amendment (1986 ed.).
Lilliquist, R. "Constitutional Rights at the Junction," 81 Va. L. Rev.
1989 (1995).
Meissner, C., Kelly, C., Woestehoff, S. "Improving the Effectiveness of
Suspect Interrogations," 11 Annual Rev. L. & Soc. Sci. 211
(2015).
Stephens, O. The Sup. Ct. & Confessions of Guilt
Stuart, G. Miranda (2004).
Wrightman, L. & Pitman, M. The Miranda Ruling (2010).

b. Due Process, Self-Incrimination, & Plea Bargaining.

McMann v. Richardson (1970)
N.C. v. Alford (1970)
Santobello v. N.Y. (1971)
Bordenkircher v. Hayes (1978)

c. No Double Jeopardy Clause of the Fifth Amendment

U.S. v. Lanza (1922)
Ashe v. Swenson (1970)
Ricketts v. Adamson (1988)
U.S. v. Felix (1992)
U.S. v. Dixon (1993)
Dept. of Revenue of Montana v. Kurth Ranch (1994)
Gamble v. U.S. (2019)
Denezpi v. U.S. (2022)

d. Grand Jury Indictment Clause.

Hurtado v. Calif. (1884)

e. Other Due Process Issues:

(1) Evidence Unprotected by Fifth Amendment Rules.

Breikraup v. Abram (1957)
Schmerber v. Calif. (1966)

U.S. v. Dionisio (1973)
Cupp v. Murphy (1973)
Couch v. U.S. (1973)
Winston v. Lee (1985)
Pa. v. Muniz (1990)

(2) Reasonable Doubt, Discovery Rules, etc.

Victor v. Neb. (1994)
U.S. v. Agurs (1976)
Ariz. v. Youngblood (1988)
Sullivan v. La. (1993)

(3) Competency.

Sell v. U. S. (2003).

4. Sixth Amendment Protections.

a. Speedy Trial Clause.

Barker v. Wingo (1972)
Doggett v. U.S. (1992)
Betterman v. Montana (2016)

b. Public Trial Clause & Jury Bias.

Sheppard v. Maxwell (1966) Related cases under First Amendment
Klopper v. N.C. (1967)
Skilling v. U.S. (2010)

c. Confrontation Clause.

(1) Cases.

Md. v. Craig (1990)
Idaho v. Wright (1990)
Mich. v. Lucas (1991)
Ohio v. Clark (2015)
Hemphill v. N.Y. (2022)
Samia, Aka Samic v. U.S. (2023)

(2). Commentary.

Meyler, B. "Common Law Confrontations. Law," 37 Law & Hist. Rev.
763 (2019).

d. Jury Trial Clause, esp. Right, Selection, & Size Issues.

Norris v. Ala. 91935)
Duncan v. La. (1968)
Taylor v. La. (1975)

Williams v. Fla. (1970)
Ballew v. Ga. (1978)
Burch v. Fla. (1979)
Johnson v. La. (1972)
Apodaca v. Ore. (1972)
Ramos v. La. (2020)
Edwards v. Vannoy (2021)

e. Right to Counsel.

(1) Cases.

Powell v. Ala. (1932)
Johnson v. Zerbst (1938)
Gideon v. Wainwright (1963)
Douglas v. Calif. (1963)
White v. Md. (1963)
Mempha v. Rhay (1967)
Argersinger v. Hamlin (1972)
Gagnon v. Scarpelli (1973)
Ross v. Moffitt (1974)
Scott v. Ill. (1979)
Strickland v. Wash. (1984)
Roe v. Flores-Ortega (2000)
Faretta v. Calif. (1975)
Martinez v. Ct. of Appeal of California (2000)
Halbert v. Michigan (2005)
Jae Lee v. U.S. (2017)
Garza v. Idaho (2019)
Andrus v. Texas (2020)

(2) Counsel & Critical Stages.

U.S. v. Wade (1967)
Coleman v. Ala. (1970)
Kirby v. Ill. (1972)
U.S. v. Ash (1973)

(3) Historical accounts & Texts.

Carter, D., Scottsboro (1969).
Cortner, R., A Scottsboro Case in Mississippi (1986)
Lewis, A., Gideon's Trumpet (1964).
Taylor, J. The Right to Counsel & Privilege Against Self-incrimination: Rights & Liberties under the Law (2004).

5. Other Constitutional Protections for Defendants. ((Eighth Amendment below).

Logan, W. The ex post facto clause: its history & role in a punitive society (2022).

F. Criminal Justice Personal & Institutional Dynamics: Descriptive & Analytical Studies.

1. Inter-Organizational Dynamics.

Beckett, K. & Evans, H. "Crimmigration at the Local Level," 49 L&SR 241 (2015).

Bing, S. Quality of Justice in the Lower Criminal Cts. of Metro. Boston (1970).

Blumberg, A. Criminal Justice (1970).

Clair, Matthew. Privilege & Punishment: How Race & Class Matter in Criminal Court (2020).

Clynch, E. & Neubauer, D. "Trial Cts. as Organizations," 3 Law & Policy Q. 69 (1981).

Cole, G. Politics & the Adm. of Justice (1973).

Collins, T., Baker, M. "From Roadside Stops to the Courthouse Stairs: Defendant Race & the Attorney's Role in Routine Cases." 12 J. L. & Cts. 67 (2024).

Daly, K. "Structure & Practice of Familial-Based Justice in a Criminal Ct.," 21 L&SR 267 (1987).

Daly, K. Gender, Crime, & Punishment (1994).

Eisenstein, J. & Jacob, H. Felony Justice (1977).

Eisenstein, J., Nardulli, P. & Flemming, R. Contours of Justice (1988).

Feeley, M. "Two Models of the Criminal Justice System," 7 L&SR 407 (1973).

Feeley, M. The Process is the Punishment (1979).

Flemming, R., Nardulli, P., & Eisenstein, J. Craft of Justice (1992).

Frazier, P. & Haney, B. "Sexual Assault Cases in the Legal System," 20 Law & Human Behavior 607 (1996).

Gonzalez Van Cleve, N. Crook County: Racism & Injustice in America's Largest Criminal Court (2016).

Gray, V. & Williams, B. The Organizational Politics of Criminal Justice (1980).

Griffiths, J. "Ideology in Criminal Procedure or a Third Model of the Criminal Process," 79 Yale L.J. 359 (1970).

Heinz, J. & Manikas, P. "Networks among Elites in a Local Criminal Justice System," 26 L&SR 825 (1992).

Kohler-Hausmann, I. Misdemeanorland: Criminal Cts. & Social Control in an Age of Broken Windows Policing (2018).

Konradi, A. Taking the Stand (2007).

Levin, M. Urban Politics & the Criminal Courts (1977).

Lynch, M. Hard Bargains: The Coercive Power of Drug Laws in Federal Ct. (2016).

Merry, S. "Criminalization of Everyday Life," in Sarat, A. et al. Everyday Practices & Trouble Cases (1998).

Metcalfe, C. "The Role of Courtroom Workgroups in Felony Case Dispositions: An Analysis of Workgroup Familiarity & Similarity," 50 L&SR 637 (2016).

Mileski, M. "Courtroom Encounters," 5 L&SR 473 (1971).

Moore, N. The Political Roots of Racial Tracking in American Criminal Justice (2015)

Mohr, L. "Organizations, Decisions, & Cts.," 10 L&SR 621 (1976).

Musto, J. Control & Protect (2016).

Nardulli, P. The Courtroom Elite (1978).

Nardulli, P., Flemming, R. & Nardulli, P. Tenor of Justice (1989).

Natapoff, A. "Misdemeanors," 11 Annual Rev. L. & Soc. Sci. 255 (2015).

Neubauer, D. Criminal Justice in Middle Am. (1974).

Nir E, Musial J. "Zooming In: Courtrooms & Defendants' Rights during the COVID-19 Pandemic," 31 Soc. & Leg. Stud. 725 (2022).

Petersen, N., Omori, M. "Is the Process the Only Punishment?: Racial–Ethnic Disparities in Lower-Level Court," 42 Law & Policy 56 (2020).

Taslitz, A. Rape & the Culture of the Courtroom (1999).

Teichman, D., Zamir, E., Ritov, I. "Biases in legal decision-making: Comparing prosecutors, defense attorneys, law students, & laypersons." 20 J. Emp. Leg. Stud. 852 (2023).

Uviller, R., Virtual Justice (1996).

Van Cleve, N. Crook County: Racism & Injustice in America's Largest Criminal Ct. (2016)

Weishart, R. et al. Crime & Policing in Rural & Small Town America (1997).

2. Victim & Witness Roles: Factors Related to the decision to mobilize for public help/assist arrest.

Agan, A. & Prescott, J. "Sex Offender Law & the Geography of Victimization," 11 J. Emp. Leg. Stud. 786 (2014).

Agonizo, B. Black Women & the Criminal Justice System (1997).

Anderson, E. Code of the Street (1999).

Arnold, G., Slusser, M. "Silencing Women's Voices: Nuisance Property Laws & Battered Women," 40 L&SInq 908 (2015).

Barak-Corren, N., Lewinsohn-Zamir, D. "What's in a Name? The Disparate Effects of Identifiability on Offenders & Victims of Sexual Harassment," 16 J. Emp. Leg. Stud. 955 (2019).

Baumer, E. "Neighborhood Disadvantage & Police Notification by Victims of Violence," 40 Criminology 579 (2002).

Bedera, N. "The Illusion of Choice: Organizational Dependency & the Neutralization of University Sexual Assault Complaints." 44 Law & Policy 208 (2022).

Bell, M. "Situational Trust," 50 L&SR 314 (2016).

Berg, M., Rogers, E. "The Mobilization of Criminal Law," 13 Annual Rev. Law & Soc. Sci. 451 (2017).

Berk, S. & Loeske, D. "Handling Family Violence," 15 L&SR 317 (1980-1).

Black, D. "Social Organization of Arrest," 23 Stanford L. Rev. 1087 (1971).

Blankenburg, E. "Selectivity of Legal Sanctions," 11 L&SR 109 (1976).

Bosick, S. et al. "Reporting Violence to the Police," 40 J.Criminal Just. 441 (2012).

Brunson, R. "Police Don't Like Black People" 61 Crime & Delinquency 71 (2007).

Carr, P. et al. "We Never Call the Police & Here Is Why," 45 Criminology 701 (2007).

Cheng, T. "Violence Prevention & Targeting the Elusive Gang Member," 51 L&SR 42.

Chermak, S. Victims in the News (1995).

Corrigan, R. "The New Trial by Ordeal: Rape Kits, Police Practices, & the Unintended Effects of Policy Innovation," 38 L&SInq 920 (2013).

Davis, R., Lugerio, A. & Skogan, W. Victims of Crime (1997).

Downs, D. More than Victims (1996).

Dubber, M. Victims in the War on Crime (2002).

Felson, R. et al. "Reasons for Reporting & Not Reporting Domestic Violence to the Police," 40 Criminology 617 (2002)

Goodrum, S. "Victims Rights, Victims Expectations, & law Enforcement Workers Constraints in Cases of Murder," 28 L&SInq 725 (2007).

Goodrum, S. "Bridging the Gap Between Prosecutors' Cases & Victims' Biographies in the Criminal Justice System Through Shared Emotions," 38 L&SInq 257 (2013).

Greenberg, M. et al. "Decision Making by Crime Victims," 17 L&SR 47 (1982).

Hagan, J. Victims Before the Law (1983).

Hagan, J., McCarthy, B., Herda, D. "What the Study of Legal Cynicism & Crime Can Tell Us About Reliability, Validity, & Versatility in Law & Social Science Research," 16 Annual Rev. Law Soc. Sci. 1 (2020).

Hickman, L. & Simpson, S. "Fair Treatment or Preferred Outcome? Impact of Police Behavior on Victim Reports of Domestic Violence Incidents," 37 L&SR 607 (2003).

Hlavka, H., Mulla, S. Bodies in Evidence: Race, Gender, & Science in Sexual Assault Adjudication (2021).

Jeursen, T. The Vigilant Citizen: Everyday Policing & Insecurity in Miami (2023).

Karmen, A. Crime Victims (1984).

Konradi, A. "Too Little, Too Late," 22 L&SInq 1 (1997).

Leach, A., Cutler, B., Van Wallendael, L. "Lineups & Eyewitness Identification," 5 Annual Rev. Law & Soc. Sci. 157 (2009).

Maier, S. "Rape Victims Advocates Knowledge & Insight on Rape Laws," 18 Women & Criminal Justice 37 (2007).

Makowsky, M., Stratmann, T., Tabarrok, A. "To Serve & Collect: The Fiscal & Racial Determinants of Law Enforcement," 48 J. Leg. Stud. 189 (2019).

McDonald, W. ed. Criminal Justice & the Victim (1976). all arts.

Moncada, E. "The Politics of Criminal Victimization: Pursuing & Resisting Power," 18 Perspectives on Pol. 706 (2020).

Scheingold, S., Olson, T., Pershing, J., "Sexual Violence, Victim Advocacy, & Republican Criminology," 28 L&SR 729 (1994); with comments by Braithwaite, J. & Pettit, P.; Daly, K.

Schuster, Mary. The Victim's Voice in the Sexual Misconduct Crisis (2019).

Sebba, L. Third Parties (1996).

Skogan, W. & Maxfield, M. Coping with Crime (1981).

Sharp, E., Johnson, P. "Accounting for Variation in Distrust of Local Police," 46 Just. Q. 157 (2009).

Spohn, C., White, C., Tellis, K., "Unfounding Sexual Assault," 48 L&SR 161 (2014).

Stuart, F. "Becoming 'Copwise': Policing, Culture, & the Collateral Consequences of Street-Level Criminalization," 50 L&SR 279 (2016).

U.S. Dept. Justice, Criminal Victimization in the U.S. (yearly).

Viano, E. ed. Critical Issues in Victimology (1992).

Zaykowski, H., Allain, E., Campagna, L. "Examining the Paradox of Crime Reporting: Are Disadvantaged Victims More Likely to Report to the Police?" 53 L&SR 1305 (2019).

3. Defendants.

Bell, C. & Fox, M. "Telling Stories of Women who Murder," 5 Soc. & Leg. Stud. 471 (1996).

Casper, J. Am. Criminal Justice (1972).

Casper, J. Criminal Justice - The Consumer's Perspective (1972).

Casper, J. Criminal Courts (1978).

Casper, J. "Having Their Day in Court," 12 L&SR 237 (1978).

Cole, S., Lynch, M. "The Social & Legal Construction of Suspects," 2 Annual Rev. Law & Soc. Sci. 39 (2006).

Dobash, R. et al. eds. Gender & Crime (1995).

Goffman, A. On the Run (2014).

Guzik, K. "The Agencies of Abuse: Intimate Abusers Experience of Presumptive Arrest & Prosecution," 42 L&SR 111 (2008).

Hagedorn, J. Gangs on Trial: Challenging Stereotypes & Demonization in the Courts (2022).

Haney, L. Prisons of Debt: The Afterlives of Incarcerated Fathers (2022).

Jones, A. Women who Kill (1991).

Kohler;Hausmann, I. "Misdemeanor Justice," 119 AJSoc. 351 (2013).

Krista, A. Deadlier than the Male (1994).

Russell, K. The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, & Other Macroaggressions (1997).

Short, J. Poverty, Ethnicity, & Violent Crime (1997).

Tyler, T. "Role of Perceived Injustice in the Defendants' ...Courtroom Experience," 18 L&SR 51 (1984).

Young, K., Billings, K. "Legal Consciousness & Cultural Capital," 54 L&SR 33 (2020).

4. Police as street-level policy makers & gatekeepers to the legal process. Includes some comparative studies but see also below in part XII. A. 4.

- Aaronson, D., Dience, C., & Mucheno, M. Public Policy & Police Discretion (1984).
- Alpert, G. & Dunham, R. Policing Multi-ethnic Neighborhoods (1988)
- Alpert, G. & Dunham, R. Policing Urban America (3d ed.1997)
- Anderson, M. Policing the World (1989).
- Appier, J. Policing Women: The Sexual Politics of Law Enforcement & the LAPD (1998).
- Baer, A. S. Beyond the Usual Beating: The Jon Burge Police Torture Scandal & Social Movements for Police Accountability in Chicago (2020).
- Balko, R. Rise of the Warrior Cop: The Militarization of America's Police Force (2013).
- Baker, M. et al. "The Impact of a Crime Wave," 17 L&SR 319 (1983).
- Baumgartner, F., Epp, D., Shoub, K. Suspect Citizens: What 20 Million Traffic Stops Tell Us about Policing & Race (2018).
- Bayley, D. & Mendelsohn, H. Minorities & the Police (1968).
- Bayley, D. Forces of Order (1976).
- Bayley, D. Patterns of Policing (1985).
- Bayley, D. Police for the Future (1994).
- Bayley, D. ed. What Works in Policing (1998).
- Bayley, D. & Shearing, C. "The Future of Policing," 30 L&SR 585 (1996).
- Ben-Menachem, J., Morris, K. "Ticketing & Turnout: The Participatory Consequences of Low-Level Police Contact," 117 APSR 822 (2023).
- Bittner, E. "The Police on Skid-Row," 32 Am. Soc. Rev. 699 (1967).
- Bittner, E. Aspects of Police Work (1990).
- Bittner, E. Functions of the Police in Modern Society (1970).
- Bjerk, D. "Does greater police funding help catch more murderers?" 19 J. Emp. Leg. Stud. 528 (2022).
- Black, D. Manners & Customs of the Police (1980).
- Brown, M. Working the Street (1988 ed.).
- Bordua, D. ed. The Police (1967) all arts.
- Boyd, E., Berk, R., Hamner, K. "Motivated by Hatred or Prejudice," 30 L&SR 19 (1996).
- Bradford, B., Jackson, J., Hough, M. Police Legitimacy in Action (2013).
- Braun, M., Rosenthal, J., Therrian, "Police Discretion & Racial Disparity in Organized Retail Theft Arrests: Evidence from Texas," 15 J. Emp. Leg. Stud. 916 (2018).
- Campbell, R., Fehler-Cabral, G. "Why Police 'Couldn't or Wouldn't' Submit Sexual Assault Kits for Forensic DNA Testing: A Focal Concerns Theory Analysis of Untested Rape Kits," 52 L&SR 73 (2018).
- Carey, T., & Saavedra Cisneros, Á. "Policing Protest: An Examination of Support for Police Suppression of Protest," 56 PS: Pol. Sci. & Pol. 234 (2023).
- Chaikan, J., Lawless, M., & Stevenson, K. The Impact of Police Activity on Crime (1974).
- Chan, J. Changing Police Culture (1997)
- Chevigny, P. Police Power (1969).
- Chevigny, P. Edge of the Knife (1995).
- Clark, T. et al. "Are Police Racially Biased in the Decision to Shoot?" 85 JoP 826 (2023).
- "Community Policing," 40 Crime & Delinquency #3 (1994).
- Cook, S., & Fortunato, D. "The Politics of Police Data: State Legislative Capacity & d the Transparency of State & Substate Agencies," 117 APSR 280 (2023).
- Crank, J. "Watchman & the Community," 28 L&SR 325 (1994).
- Davis, K. Police Discretion (1975).
- del Pozo, B. The Police & the State: Security, Social Cooperation, & the Public Good (2022).

Disalvo, D., Nagler, M. "Police Unions, Race, & Trust in the Police," 138 PSQ 167 (2023).

Donaldson, G. The Ville (1993).

Dulaney, W. Black Police in America (1996).

Dumm, T. "The Police Abolitionist Movement & the Neoliberal Paradox," 55 Polity 699 (2023).

Epp, C., Maynard-Moody, S., Haider-Markel, D. Pulled Over: How Police Stops Define Race & Citizenship (2014).

Ericson, R. Making Crime (detectives) (1981).

Ericson, R. Reproducing Order (1982).

Ericson, R. Policing the Risk Society (1997).

Fagan, J., Davies, G., Carlis, A. "Race & Selective Enforcement in Public Housing," 9 J. Emp. Legal Stud. 697 (2012).

Fan, M. "Body Cameras, Big Data, & Police Accountability," 43 L&SInq 1236 (2018).

Feld, B. "Real Interrogation," 47 L&SR 1 (2013).

Felker-Kantor, M. Policing Los Angeles: Race, Resistance, & the Rise of the LAPD (2018).

Ferguson, A. The Rise of Big Data Policing: Surveillance, Race, & the Future of Law Enforcement (2017).

Fields, S. Neighborhood Watch: Policing White Spaces in America (2022).

Gardiner, J. Traffic & the Police (1969).

Garriott, W. Policing Methamphetamine (2011).

Gascón, L., Russell, A. The Limits of Community Policing: Civilian Power & Police Accountability in Black & Brown Los Angeles (2019).

Gau, J., Brunson, R. "Procedural Justice & Order Maintenance Policing," 27 Justice Q. 255 (2010).

Gau, J., "Procedural Justice & Police Legitimacy," 39 Am. J. Criminal Just. 187 (2014).

Geller, W. & Toch, H. eds. Police Violence (1996).

Gellman, S. Cops (1990).

Goelzhauser, G. "Constitutional accountability for police shootings," 21 J. Emp. Leg. Stud. 92 (2024).

Goldstein, H. Policing in a Free Society (1977).

Goldstein, H. Problem-Oriented Policing (1990).

Gordon, D. "The Police as Place-Consolidators: The Organizational Amplification of Urban Inequality," 45 L&SInq 1 (2020).

Gordon, D., Davis-Pait, A. "Police Redistricting Reforms & Urban Governance," 44 Law & Policy 302 (2022).

Gordon, D. Policing the Racial Divide: Urban Growth Politics & the Remaking of Segregation (2022).

Grattet, R. & Jenness, V. "The Reconstitution of law in Local Settings," 39 L&SR 883 (2005).

Greene, J. & Mastrofski, S. eds. Community Policing (1988).

Greene, J. "Zero Tolerance," 45 Crime & Delinquency 171 (1999).

Guthrie Ferguson, A. The Rise of Big Data Policing: Surveillance, Race, & the Future of Law Enforcement. (2017)..

Guzik, K. Arresting Abuse: Mandatory Legal Interventions, Power, & Intimate Abusers (2009).

Hagan, J., McCarthy, B., Herda, D. Chicago's Reckoning: Racism, Politics, & the Deep History of Policing in an American City (2022).

Haldipur, J. No Place on the Corner: The Costs of Aggressive Policing (2019).

Haller, M. "Historical Roots of Police Behavior," 10 L&SR 303 (1976).

Halpern, S. "Police Employee Organs. & Accountability in Three Cities," 8 L&SR 561 (1974).

Harcourt, B. Illusion of Order (2001).

Harcourt, B. Against Prediction: Profiling, Policing, & Punishing in an Actuarial Age (2007).

- Harkins, G. "Sexual Harm Beyond Policing," 55 Polity 684 (2023).
- Heidensohn, F. Women in Control? (1992).
- Herbert, S. "Morality in Law Enforcement," 30 L&SR 799 (1996).
- Herbert, S. Policing Space (1996).
- Herbert, S. Citizens, Cops, & Power (2006).
- Herbert, S., Beckett, K., Stuart, F. "Policing Social Marginality: Contrasting Approaches," 43 L&SIInq 1491 (2018).
- Heumann, M. & Cassak, L. Good Cop, Bad Cop: Racial Profiling & Competing Views of Justice (2003).
- Huber, L., Gunderson, A. "Putting A Fresh Face Forward: Does the Gender of a Police Chief Affect Public Perceptions?" 76 PSQ 1418 (2023).
- Jacob, H. "Effects of Police on Crime," 15 L&SR 109 (1980-1).
- Johnson, M. Street Justice (2003).
- Jones, B., Mendieta, E. eds. The Ethics of Policing: New Perspectives on Law Enforcement (2021).
- Jones B. "Police-Generated Killings: The Gap between Ethics & Law," 75 PRQ 366 (2022).
- Kappler, V., Sluder, R. & Alpert, G. Forces of Deviance (1994).
- Karpiak, K., Garriott, W. eds. The Anthropology of Police (2018).
- Knox, D., Lowe, W., & Mummolo, J. "Administrative Records Mask Racially Biased Policing" 114 APSR 619 (2020).
- Kochel, T. Policing Unrest: On the Front Lines of the Ferguson Protests. (2023).
- Krantz, S. Police Policymaking (1979).
- Kupchik, A., et al. "Police Ambassadors: Student-Police Interactions in School & Legal Socialization," 54 L&SR 391 (2020).
- LaFave, W. Arrest (1964).
- Lautenschlager, R. "The Geography of (un)reasonable Suspicion: Rethinking Causes of Racial Disparities In Police Stops," 46 Law & Policy 45 (2024).
- Lave, T. Miller, E. eds. The Cambridge Handbook of Policing in the United States (2019).
- Lee, Y. "How Police Policies & Practices Impact Successful Crime Investigation: Factors That Enable Police Departments to "Clear" Crimes, 41 Just. Sys. J. 37 (2020).
- Leinen, S. Black Police, White Society (1984).
- Leo, R. "Miranda Revisited," 30 L&SR 259 (1996).
- Leo, R. "Police Scholarship for the Future," 30 L&SR 865 (1996).
- Lovell, J. Good Cop/Bad Cop: Mass Media & the Cycle of Police Reform (2003).
- Lowrey-Kinberg, B., Buker, G. "'I'm Giving You a Lawful Order': Dialogic Legitimacy in Sandra Bland's Traffic Stop," 51 L&SR 379 (2017).
- Lyons, W. The Politics of Community Policing: Rearranging the Power to Punish (1999).
- Malone Gonzalez, S., Simon, S., Rogers, K. "The Diversity Officer: Police Officers' & Black Women Civilians' Epistemologies of Race & Racism in Policing" 56 L&SR 477 (2022).
- Manning, P. Police Work (1977).
- Manning, P. The Technology of Policing (2008)..
- Marinen, O. ed. Policing Change, Changing Police (1996).
- Marx, G. Undercover (1988).\
- Mason, M., Rock, F. eds. The Discourse of Police Interviews (2019).
- Metcalfe, C., Pickett, J." The Extent-&-Correlates of Public Support for Deterrence Reforms & Hot Spots Policing," 52 L&SR 471 (2018).
- Miller, S. Gender & Community Policing: Walking the Talk (1999).
- Miller, W. Cops & Bobbies [1830-70] (1977).

- Mishra, S., Lokaneeta, J. "Combatting Suspicion, Creating Trust: The Interface of Muslim Communities & Law Enforcement in the United States after 9/11," 53 Polity 288 (2021).
- Moran, R. "Police Go to Court: Police Officers as Witnesses/Defendants," 19 Annual Rev. L. & Soc. Sci. 93 (2023).
- Moskos, P. Cop in the Hood (2008).
- Moule, R., Burruss, G., Parry, M., Fox, B. "Assessing the Direct & Indirect Effects of (Legitimacy on Public Empowerment of Police: A Study of Public Support for Police Militarization in America," 53 L&SR 77 (2019).
- Muir, W. Police (1977).
- Mullinix, K., Norris, R. "Pulled-Over Rates, Causal Attributions, & Trust in Police," 72 PRQ 420 (2019).
- Mummolo, J. "Modern Police Tactics, Police-Citizen Interactions, & the Prospects for Reform," 80 JoP 1 (2018).
- Musheno, M. "Interrogating Richard Leo's Claims about Police Scholarship," 31 L&SR 389 (1997).
- Niederhoffer, A. Behind the Shield (1967).
- Oberweis, T. & Musheno, M. "Policing Identities," 24 L&SIInq 897 (1999).
- O'Malley, P. "Policing, Politics, & Postmodernity," 6 Soc. & Leg. Stud. 363 (1997).
- O'Neill, M. Police Community Support Officers: Cultures & Identities within Pluralised Policing (2019).
- Ouss, A., Rapport, J. "Is Police Behavior Getting Worse? Data Selection & the Measurement of Policing Harms," 49 J. Leg. Stud. 153 (2020).
- Pifer, N. "The Right Kind of Crazy": How Patrol Officers Police the Boundaries of Mental Illness through Hybridized Strategies," 48 L&SIInq 437 (2023).
- Portillo, S., Rudes, D. "Construction of Justice at the Street Level," 10 Annual Rev. L. & Soc. Sci. 321 (2014).
- Powell, A., Phelps, M. "Gendered racial vulnerability: How women confront crime & criminalization." 55 L&SR 429 (2021).
- Provine, D., et al. Policing Immigrants: Local Law Enforcement on the Front Lines (2016).
- Pryor, M., Buchanan, K., Goff, P. "Risky Situations: Sources of Racial Disparity in Police Behavior," 16 Annual Rev. Law & Soc. Sci. 343 (2020).
- Ragonese, P. & Stainback, B. The Soul of a Cop (1991).
- Ralph, L. The Torture Letters: Reckoning with Police Violence (2020).
- Rengifo, A., Slocum, L. "The Identity Prism: How Racial Identification Frames Perceptions of Police Contact, Legitimacy, & Effectiveness," 45 L&SIInq 590 (2020).
- Reiner, R. The Politics of the Police (1992).
- Reiss, A. The Police & the Public (1971).
- Reuss-Ianni, E. Two Cultures of Policing (1982).
- Rios, V. Punished: Policing the Lives of Black & Latino Boys (2011).
- Robinson, C. & Scaglion, R. "Origin & Evolution of the Police Function in Society," 21 L&SR 109 (1987).
- Ross, J. "Undercover Policing & the Shifting Terms of Scholarly Debate: The United States & Europe in Counterpoint," 4 Annual Rev. Law & Soc. Sci. 239 (2008).
- Ross, J. A Feminist Critique of Police Stops (2020).
- Roussell, A. "Policing the Anticommunity: Race, Deterritorialization, & Labor Market Reorganization in South Los Angeles," 49 L&SR 813 (2015).
- Rubinstein, J. City Police (1973).
- Ruchelman, L. Police Politics (1974).
- Ruess-Ianni, E. Two Cultures of Policing (1982).

Rush, S. Federal Intervention in American Police Departments (2017).

Sances M., “Defund My Police? The Effect of George Floyd’s Murder on Support for Local Police Budgets,” 85 JoP 1156 (2023).

Sanders, W. Detective Work (1977).

Schenker, L., et al. “Segregation & “Out-of-Placeness”: The Direct Effect of Neighborhood Racial Composition on Police Stops,” 76 PRQ 1646 (2023).

Schneider, C. Police Power & Race Riots: Urban Unrest in Paris & New York (2014).

Seo, S. Policing the Open Road: How Cars Transformed American Freedom (2019).

Seron, C., J. Pereira, & J. Kovath, “Judging Police Misconduct,” 38 L&SR 665 (2004).

Shoub, K., Stauffer, K., Song, M. “Do Female Officers Police Differently? Evidence from Traffic Stops,” 65 AJoPS 755 (2021).

Sierra-Arévalo, M. “Technological Innovation & Police Officers' Understanding & Use of Force,” 53 L&SR 420 (2019).

Sierra-Arévalo, M. “American Policing & the Danger Imperative,” 55 L&SR 70 (2021).

Skogan, W. & Hartnett, S. Community Policing, Chicago Style (1997).

Skogan, W. Police & Community in Chicago: a Tale of Three Cities (2006).

Skolnick, J. Justice Without Trial 2d ed. (1975).

Skolnick, J. & Bayley, D. The New Blue Line (1986).

Skolnick, J. & Fyfe, J. Above the Law (1993).

Sherman, L. Scandal & Reform (1978).

Sparrow, M. et al. Beyond 911 (1990).

Stalans, L. & Finn, M. "How Novice & Experienced Officers Interpret Wife Assaults," 29 L&SR 287 (1995).

Stewart, J. Policing the Big Apple: The Story of the NYPD (2021).

Stoughton, S., Noble, J., Alpert, G. Evaluating Police Uses of Force. (2020).

Stuart, F. Down, Out, & Under Arrest (2016).

Sunshine, J. & Tyler, T. “Role of Procedural Justice & Legitimacy in Shaping Public Support for Policing,” 37 L&SR 513 (2003).

Taussig, M. “The Injustice of Policing,” in Sarat, A. & Kearns, Justice & Injustice (1996).

Terwiel, A. “The Revolutionary Politics of Abolition,” 55 Polity 662 (2023).

Thacher, D. “The Learning Model of Use-of-Force Reviews,” 45 L&SIInq 755 (2020).

Thomas, G. & Leo, R. Confessions of Guilt (2012).

Thompson, D. “How Partisan Is Local Law Enforcement? Evidence from Sheriff Cooperation with Immigration Authorities,” 114 APSR 222 (2020)..

Thatcher, D. “Conflicting Values in Community Policing,” 35 L&SR 765 (2001).

Tiersma, P. & Solan, L. “Cops & Robbers: Selective Literalism in Am. Criminal Law,” 38 L&SR 229 (2004).

Toch, H. Cop Watch (2012).

Tonry, M. & Morris, N. ed. Modern Policing (1992).

Trainum, J. How the Police Generate False Confessions: An Inside Look at the Interrogation Room (2016).

Triola, A. “Reasonably Unreasonable: American Use of Force Jurisprudence & Police Impunity,” 32 Soc. & Leg. Stud. 257 (2023).

Tyler, T., Fagan, J., Geller, A. “Street Stops & Police Legitimacy: Teachable Moments in Young Urban Men's Legal Socialization,” 11 J. Emp. Leg. Stud. 751 (2014).

Tyler, T., Jackson, J., Mentovich, A. “The Consequences of Being an Object of Suspicion: Potential Pitfalls of Proactive Police Contact,” 12 J. Emp. Leg. Stud. 602 (2015).

Tyler, T. “Procedural Justice & Policing: A Rush to Judgment?” 13 Annual Rev. of L. & Soc. Sci. 29 (2017).

Van Maanen, J. & Manning, P. eds. Policing (1978).

Walker, S. The Police in America (4th ed.) (2001).

- Wang, X., Ready, J., Davies, G. "Race, Ethnicity, & Perceived Minority Police Presence: Examining Perceptions of Criminal Injustice Among Los Angeles Residents. 53 L&SR 706 (2019).
- Websdale, N. Policing the Poor: From Slave Plantation to Public Housing. (2001).
- Weisburd, D. & Braga, A. ed. Police Innovation (2006).
- Weisburd, D., Majmundar, M. (eds). Proactive Policing (2018).
- Westley, W. Violence & the Police (1970).
- White, M., Malm, A. Cops, Cameras, & Crisis: The Potential & the Perils of Police Body-Worn Cameras (2020).
- Willis, J., Mastrofski, S. & Weisburd, D. "Making Sense of COMSTAT," 41 L&SR 147 (2007).
- Willis, J., Mastrofski, S. "Innovations in Policing: Meanings, Structures, & Processes," 7 Annual Rev. Law & Soc. Sci. 309 (2011).
- Willis, J., Toronjo, H. "Exploring a Craft Learning Model for Reviewing Patrol Officer Decision-Making in Encounters with the Public," 48 L&SInq 819 (2023).
- Wilson, C. Cop Knowledge: Police Power & Cultural Narrative in Twentieth Century America (2000).
- Wilson, J. Varieties of Police Behavior (1968).
- Wilson, J. The Investigators
- Worden, R., McLean, S. Mirage of Police Reform: Procedural Justice & Police Legitimacy (2017).
- Ziegenhausen, E. & Brosnan, D. "Citizen Orientations Toward State & Non-State Policing," 13 Law & Policy 245 (1991).
- Zimring, F. When Police Kill (2017).
- Zoorob, M. "Going National: Immigration Enforcement & the Politicization of Local Police," 53 PS: Pol. Sci. & Politics 421 (2020).

5. Security & Surveillance—private policing.

- Ericson, R., Haggerty, K. Policing the Risk Society (1997).
- Ericson, R., Haggerty, K. New Politics of Surveillance & Visibility (2006).
- Ericson, R. Insurance as Governance (2003).
- Lippert, R., Walby, K., Zaia, M., "Managing Risk & Preempting Immorality in Private Employment of Public Police," 28 Soc. & Leg. Stud. 794 (2019).
- MacDonald, J. Et al. "Privatization of Public Safety in Urban Neighborhoods," 47 L&SR 621 (2013).
- O'Hara, S. Inventing the Pinkertons (2016).
- Wakefield, A. Selling Security (2004).
- Walton, J. The Legendary Detective: The Private Eye in Fact & Fiction (2015).

6. Prosecutors & case screening: control of the policy agenda.

a. Local prosecutors.

- Albonetti, C. "Prosecutorial Discretion," 21 L&SR 291 (1987).
- Barkow, A. & S. ed. Prosecutors in the Boardroom (2011).
- Bernstein, I et al. "Charge Reduction," 56 Social Forces 362 (1977).
- Carter, L. The Limits of Order (1975).
- Cole, G. "Decision to Prosecute," in Goldman & Sarat, Am. Ct. Systems p. 112; 4 L&SR 331 (1970).

- Cox A, Gripp C. "The Legitimation Strategies of 'Progressive' Prosecutors," 31 Soc & Leg. Stud. 657(2002).
- Davis, A. *Arbitrary Justice: the Power of the American Prosecutor* (2007).
- Deotto, C., McCannon, B. "Consolidation of Prosecutor Offices," 8 J. Law & Cts. 229 (2020).
- Diamantis, M., Laufer, W. "Prosecution & Punishment of Corporate Criminality," 15 Annual Rev. L. & Soc. Sci. 453 (2019).
- Engstrom, R. "Pol. Ambition & the Prosecutorial Office," 33 JOP 190 (1973).
- Feeley, M. & Lazerson, M. "Police-Prosecutor Relationships," in Boyum, K. & Mather, L. Empirical Theories about Cts. (1983).
- Flemming, R. "Pol. Styles & Organ. Strategies of Am. Prosecutors," 12 Law & Policy 25 (1990).
- Frohmann, L. "Convictability & Discordant Locales," 31 L&SR 531 (1997).
- Frohmann, L. Ed. Prosecutors & Prosecution (2008).
- Garrett, B. Too Big to Jail: How Prosecutors Compromise with Corporations (2014).
- Gordon, S. & G. Huber, "Citizen Oversight & the Electoral Incentives of Criminal Prosecutors," 46 AjoPS 334 (2002).
- Gordon, S. & Huber, G. "The Political Economy of Prosecution," 5 Annual Rev. Law & Soc. Sci. 135 (2009).
- Greenwood, P. et al. Prosecution of Adult Felony Defendants in Los Angeles County (1976).
- Guzik, K. "The Forces of Conviction," 32 L&SIInq 41 (2007).
- Ireland, R. "Privately Funded Prosecution of Crime in the 19th Century U.S.," 39 Am. J. Leg. Hist. 43 (1995).
- Jacoby, J. The Am. Prosecutor (1980).
- King, R., Kutateladze, B. "A Higher Bar: Institutional Impediments to Hate Crime Prosecution," 57 L&SR 489 (2023).
- Levine, K., Wright, R. "Prosecutor Risk, Maturation, & Wrongful Conviction Practice," 42 L&SIInq 648 (2017).
- McDonald, W. ed. The Prosecutor (1979). all arts.
- Miller, F. Prosecution (1970).
- Miller, L. & Eisenstein, J. "The Fed./State Criminal Prosecution Nexus," 30 L&SIInq 239 (2005).
- Neubauer, D. "After the Arrest," 8 L&SR 495 (1974).
- Nissman, D. & Hagen, E. The Prosecution Function (1981).
- Radelet, M. & Pierce, G. "Race & Prosecutorial Discretion in Homicide Cases," 19 L&SR 587 (1985).
- Robertson, C., Baughman, S., Wright, M. "Race & Class: A Randomized Experiment with Prosecutors," 16 J. Emp. Leg. Stud. 807 (2019).
- Sarat, A. & Clarke, C. "Beyond Discretion: Prosecution, the Logic of Sovereignty, & the Limits of Law," 33 L&SIInq 387 (2008).
- Skolnick, J. "Social Control in the Adversary System," 11 J. Conflict Res. 52 (1967).
- Small, J. "Classing Sexual Offenders," 49 L&SR 109 (2015).
- Small, J. "Conceptualizing Consent: How Prosecutors Identify Sexual Victimization in Statutory Rape Cases," 45 L&SIInq 111 (2020).
- Sommers, I., Goldstein, J., Baskin, D. "Intersection of Victims' & Offenders' Sex & Race/Ethnicity on Prosecutorial Decisions for Violent Crimes," 35 Just. Sys. J. 178 (2014).

- Stanko, E. "Impact of Victim Assessment on Prosecutors' Screening Decisions," 16 L&SR 225 (1981-2).
- Sung, Y.-H. "How U.S. Voters Elect Prosecutors: Evidence from a Conjoint Experiment," 76 PSQ 1309 (2023)..
- Vilcica, E. "Role of Dismissal in the American Criminal Ct. Theories Revisited," 35 Just. Sys. J. 205 (2014).

b. Federal prosecutors.

- Boldt, E., Boyd, C. "The Political Responsiveness of Violent Crime Prosecution," 81 PRQ 936 (2018).
- Boyd, C. et al. The Politics of Federal Prosecution (2021).
- Curry, B., Miller, B. "The Influence of Diversity & Qualifications in Presidential Nominations: The Case of US Attorneys," 42 Just. Sys. J. .252 (2021).
- Eisenstein, J. Counsel for the U.S. (1978).
- Holden, M. "Research Spotlight: The Justice Department & American Politics: Functions, Process, & Questions about Current Politics," 18 (3) Law & Courts 22 (2008).
- Judge, S., Dole, J. "Charging sex traffickers under federal law: What dispositions should we expect when applying theories on prosecutorial decision-making?" 19 J. Emp. Leg. Stud. 677 (2022).
- Kaplan, J. "The Prosecutorial Discretion," 60 Northwestern L. Rev. 174 (1965).
- Lochner, T. "Strategic Behavior & Prosecutorial Agenda Setting in United States Attorneys' Offices: The Role of U.S. Attorneys & Their Assistants," 23 Just. Sys. J. 271 (2002).
- Lynch, M. Hard Bargains: The Coercive Power of Drug Laws in Federal Ct. (2016).
- Lynch, M., Omori, M. "Crack as Proxy: Aggressive Federal Drug Prosecutions & the Production of Black-White Racial Inequality," 52 L&SR 773 (2018).
- Miller, B., Curry, B. "Haphazard, Systematic, or Both? An Empirical Investigation of the US Attorney Firings in 2006," 6 J. L. & Cts. 379 (2018).
- Miller, B., Curry, B. U.S. Attorneys, Political Control, & Career Ambition (2019).
- Seymour, W. U.S. Attorney (1975)
- Weaver, S. The Decision to Prosecute (1977).

c. Grand juries.

- Carp, R. "Behavior of Grand Juries," 55 SSQ 853 (1975).
- Clark, L. The Grand Jury (1972).
- Frankel, M & Naftalis, G. The Grand Jury (1977).

7. Defense counsel, including public defenders.

- Bohne, B. "Public Defender as Policymaker," 62 Judicature 176 (1978).
- Campbell, C., Henderson, K. "Bridging the Gap between Clients & Public Defenders: Introducing a Structured Shadow Method to Examine Attorney Communication," 43 Just. Sys. J. 26 (2022).
- Clark, A., Davies, A., Curtis, K. "Access to Counsel for Defendants in Lower Criminal Courts," 43 Just. Sys. J. 85 (2022).
- Davidson, K., Ostrom, B., Kleiman, M. "Client Perspectives of Holistic Defense: Strengthening Procedural Justice through Enhanced Client Trust," 43 Just. Sys. J. 128 (2022).

- Davies, A., Worden, A. "Local Governance & Redistributive Policy: Explaining Local Funding for Public Defense," 51 L&SR 313 (2017).
- Hall, D. "Job Satisfaction among Male & Female Public Defense Attorneys," 18 Just. Sys. J. 121 (1995-6).
- Johnson, R. "Gideon & Competent State Public Defense: Recent Evidence from Three States Legal," 32 Just. Sys. J. 111 (2011).
- Leasure, P. et al. "The Effectiveness of the ABA's Efforts to Increase Defendant Notice of Collateral Consequences: A Survey of S. Car. Defense Attorneys," 40 Just. Sys. J. 302 (2019).
- Leasure, P. et al. "Collateral Consequences of Conviction in South Carolina Cts: A Study of South Carolina Defense Lawyers," 43 Just. Sys. J. 68 (2022).
- Lynch, D. "Nature of Occupational Stress among Public Defenders," 19 Just. Sys. J. 17 (1997).
- Madeira, E., Schaffer, M.. The Defender: The Battle to Protect the Rights of the Accused in Philadelphia (2020).
- McDonald, W. eds. The Defense Counsel (1983). all arts.
- McIntyre, L. The Public Defender (1987). solid biblio.
- Norris, J. "Accounting for the (Almost Complete) Failure of the Entrapment Defense in Post-9/11 US Terrorism Cases," 45 L&SInq 194 (2020).
- Ostrom, B., Bowman, J. "Examining the Effectiveness of Indigent Defense Team Services: A Multisite Evaluation of Holistic Defense in Practice," 41 Just. Sys. J. 139 (2020).
- Platt, A. "Channelling of Lawyers," 9 Issues in Criminology 1 (1974).
- Pruss, H., Sandys, M., Walsh, S. "Listen, Hear my Side, Back Me up": What Clients Want from Public Defenders," 43 Just. Sys. J. 6 (2022).
- Sadler, C., Siegel, J. "Indigent Defense Participation by Private Contractors & the Role of Compensation as an Incentive, Justice System," 43 Just. Sys. J. 432 (2022).
- Scheffer, T., Hannken-Illjes, K., & Kozin, A. "Bound to One's Own Words: Early Defenses & their Binding Effects in Different Criminal Cases," 32 L&SInq 5 (2007).
- Smith, A. & Maddan, S., "The Interaction between Legal Representation & Extralegal Factors on Nonviolent Misdemeanor Case Outcomes," 43 Just. Sys. J. 102 (2022).
- Sudnow, D. "Normal Crimes," 12 Social Problems 255 (1965).
- Webster, E. et al. "'Satan's Minions' & 'True Believers': How Criminal Defense Attorneys Employ Quasi-Religious Rhetoric & What It Suggests about Lawyering Culture," 43 Just. Sys. J. 53 (2022).
- Wice, P. Criminal Lawyers (1978).
- Williams, M. "Comparison of Sentencing Outcomes for Defendants with Public Defenders versus Retained Counsel in a Florida Circuit Court," 23 Just. Sys. J. 249 (2002).

8. Bail & Incarceration before Trial.

- Baughman, S. The Bail Book: A Comprehensive Look at Bail in America's Criminal Justice System (2018).
- Berk, R., Sorenson, S., Barnes, G. "Forecasting Domestic Violence: A Machine Learning Approach to Help Inform Arraignment Decisions," 13 J. Emp. Leg. Stud. 94 (2016).
- Boldt, E. et al "The Effects of Judge Race & Sex on Pretrial Detention Decisions," 42 Just. Sys. J. 341 (2021).
- Carroll, J. "The Ever-Shifting Ground of Pretrial Detention Reform," 19 Annual Rev. L. & Soc. Sci. 75 (2023).
- Devers, L. Bail Decisionmaking (2011).
- Dill, F. "Discretion, Exchange, & Social Control," 9 L&SR 639 (1975).
- Eife, E., Richie, B. "Punishment by Association: The Burden of Attending Court for Legal Bystanders" L&SInq, 584 (2022).

Flemming, R., Kohfield, C., & Uhlmann, T., "The Limits of Bail Reform," 14 L&SR 947 (1980).

Flemming, R. Punishment Before Trial (1982)

Free, M. "Bail & Pretrial Release Decisions," 2 J. Ethnicity in Criminal Just. 203 (2004).

Grossman, J., Nyarko, J., Goel, S. "Racial bias as a multi-stage, multi-actor problem: An analysis of pretrial detention," 20 J. Emp. Leg. Stud. 86 (2023).

Gupta, A., Hansman, C., Frenchman, E. "The Heavy Costs of High Bail: Evidence from Judge Randomization," 45 J. Leg. Stud. 471 (2016).

Kenney, J., Dolliver, M. "Time to Bail out: Examining Gender Differences in the Length of Pretrial Detention Using Survival Analysis," 43 Just Sys. J. 203 (2022).

Landes, W. "The Bail System," 2 J. Legal Stud. 79 (1973).

McDonough, A., Enamorado, T., Mendelberg, T. "Jailed While Presumed Innocent: The Demobilizing Effects of Pretrial Incarceration," 84 JoP 1777 (2022).

McIntyre, F. & Baradaran, S. "Race, Prediction, & Pretrial Detention," 10 J. Emp. Leg. Stud. 741 (2013).

Moore, C., Ferguson, E., Guerin, P. "How accurate are rebuttable presumptions of pretrial dangerousness? A natural experiment from New Mexico," 20 J. Emp. Leg. Stud. 377 (2023).

Nagel, I. "The Legal/Extra-Legal Controversy," 17 L&SR 481 (1983).

Rabinowitz, M. Incarceration without Conviction: Pretrial Detention & the Erosion of Innocence in American Criminal Justice (2022).

Rengifo, A.F., Rouzbahani, D., Peirce, J. "Court Interpreters & the Political Economy of Bail in Three Arraignment Courts," 42 Law & Policy 236 (2020).

Scott-Hayward, C., Fradella, H. Punishing Poverty: How Bail & Pretrial Detention Fuel Inequalities in the Criminal Justice System (2019).

Suffet, F. "Bail Setting," 12 Crime & Delinquency 318 (1966).

Torborg, N. "Bail Bondsmen & the Criminal Cts.," 8 Just. Sys. J. 141 (1983).

Wenzelburger, G., König, P. "The Liberal Dream of Smart Detention? Algorithms & the Politics of Pretrial Detention in the US States," 44 Law & Policy 325 (2022).

Wice, P. Freedom for Sale (1974).

9. The Plea Bargain.

This topic is also discussed in all the studies listed above under part 1.c. Case studies of criminal legal processes.

Abrams, D. "Is Pleading Really a Bargain?" 8 J. Emp. Leg. Stud. Supp.1: 200 (2011).

Alschuler, A. "The Prosecutor's Role in Plea Bargaining," 36 U. Chicago L. Rev. 50 (1968).

Alschuler, A. "The Defense Attorney's Role in Plea Bargaining," 84 Yale L.J. 1179 (1975).

Alschuler, A. "The Trial Judge's Role in Plea Bargaining," 76 Columbia L. Rev. 1059 (1976).

Alschuler, A. "Plea Bargaining & its History," 13 L&SR 211 (1979).

Brereton, D & Casper, J. "Does it Pay to Plead Guilty?" 16 L&SR 45 (1976).

Buckle, S. & R. Bargaining for Justice (1976).

Callan, S. "An Experiment in Justice Without Plea Negotiation," 13 L&SR 327 (1979).

Carns, T. & Kruse, J. "Alaska's Ban on Plea Bargaining Revisited," 75 Judicature 310 (1992).

Church, T. "Plea Bargains, Concessions, & Cts." 10 L&SR 377 (1976).

Church, T. "Plea Bargaining & Local Legal Culture," in Epstein, L. Contemplating Cts. (1995).

Emmelman, D. "Trial by Plea Bargain," 30 L&SR 335 (1996).

Emmelman, D. "Gauging the Strength of Evidence Prior to Plea Bargaining," 22 L&SInq 927 (1997)

Feeley, M. "Effects of Heavy Caseloads," in Goldman & Sarat, A. Ct. Systems, p. 125; 1975 APSA paper.

Feeley, M. "Perspectives on Plea Bargaining," 13 L&SR 199 (1979).

Feeley, M. "Pleading Guilty in Lower Cts.," 13 L&SR 461 (1979).

Finkelstein, M. "Stat. Analysis of Guilty Plea Practices in the Fed. Cts.," 89 Harv. L. Rev. 293 (1975).

Fisher, G. Plea Bargaining's Triumph: a History of Plea Bargaining in America (2003).

Friedman, L. "Plea Bargaining in Historical Perspective," 13 L&SR 247 (1979).

Gormley, J. The inefficiency of plea bargaining. 49 J. Law & Soc. 277 (2022).

Grossman, G. & Katz, M. "Plea Bargaining & Soc. Welfare," 7 Am. Econ. Rev. 749 (1983).

Haller, M. "Plea Bargaining: 19th Cent.," 13 L&SR 281 (1979).

Heumann, M. Plea Bargaining (1978).

Heumann, M. "Plea Bargaining...", in Goldman & Sarat, Am. Ct. Systems p. 118; 1974 APSA paper.

Heumann, M. & Lofti, C. "Mandatory Sentencing & the Abolition of Plea Bargaining," 13 L&SR 393 (1979).

Holmes, M., Daudistel, H. & Taggart, W. "Plea Bargaining Policy & State Dist. Ct. Caseloads," 26 L&SR 139 (1992).

Houlden, P. "Impact of Procedural Modifications on Evaluations of Plea Bargaining," 15 L&SR 267 (1980).

Howard, R., Chard, R., Kaji, J., Davis, J. "Pre-Trial bargaining & Litigation," 34 L&SR 431 (2000).

Johnson, B., King, R., Spohn, C. "Sociological Approaches to the Study of Guilty Pleas & Prosecution," 12 Annual Rev. Law & Soc. Sci. 479 (2016).

Katz, J. "Legality & Equality," 13 L&SR 431 (1979).

Klein, J. Let's Make a Deal (1976).

Langebein, J. "Underst&ing the Short History of Plea Bargaining," 13 L&SR 261 (1979).

Lynch, D. "The Impropriety of Plea Agreements: A Tale of Two Counties," 19 L&SInq. 115 (1994); with comments by Schulhofer, S.; Weisberg, R.

McConville, M. & Mirsky, C. Jury Trials & Plea Bargaining (2005)

McCoy, C. Politics & Plea Bargaining (1993).

McDonald, W. & Cramer, J. ed. Plea Bargaining (1980). all arts.

Mann, K. "Defending White-Collar Crime," in Goldman & Sarat, Am. Ct. Systems, p. 269; from Mann, K. Defending White Collar Crime (1985).

Matheney, A. "Bibliography on Plea Bargaining," 13 L&SR 661 (1979).

Mather, L. Plea Bargaining or Trial (1979).

Maynard, D. "Structure of Discourse in Misdemeanor Plea Bargaining," 18 L&SR 75 (1984).

Maynard, D. Inside Plea Bargaining (1984).

Maynard, D. "Narrative & Normative Structure in Plea Bargaining," 22 L&SR 449 (1988).

Nardulli, P. et al. "Unraveling the Complexities of Decision Making," 78 APSR 912 (1984).

Newman, D. Conviction (1966).

Padgett, J. "Emergent Org. of Plea Bargaining," 90 Am. J. Socio. 753 (1985).

Padgett, J. "Plea Bargaining & Prohibition in the Fed. Cts.," 24 L&SR 413 (1990).

Reinganum, J. "Plea Bargaining & Prosecutorial Discretion," 78 Am. Econ. Rev. 713 (1984).

Rossett, A. & Cressey, R. Justice by Consent (1976).

Rubinstein, M. & White, T. "Alaska's Ban on Plea Bargaining," 13 L&SR 367 (1979).

- Ryan, J. & Alfini, J. "Trial Judges' Participation in Plea Bargaining," 13 L&SR 479 (1979).
- Schulhofer, S. "Is Plea Bargaining Inevitable," in Goldman & Sarat, Am. Ct. Systems, p. 134; 97 Harv. L. Rev. (1984).
- Smith, B. "Plea Bargaining & the Eclipse of the Jury," 1 Annual Rev. Law & Soc. Sci. 131 (2005).
- Steinberg, A. "From Private Prosecution to Plea Bargaining," 30 Crime & Delinquency 568 (1984).
- Tor, A., Gazal-Ayal, O., & Garcia, S. "Fairness & the Willingness to Accept Plea Bargain Offers," 7 J. Emp. Leg. Stud. 97 (2010).
- Utz, P. Settling the Facts (1978).

10. Trials & Juries. See Part IV. of this Bibliography on Jury Studies

- O'Brien, B., Grosso, C. "Criminal Trials & Reforms Intended to Reduce the Impact of Race: A Review," 16 Annual Rev. Law & Soc. Sci. 117 (2020).

11. Drug Courts & Other Specialized Criminal Courts.

- Baker, K. "Decision Making in a Hybrid Organization: A Case Study of a Southwestern Drug Ct. Treatment Program," 38 L&SI 27 (2013).
- Berman, G., Rempel, M., & Wolf, R. Documenting Results: Research on Problem Solving Justice (2007) (drug cts. & other specialized criminal procedures).
- Blakey, J., Mueller, D., Richie, M. "Strengths & Challenges of a Prostitution Ct. Model," 38 Just. Sys. J. 364 (2017).
- Cheesman, F., Genthon, K., Marlowe, D. "From a Performance Measure to a Performance Evaluation Tool: Conceptual Development of the Equity & Inclusion Assessment Tool," 40 Just. Sys. J. 259 (2019)
- Deschenes, E., Turner, S., Greenwood, P. "Drug Ct. or Probation: An Experimental Evaluation of Maricopa County's Drug Ct.," 18 Just. Sys. J. 55 (1995-6).
- Douglas, J., Hartley, R., "Sustaining Drug Courts in Arizona & South Carolina: An Experience in Hodgepodge Budgeting Management," 25 Just. Sys. J. 75 (2004).
- Kaye, K. Enforcing Freedom: Drug Courts, Therapeutic Communities, & the Intimacies of the State (2020).
- Laing, B., Long, M., Knottnerus, J. "What Do Clients Achieve in Drug/DUI Ct: Examining Intended & Unintended Outcomes," 37 Just. Sys. J. 272 (2016).
- Lightcap, T. "Reshaping Court Systems: Issue Environments & the Establishment of Drug Courts," 43 Just. Sys. J. 412 (2022).
- Mak, M., Rutledge, J. "The Diffusion of Collaborative Justice: The Politics of Learning in the Development of Drug Cts.," 40 Just. Sys. J. 238 (2019).
- Murphy, J. Illness or Deviance? Drug Courts, Drug Treatment, & the Ambiguity of Addiction (2015).
- Nolan, J. Reinventing Justice: The American Drug Ct. Movement. (2001).
- Nolan, J. Drug Cts. In Theory & Practice (2002).
- Shomade, S. "Case Disposition in the Drug Ct: Who is the Most Central Actor," 31 Justice Sys. J. 74 (2010).
- Tiger, R. Judging Addicts (2012).
- Torres, S.; Deschenes, E. "Changing the System & Making It Work: The Process of Implementing Drug Cts in Los Angeles County," 19 Just. Sys. J. 267 (1997).

12. Juvenile Cts.

1. Due Process Rules.

In re Gault (1968)
In re Winship
Miller v. Ala. (2012)

2. Commentary & Analysis of Behavior.

- Aday, D. "Ct. Structure, Defense Atty. Use, & Juvenile Ct. Decisions," 27 Sociological Q. 107 (1986).
- Agyepong, T. The Criminalization of Black Children: Race, Gender, & Delinquency in Chicago's Juvenile Justice System 1899-1945 (2018).
- Bailey, W. & Peterson, R. "Legal v. Extralegal Determinants of Juvenile Ct. Dispositions," 32 Juvenile & Family L. J. 41 (1981).
- Bartollas, C., Miller, S. Dinitz, S. "The informal code in juvenile institutions," 1 J. So. Crim. Just. 33 (1975).
- Bartollas, C., Miller, S., Juvenile Justice In Am. (1994).
- Bell, D. & Lang, K. "The intake dispositions of juvenile offenders," 22 J. Res. Crime & Delinq. 309 (1985).
- Berk, C. "Children, Development, & the Troubled Foundations of Miller v. Alabama" 44 L&SInq 752 (2019).
- Bishop, D. & Frazier, C. "Influence of Race in Juvenile Justice Proceedings," 25 J. Research in Crime & Delinquency 242 (1988).
- Bloomberg, T. Juvenile Ct. & Community Corrections (1984)
- Bortner, M. Inside a Juvenile Ct. (1982).
- Burton, C. "Child Savers & Unchildlike Youth: Class, Race, & Juvenile Justice in the Early Twentieth Century," 44 L&SInq 1251 (2019).
- Bush, W., Tanenhaus, D, eds. Ages of Anxiety: Historical & Transnational Perspectives on Juvenile Justice (2018).
- Champion, D. Juvenile Justice System (1992)
- Cicourel, A. Social Organization of Juvenile Justice (1968)
- Cohen, L. & Klugel, J. "Determinants of Juvenile Ct. Dispositions," 43 ASR 162 (1978).
- Corley, C.; Bynum, T.; Wordes, M. "Conceptions of Family & Juvenile Ct. Processes: A Qualitative Assessment," 18 Just. Sys. J. 157 (1995-6).
- Cox, S. & Conrad, J. Juvenile Justice (1991).
- Dowd, N. ed. A New Juvenile Justice System: Total Reform for a Broken System (2015)
- Drizin, S. "Juvenile Ct. at 100," 83 Judicature 8 (1999).
- Dean, C. , Hirschel, J., Brame, R. "Minorities & Juvenile Case Dispositions," 18 Just. Sys. J. 267 (1995-6)
- Emerson, R. Judging Delinquents (1969).
- Feld, B., Bishop, D. ed. Oxford Handbook of Juvenile Crime & Juvenile Justice (2012).
- Feld, B., The Evolution of the Juvenile Court: Race, Politics, & the Criminalizing of Juvenile Justice (2017).
- Fenwick, C. "Juvenile Ct. intake decision making," 10 J. Crim. Just. 443 (1982).
- Frazier, C. & Bishop, D. "The pretrial detention of juveniles & its impact on case decisions," 76 J. Crim. Law & Crimino. 1132 (1985).
- Frazier, C. & Cochran, J. "Official intervention, diversion from juvenile justice system, & the dynamics of human services work," 32 Crime & Delinq. 157 (1986).

- Griss, T. & Schwartz, R. eds. Youth on Trial: A Developmental Perspective on Juvenile Justice (2000).
- Harris, A. "Diverting & Abdicating Jud. Discretion: Cultural, Political, & Procedural Dynamics in California Juvenile Justice," 41 LSR 387 (2007).
- Horwitz, A. & Wasserman, M. "Effect of Social Control on Delinquent Behavior," 12 Sociological Focus 52 (1979)
- Jacobs, M. Screwing the System & Making It Work (1990).
- Johnson, J. & Secret, P. "Race & juvenile ct. dec. making revisited," 4/2 Crim. Just. Policy Rev. 159 (1990).
- Joseph, J. Black Youths, Delinquency, & Juvenile Justice (1995).
- Klein, M. ed. Juvenile Justice System (1976).
- Klein, M. "Labeling Theory & Delinquency Policy," 13 Crim. Just. & Behavior 47 (1986).
- Krisberg, B. & Austin, J. Reinventing Juvenile Justice (1993).
- Kupchick, A. Judging Juveniles (2006)
- Lieber, R. "Comparison of juvenile ct. outcomes...." 11 Justice Q. 257 (1994).
- McEwen, C. Mather, L., Maiman, R. "Lawyers, Mediation, & the Management of Divorce Practice," 28 L&SR 149 (1994).
- Mahoney, A. "Effect of Labeling upon Youths in the Juvenile Justice System," 8 L&SR 583 (1974).
- Manfredi, C. The Sup. Ct. & Juvenile Justice
- Meade, A. "Labeling Approach to Delinquency," 53 Social Forces 83 (1974).
- Nadel, M. et al. "Individual characteristics & community context in decisions to divert or arrest," 55 L&SR 320 (2021).
- Paik, L. Discretionary Justice (2011).
- Park, J. "Visions of Police Power: A Symposium on Abolition Politics," 55 Polity 665 (2023). (5 articles).
- Pennington, L. "Socializing Distrust of the Justice System through the Family in Juvenile Delinquency Court," 39 Law & Policy 27 (2017).
- Pennington, L. "The Conflicted Juvenile Delinquency Ct, after Gault: A Qualitative Examination of Actors & Processes in Two Contemporary Cts." 39 Just. Sys. J. 3 (2018).
- Platt, A. The Childsavers (1969).
- Platt, A., Schechter, H. & Tiffany, P. "In Defense of Youth," 43 Ind. L.J. 619 (1968).
- Rosenheim, M., Zimring, F., Tanenhaus, D., Dohrn, B. A Century of Juvenile Justice (2002).
- Sanborn, J. "Guardian of the Public and/or the Child: Policy Questions & Conflicts for the Juvenile Ct. Prosecutor," 18 Just. Sys. J. 141 (1995-6).
- Scarpatti, F. & Stephenson, R. "Juvenile Ct. Dispositions," 17 Crime & Delinquency 142 (1971).
- Schaefer, S., Uggen, C. "Blended Sentencing Laws & the Punitive Turn in Juvenile Justice," 41 L&SInq 435 (2016).
- Schutt, R. & Dannefer, D. "Detention decisions in juvenile Ct. cases," 22 L&SR 509 (1988).
- Smith, D. & Paternoster, R. "Formal Processing & Future Delinquency," 24 L&SR 1109 (1990).
- Soyer, M. A Dream Denied (2016).
- Stapleton, V. & Teitlebaum, L. In Defense of Youth (1972).
- Streib, V. Death Penalty for Juveniles (1987).
- Sutton, J. "Juvenile Ct. & Social Welfare," 19 L&SR 107 (1985).
- Tanenhaus, D. The Constitutional Rights of Children
- Thomas, C. & Bilchik, S. "Prosecuting juveniles in criminal cts.," 76 J. Crim. Law & Crimino. 439 (1985).

Ward, G. Black Child-Savers: Racial Democracy & Juvenile Justice (2012).
White, S. ed. Handbook of Youth & Justice. (2001).
Zimring, F. & Tanenhaus, D. eds. Choosing the Future for American Juvenile Justice (2014).

G. Public reactions to criminality & criminal justice.

Chermak, S. Victims in the News (1995).
Davis, J. "Justification for No Obligation," 9 Issues in Crimino. 69 (1974).
Enns, P. "The Public's Increasing Punitiveness & Its Influence on Mass Incarceration in the United States," 58 AJoPS 857 (2014).
Epp, C. et al. Pulled Over (2014).
Flanigan, T. & Longmire, D. Americans View Crime & Justice (1996).
Gruber, A. The Feminist War on Crime: The Unexpected Role of Women's Liberation in Mass Incarceration (2020).
Jacob, H. "Black & White Perceptions of Justice in the City," 6 L&SR 69 (1971).
Lock, S.. Crime, Public Opinion, & Civil Liberties: The Tolerant Public (1999).
Mearns, T. & Kahan, D. "Law & (Norms) of Order in the Inner City," 32 L&SR 805 (1998).
Mondak, J., Hurwitz, J., Peffley, M., Testa, P. "The Vicarious Bases of Perceived Injustice," 61 AjoPS 804 (2017).
Nagin, D., Telep, C. "Procedural Justice & Legal Compliance," 13 Annual Rev. of L. & Soc. Sci. 5 (2017).
Sampson, R. & Bartusch, D. "Legal Cynicism & (Subcultural?) Tolerance of Deviance," 32 L&SR 777 (1998).
Stalans, L. & Lurgio, A. eds. Public Opinion on Justice in the Criminal Justice System (1996).
Walker, D. et al. "Contact & Support," 51 N.C. L. Rev. 43 (1972).
Walker, D. "Public Attitudes towards the Criminal Justice System," 3 PSJ 37 (1974).
Weitzer, R. "Racialized Policing," 34 L&SR 129 (2000).
Wortley, S., Hagan, J. & Macmillan, R. "Just Des(s)erts? Racial Polarization of Perceptions of Criminal Injustice," 31 L&SR 637 (1997).

H. Winners & losers in criminal litigation.

1. Legal Standards on Penalization: The Eighth Amendment.

a. Cases on bail.

Stack v. Boyle (1951)
U.S. v. Salerno (1987)

b. Fines/Seizures/Restitution.

Caplin & Drysdale v. U.S. (1989)
Austin v. U.S. (1993)
Alexander v. U.S. (1993)
U.S. v. James Daniel Good Real Property (1993)
Bennis v. Mich. (1996)
City of West Covina v. Perkins (1999)
Honeycutt v. U.S. (2017)
Leonard V. Texas (2017)
Lagos v. U.S. (2018)
Tibbs v. Indiana (2019)

c. Proportionality of Sentences.

Rummel v. Estelle
Solem v. Helm (1983)
Harmelin v. Mich. (1991)
Ewing v. California (2003)
Graham v. Florida (2010)
Miller v. Ala. (2012)

d. Insanity.

Kahler v. Kansas (2020)
Alden, A. Disorder in the Court: Morality, Myth, & the Insanity Defense (2018).
Deambrogio, C. Judging Insanity, Punishing Difference: A History of Mental Illness in the Criminal Court. (2023)
Simon, R. The Jury & the Defense of Insanity (1967).

e. Conditions of Incarceration.

Wilson v. Seiter (1991)
Farmer v. Brennan (1994)
Overton v. Bazetta (2003).
Broen v. Plata (2011)

f. Post Penalty Restraints & Governmental Policies Affecting Former Offenders.

Kansas v. Hendricks (1997)
Smith v. Doe (2003)
Connecticut Dep't of Pub. Safety v. Doe (2003)
U.S. v. Comstock (2010)
Packingham v. N. Carolina (2017)

2. Sentencing & Penalization Studies: General & State Courts.

Baumgartner, F. et al. "Throwing Away the Key: The Unintended Consequences of 'Tough-on-Crime' Laws," 19 Perspectives on Politics 1233 (2021).

Berryessa, C. "Jud. Stereotyping Associated with Genetic Essentialist Biases toward Mental Disorders & Potential Negative Effects on Sentencing," 53 L&SR 202 (2019).

Bjerk, D. "Mandatory Minimum Policy Reform & the Sentencing of Crack Cocaine Defendants: An Analysis of the Fair Sentencing Act," 14 J. Emp. Leg. Stud. 370 (2017).

Blomberg, T. & Cohen, S., eds. Punishment & Social Control (1995).

Blumstein, A. et al. Research on Sentencing (1983).

Boerner, D. "Sentencing guidelines & prosecutorial discretion," 78 Judicature 196 (1995).

Boston, J., Silveira, B. "The Electoral Connection in Court: How Sentencing Responds to Voter Preferences." 12 J. L. & Cts. 23 (2024).

Braslow, L. & Cheit, R. "Jud. Discretion & (un)equal Access," 8 Jud. Emp. Leg. Stud. 24 (2011).

Burkhardt, B., Jones, A. "Jud. Intervention into Prisons: Comparing Private & Public Prisons from 1990 to 2005," 37 Just. Sys. J. 39 (2016).

- Bushway, S. & Piehl, A. "Judging Jud. Discretion," 35 L&SR 733 (2001).
- Calavita, K. & Jenness, Appealing to Justice: Prisoner Grievances, Rights, & Carceral Logic (2015).by
- Campbell, M. "The Emergence of Penal Extremism in Calif.," 48 L&SR 377 (2014).
- Chase, R. We Are Not Slaves: State Violence, Coerced Labor, & Prisoners' Rights in Postwar America (2019).
- Chen, E., Chung, E., Sands, E. "Courtroom Workgroup Dynamics & Implementation of Three Strikes Reform." 46 Law & Policy 112 (2024).
- Childs, D. Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary (2015).
- Clark, J. Austin, J. & Henry, A. "Three strikes & you're out," 81 Judicature 144 (1998).
- Clarkson, C. & Morgan, R. eds. Politics of Sentencing Reform (1995).
- Clear, T. Harm in American Penology (1994).
- Dagan, D., Teles, S. Prison Break: Why Conservatives Turned Against Mass Incarceration (2016).
- Dawson, R. Sentencing (1969).
- Diamond, S. "Revising Images of Public Punitiveness," 15 L&SInq. 191 (1990).
see also Walker, M. critique & Diamond response, 17 L&SInq. 109 (1992).
- Donnelly, E. "Race, Neighborhoods, & Sentencing: How Social Conditions & Neighborhood Types Affect Incarceration Disparities," 42 Just. Sys.J. 230 (2021).
- Enns, P. Incarceration Nation: How the United States Became the Most Punitive Democracy in the World (2016).
- Everingham, S. et al. Three Strikes Revisited (1999)
- Fortner, M. Black Silent Majority: The Rockefeller Drug Laws & the Politics of Punishment (2015).
- Frase, R. "State sentencing guidelines," 78 Judicature 173 (1995).
- Frazier, C. & Bock, E. "Effects of Ct. Officials on Sentence Severity," 20 Criminology 257 (1982).
- Garland, D. Punishment in Modern Society (1990).
- Gibson, J. "Race as a Determinant of Criminal Sentences," 14 L&SR 343 (1980).
- Gottschalk., M., "Sentenced to Life: Penal Reform & the Most Severe Sanctions," 9 Annual Rev. L. & Soc. Sci. 353 (2013).
- Gottschalk., M., Caught: The Prison State & the Lockdown of American Politics (2014).
- Green, E. Jud. Attitudes in Sentencing (1961).
- Gruhl, J. et al. "Women as Criminal Defendants," 37 WPQ 456 (1984).
- Grunwald, B. "Questioning Blackmun's Thesis: Does Uniformity in Sentencing Entail Unfairness?" 49 L&SR 499 (2015).
- Guetzkow, J., Schoon, E. "If You Build It, They Will Fill It: The Consequences of Prison Overcrowding Litigation," 49 L&SR 401 (2015).
- Hagan, J. "Extra-Legal Attributes & Criminal Sentencing," 8 L&SR 357 (1974).
- Harris, A. A Pound of Flesh (2016).
- Hassett-Walker, C., Lateano, T., Di Benedetto, M., "Do Female Sex Offenders Receive Preferential Treatment in Criminal Charging & Sentencing," 35 Just. Sys. J. 62 (2014).
- Hillsman, S. & Mahoney, B. "Collecting & Enforcing Criminal Fines," 13 Just. Sys. J. 17 (1988-9).
- Hinton, E. From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America (2016).
- Hogarth, J. Sentencing as a Human Process (1970).
- Holmes, M. et al. "Judges' Ethnicity & Minority Sentencing," 74 SSQ 496 (1993).
- Hood, R. Race & Sentencing (1992) (U.K.)

- Huber, G. & Gordon, S. "Accountability & Coercion: Is Justice Blind When it Runs for Office?" 48 AjoPS 247 (2004).
- Hudson, et al. "When Criminals Repay their Victims," 60 Judicature 313 (1977).
- Huff, C., Rattner, A., & Sagrain, E. Convicted but Innocent (1996).
- Jacob, H. & Eisenstein, J. "Sentences & Other Sanctions...", 90 PSQ 617 (1977-6).
- Jacobs, D., Jackson, A. "On the Politics of Imprisonments: A Review of Systematic Findings," 6 Annual Rev. Law & Soc. Sci. 129 (2010).
- Johnson, K. et al. "An Overview of Prosecutor-Led Diversion Programs: A New Incarnation of an Old Idea," 41 Just. Sys. J. 63 (2020).
- Joseph, J., & McCarthy, B. "California Civil Asset Forfeiture & the Policing of Minority Residents" 48 L&SI 1138 (2023).
- Karstedt, S., Bergin, T., Koch, M. "Critical Junctures & Conditions of Change: Exploring the Fall of Prison Populations in US States," 28 Soc. & Leg. Stud. 58 (2019).
- King, R., Johnson, K., & McGeever, K. "Demography of the Legal Profession & Variations in Sentencing," 44 L&SR 1 (2010).
- Kingsnorth, R. et al., "Criminal Sentencing & the Ct. Probation Office: The Myth of Individualized Justice Revisited," 20 Just. Sys. J. 255 (1998-9).
- Kleck, G. "Racial Discrimination in Criminal Sentencing," 46 ASR 783 (1981).
- Leon, C., Shdaimah, C. "Targeted sympathy in "whore court": Criminal justice actors' perceptions of prostitution diversion programs," 43 Law & Policy 126 (2021).
- Light, M. "The New Face of Legal Inequality," 48 L&SR 447 (2014).
- Lofquist, W. "Legislating Organizational Probation," 27 L&SR 741 (1993).
- Lovegrove, A. Framework of Jud. Sentencing (1997).
- Lynch, M. Sunbelt Justice: Arizona & the Transformation of Am. Punishment (2010).
- McCoy, C. "Sentencing (& the Underclass," 31 L&SR 589 (1997).
- Mears, D. "The Sociology of Sentencing," 32 L&SR 667 (1998).
- Meyer, J. & Jesilow, P. Doing Justice in the People's Ct. (1996).
- Miller, M. "Rehabilitating the federal sentencing guidelines," 78 Judicature 180 (1995).
- Myers, M. "Soc. Background & Sentencing Behavior of Judges," 26 Criminology 649 (1988).
- Myers, M. & Talarico, S. Social Contexts of Criminal Sentencing (1987).
- Ogletree, C. & Sarat, A. eds. Life Without Parole: America's New Death Penalty? (2012).
- O'Hear, M. Wisconsin Sentencing in the Tough-on-Crime Era: How Judges Retained Power & Why Mass Incarceration Happened Anyway (2016).
- O'Hear, M., Wheelock, D. "Life "With" Or "Without"? An Empirical Study of Homicide Sentencing," 18. J. Emp. Leg. Stud. 377 (2021).
- Owen, B., Wells, J., Pollock, J. In Search of Safety: Confronting Inequality in Women's Imprisonment (2017).
- Patterson, E. "Hidden Disparities: Decomposing Inequalities in Time Served in California, 1985-2009" 49 L&SR 467 (2015).
- Phelps, M. "The Paradox of Probation: Community Supervision in the Age of Mass Incarceration," 35 Law & Policy 51 (2013)
- Pilchen, S. "When corporations commit crimes," 78 Judicature 202 (1995).
- Porter, L. "Trying Something Old: The Impact of Shame Sanctioning on Drunk Driving & Alcohol-Related Traffic Safety," 38 L&SI 863 (2013)
- Pratt, J. "Towards the Decivilizing of Punishment," 12 Soc. & Legal Stud. 487 (1998).
- Provine, D. "Too Many Black Men," 23 L&SI 823 (1998).
- Pruitt, C. & Wilson, J. "Longitudinal Study of the Effect of Race on Sentencing, " 17 L&SR 613 (1983).
- Reiter, K. "Reclaiming the Power to Punish," 50 L&SR 484 (2016).
- Reiter, K. 23/7: Pelican Bay Prison & the Rise of Long-Term Solitary Confinement (2016).

- Reitz, K. & C. "Building a sentencing reform agenda," 78 Judicature 189 (1995).
- Ross, H. et al. "Jud. Disobedience to the Mandate to Imprison Drunk Drivers," 21 L&SR 315 (1987).
- Rubin, A., Reiter, K. "Continuity in the Face of Penal Innovation: Revisiting the History of American Solitary Confinement," 43 L&SInq 1604 (2018).
- Rubin, A. "Punishment's Legal Templates: A Theory of Formal Penal Change," 53 L&SR 518 (2019).
- Rudes, D., et al. "Rights-in-between: Resident perceptions of & accessibility to rights within restricted housing units" 55 L&SR 296 (2021)..
- Ryan, J. "Adjud. & Sentencing in a Misdemeanor Ct.," 15 L&SR 79 (1980-1).
- Ryan, M., Berry, W., eds. The Eighth Amendment & Its Future in a New Age of Punishment. (2020).
- Sarat, A. & P. Ewick (eds.). Punishment, Politics & Culture (2004).
- Schoenfeld, H.. Building the Prison State: Race & the Politics of Mass Incarceration (2018).
- Schoenfeld, H., Campbell, M. "Early 21st Century Penal Reform: A Comparative Analysis of Four States' Responses to the Problems of Mass Incarceration." 45 Law & Policy 482 (2023).
- Seeds, C. "Disaggregating LWOP: Life Without Parole, Capital Punishment, & Mass Incarceration in Florida, 1972–1995," 52 L&SR 172 (2018).
- Seeds, C. "Historical Modes of Perpetual Penal Confinement: Theories & Practices before Life Without Parole" 44 L&SInq 305 (2019).
- Seeds, C. Death by Prison: The Emergence of Life without Parole & Perpetual Confinement (2022).
- Shichor, D. & Secrest, D. eds. Three Strikes & You're Out (1996).
- Shdaimah, C., Bailey-Klock, M. "Can You Help with That instead of Putting Me in Jail: Participant Insights on Baltimore City's Specialized Prostitution Diversion Program," 35 Just. Sys. J. 257 (2014).
- Shdaimah, C., Leon, C., Wiechelt, S.. The Compassionate Court? Support, Surveillance, & Survival in Prostitution Diversion Programs. (2023).
- Simon, J. Mass Incarceration on Trial: A Remarkable Ct. Decision & the Future of Prisons in America (2014).
- Spohn, C. , Gruhl, J., Welch, S. . "The Effect of Race on Sentencing," 16 L&SR 71 (1981-2).
- Spohn, C. "Sentencing Decisions of Black & White Judges," 24 L&SR 1197 (1990).
- Steffensmeier, D. & Britt, C. "Judges' Race & Jud. Dec. Making," 82 SSQ 749 (2001).
- Steffensmeier, D. & Demuth, S. "Ethnicity & Judges Sentencing Decisions," 39 Criminology 145 (2001)
- Steffensmeier, D. & Hebert, C. "Women & Men Policymakers," 77 Soc. Forces 1163 (2001).
- Steffensmeier, D. & J. Kramer, C. Streifel, "Gender & Imprisonment Decisions "31 Criminology 4111 (1993).
- Steiner, B., Cain, C. "Punishment within Prison: An Examination of the Influences of Prison Officials' Decisions to Remove Sentencing Credits," 51 L&SR 70 (2017).
- Sutton, J. "Symbol & Substance: Effects of Calif. Three Strikes Law on Felony Sentencing" 47 L&SR 37 (2013).
- Swanson, J., Katzenstein, M. "Turning Over the Keys: Public Prisons, Private Equity, & the Normalization of Markets Behind Bars." 19 Perspectives on Politics 1247 (2021).
- Talarico, S. "Necessary but not Sufficient," 13 Just. Sys. J. 125 (1988-9).
- Taylor, K. "Sunbelt Capitalism, Civil Rights, & the Development of Carceral Policy in North Carolina, 1954–1970," 32 Stud. in Am. Pol. Development 292 (2018).

Taylor, T. "Jud. Selection & Criminal Punishment: Trial Court Elections, Sentencing, & Incarceration in the States," 9 J. L. Cts 305 (2021).

Thorpe, R. "Perverse Politics: The Persistence of Mass Imprisonment in the Twenty-first Century," 13 Perspectives on Politics 618 (2015).

Tonry, M. Malign Neglect (1995).

Tonry, M. Sentencing Matters (1996).

Tonry, M. & Hallestad, K. eds. Sentencing Reform in Overcrowded Times (1997).

Tonry, M. ed. American Sentencing: What Happens & Why? (2019).

Tyler, T. & Boeckmann, R. "Three Strikes & You're Out, but Why," 31 L&SR 237

Uhlman, T & Walker, D. "He Takes Some of My Time," 14 L&SR 323 (1980).

Ulmer, J. Social Worlds of Sentencing: Ct. Communities under Sentencing Guidelines (1997).

Ulmer, J. "Recent Developments & New Directions in Sentencing Research," 29 Justice Q. 1 (2012).

Vannier, M. Normalizing Extreme Imprisonment: The Case of Life without Parole in California (2021).

Vidmar, N. & Miller, D. "Sociopsychological Processes Underlying Attitudes toward Legal Punishment," 14 L&SR 565 (1980).

Walker, M. Indefinite: Doing Time in Jail (2022).

Wang, X., Mears, D. "Sentencing & State-Level Racial & Ethnic Contexts," 49 L&SR 883 (2015).

Weisburd, D. et al. "Class, Status, & the Punishment of White Collar Criminals," 15 L&SI 223 (1990).

Welch, S. & Spohn, C. "Evaluating the Impact of Prior record on Judges' Sentencing Decisions," 3 Justice Q. 389 (1986).

Welch, S. et al. "Convicting & Sentencing Differences...," 2 Justice Q. 67 (1985).

Wheeler, S. et al. Sitting in Judgment (1989).

Wooldredge, J. Griffin, T. & Rauschenberg, F. "Unanticipated Effects of Sentencing Reform on the Disparate Treatment of Defendants," 39 L&SR 835 (2005).

Wooldredge, J. Griffin, T. Thistlewaite, A. & Rauschenberg, F. "Victim-Based Effects on Racial Disparate Sentencing in Ohio," 8 J. Emp. Leg. Stud. 85 (2011).

Wooldredge, J. Griffin, T. Thistlewaite, A. & Rauschenberg, F. "Comparing between-Judge Disparities in Imprisonment Decisions across Sentencing Regimes in Ohio," 34 Just. Sys. J. 345 (2013).

Zimring, F. & Hawkins, G. Incapacitation (1995).

Zimring, F., Hawkins, G., & Kamin, S. Punishment & Democracy: 3 Strikes in Calif. (2001).

3. Federal Sentencing.

Adelman, L., Deitrich, J., "How Federal Judges Contribute to Mass Incarceration & What They Can Do about It ," 99 (3) Judicature 72 (2015).

Albonetti, C. "Sentencing under the Federal Sentencing Guidelines," 31 L&SR 789 (1997).

Bjerk, D. "Mandatory Minimums & the Sentencing of Federal Drug Crimes," 46 J. Leg. Stud. 93 (2017).

Fischman, J., Schanzenbach, M. "Racial Disparities Under the Federal Sentencing Guidelines: The Role of Jud. Discretion & Mandatory Minimums," 9 J. Emp. Legal Stud. 729 (2012).

Freeborn, B. & Hartmann, "Jud. Discretion & Sentencing Behavior: Did the Feeny Amendment Reign in Dist. Judges?" 7 J. Emp. Leg. Stud. 355 (2010).

Graves, J., Acquisti, A. "An empirical analysis of sentencing of "Access to Information" computer crimes," 20 J. Emp. Leg. Stud. 434 (2023).

Griffith, God's Law & Order: The Politics of Punishment in Evangelical America (2020).

- Howard, R., Lazarus, J., Glas, J. “Unintended Consequences of Congressional Action: Judicial Conviction Rates after Congressional Sentencing Reform,” 36 Just. Sys. J. 304 (2015).
- Lynch, M. & Omeri, M. “Legal Change & Sentencing Norms in the Wake of Booker,” 48 L&SR 411 (2014).
- Lynch, M. “The Narrative of the Number: Quantification in Criminal Ct.” 44 L&SIInq 31 (2019).
- Philips, C. Sentencing Councils in the Fed. Cts. (1980).
- Rothschild-Elyassi, G. “The Datafication of Law: How Technology Encodes Carceral Power & Affects Judicial Practice in the US,” 49 L&SIInq 94 (2022).
- Stith, K. & Cabranes, J. Fear of Judging: Sentencing Guidelines in the Federal Courts (1998).
- Sutton, L. Variations in Fed. Criminal Sentences (1978).
- Tiede, L. “Impact of the Federal Sentencing Guidelines & Reform: A Comparative Analysis,” 30 Just. Sys. J. 34 (2009).
- Ulmer, J., Eisenstein, J., Johnson, B., Trial Penalties in Federal Sentencing,” 27 Justice Q. 560 (2010).
- Yang, C. “Free at Last? Judicial Discretion & Racial Disparities in Federal Sentencing,” 44 J. Leg. Stud. 75 (2015). pp. 75–111.

4. Capital Punishment Sentencing.

a. Legal Standards.

(1) General constitutionality & procedures.

Furman v. Ga (1972)
 Gregg v. Ga. (1976)
 Walton v. Ariz. (1990)
 Lankford v. Ida. (1991)
 Hill v. McDonough (2006)
 Buck v. Davis (2017)
 U.S. v. Tsarnaev (2022)

(2) Mandatory Sentences of Death.

Woodson v. N.C. (1976)
 Roberts v. La. (1976)
 Sumner v. Shuman (1987)

(3) Proportionality.

Coker v. Ga. (1977)
 Edmund v. Fla. (1982)
 Pulley v. Harris (1984)
 Tison v. Ariz. (1987)

(4) Aggravating & Mitigating Circumstances.

Lockett v. Ohio (1978)
 Booth v. Md. (1987)
 Maynard v. Cutright (1988)
 So. Carolina v. Gaithers (1989)
 Boyde v. Calif. (1990)

McKoy v. N.C. (1990)
Louis v. Jeffers (1990)
Payne v. Tenn. (1991)
Parker v. Dugger (1991)
Tuilaepa v. Calif. (1994)
Weeks v. Angelone (2000)
Rompilla v. Beard (2005)
Kansas v. Marsh (2006)
Jenkins, Warden v. Hutton (2017)

(5) Racial bias in application.

McCleskey v. Kemp (1987).

(6) Competency & Age.

Ford v. Wainwright (1986)
Penry v. Lynaugh (1989)
Eddings v. Okla. (1982)
Thompson v. Okla. (1988)
Stanford v. Ky. (1989).
Atkins v. Va. (2002)
Proper v. Simmons (2005)
Panetti v. Quarterman (2007)
Hall v. Fla. (2014)
Brumfield v. Cain, Warden (2015)
Moore v. Texas (2017)
Moore v. Texas (2019)
Madison v. Ala. (2019)

(7) Jury Selection.

Beck v. Ala. (1980)
Lockhart v. McCree (1986)
Morgan v. Ill. (1992)

(8) Right to Counsel on Appeals.

Murray v. Giarratano (1989)

(9) Mode of Execution.

Baze v. Rees, Comm'ner, Ky. Dept. of Corrections (2008)
Glossip v. Gross (2015)
Bucklew v. Precythe, Director, Mo. Dept of Corrections (2019)
Duun, Comm'r. Ala. Dept. Corrections v. Price (2019)

b. Commentary.

Acker, J. "A Different Agenda," 27 L&SR 65 (1993).

Acker, J., Bohm, R. & Lanier, C. eds. America's Experiment with Capital Punishment (1998).

Acker, J. & Karp, D. ed. Wounds That Do Not Bind: Victim-based Perspectives on the Death Penalty (2006).

- Antonio, M. et al. "Capital jurors as the litmus test of community conscience for the juvenile death penalty," 87 Judicature 274 (2004).
- Atwell, M. Wretched Sisters: Examining Gender & Capital Punishment (2007)
- Bedau, H. ed. Death Penalty in Am. (1997 ed.).
- Berk, R., Weiss, R. & Boger, J. "Chance & the Death Penalty," 27 L&SR 9 (1993).
- Baldus, D., Woodward, G., Pulaski, C. Equal Justice & the Death Penalty (1990).
- Baldus, D. et al. "*Furman* at 45: Constitutional Challenges from California's Failure to (Again) Narrow Death Eligibility," 16 J. Emp. Leg. Stud 693 (2019).
- Banner, S. The Death Penalty (2002).
- Baumgartner, F., DeBoef, S., & Boydston, A. The Decline of the Death Penalty & the Discovery of Innocence (2008).
- Beim, D., Clark, T., Lauderdale, B. "Republican-Majority Appellate Panels Increase Execution Rates for Capital Defendants," 83 JoP 1163 (2021).
- Bessler, J. Cruel & Unusual (2012).
- Bowers, W. "Capital Punishment & Contemporary Values," 27 L&SR 157 (1993).
- Burnett, C. Justice Denied (2002).
- Cheng, J. "Frontloading Mitigation: The Legal & Human in Death Penalty Defense," 35 L&SIInq 39 (2010).
- Cheng, J., "Slow Law: Temporal Logics in US Death Penalty Mitigation Investigations," 44 L&SIInq 1174 (2019).
- Crawford, B. Texas Death Row (2007).
- Conley, R. Confronting the Death Penalty: How Language Influences Jurors in Capital Cases (2016).
- Culbert, J. Dead Certainty: The Death Penalty & the Problem of Judgment (2007).
- Dayan, C. The Story of Cruel & Unusual (2007).
- Donohue, J. "An Empirical Evaluation of the Connecticut Death Penalty System Since 1973: Are There Unlawful Racial, Gender, & Geographic Disparities? 11 J. Emp. Leg. Stud. 637 (2014).
- Dotson, H., Scott, C. "Changing Views toward the Death Penalty - The Intersecting Impact of Race & Gender on Attitudes, 1974-2006," 33 Just. Sys. J. 1 (2012).
- Edelman, B. Racial Prejudice, Juror Empathy, & Sentencing in Death Penalty Cases (2006).
- Epstein, L. & Kobylka, J. The Sup. Ct. & Legal Change (1992).
- Finkel, N. & Smith, S. "Principals & Accessories in Capital Felony-Murder," 27 L&SR 129 (1993).
- Fleury-Steiner, B. "Narratives of the Death Sentence," 36 L&SR 549 (2002).
- Galliher, J. et al. America Without the Death Penalty (2002).
- Garland, D., McGowen, R., & Meranze, M. ed. America's Death Penalty (2010).
- Garland, D. Peculiar Institution (2010), comments Johnson, D. "Am. Capital Punishment in Comparative Perspective," 36 L&SIInq 1033 (2011).
- Gilani, S. "The Ethics of Capital Punishment & a Law of Affective Enchantment," 32 Soc. & Leg. Stud. 3 (2023)..
- Goelzhauser, G. "Prosecutorial Discretion Under Resource Constraints: Budget Allocations & Local Death Charging Decisions," 96 Judicature 161 (2013).
- Gould, J, Barak, M. Capital Defense: Inside the Lives of America's Death Penalty Lawyers (2019).
- Gross, S. & Mauro, R. Death & Discrimination (1989).
- Gross, S. The Romance of Revenge (1993).
- Gross, S. & Mauro, R. Death & Discrimination (1989).

Haines, H. Against Capital Punishment: (1996) .

Haas, K. & Inciardi, J. ed. Challenging Capital Punishment (1988).

Hans, V. et al. "The Death Penalty: Should the Judge or the Jury Decide Who Dies?" 12 J. Emp. Leg. Stud. 70 (2015).

Hodgkinson, P. ed. Capital Punishment: New Perspectives (2013).

Johnson, S. The Influence of Latino Ethnicity on the Imposition of the Death Penalty 16 Annual Rev. Law & Soc. Sci. 421 (2020).

Kaufman, S. "Mourners in the Ct.: Victims in Death Penalty Trials, through the Lens of Performance," 42 L&SInq 1155 (2017).

Kaufman, S. American Roulette: The Social Logic of Death Penalty Sentencing Trials (2020).

Kotch, S. Lethal State: A History of the Death Penalty in North Carolina (2019),

LaChance, D. "Last Words, Last Meals," 32 L&SInq 701 (2007).

LaChance, D. Executing Freedom: The Cultural Life of Capital Punishment in the United States (2016).

LaChance, D. "Executing Humanity: Legal Consciousness & Capital Punishment in the United States, 1915–1940," 35 Law & History Rev. 929 (2017).

Lanier, C., Bowers, W., Acker, J., eds The Future of America's Death Penalty: An Agenda for the next Generation of Capital Punishment Research (2009).

Linders, A. "The Execution Spectacle & State Legitimacy," 36 L&SR 607 (2002).

Lynch, M., Haney, C. "Death Qualification in Black & White: Racialized Decision Making & Death-Qualified Juries," 40 Law & Policy 148 (2018).

Mandery, E. A Wild Justice: the Death & Resurrection of Capital Punishment in America (2013).

Madeira, J. Killing McVeigh: The Death Penalty & the Myth of Closure (2012).

Marguant, J., Ekland-Olson, S., & Sorenson, J. The Rope, the Chair, & the Needle (1994).

Maratea, R. Killing with Prejudice: Institutionalized Racism in American Capital Punishment (2019).

McCord, D. Symposium: "The Effects of capital punishment on the administration of justice," 89 Judicature 248 (2006) (16 articles)

Mello, M. Against the Death Penalty (1996).

Meltsner, M. Cruel & Unusual (1974).

Miller, K. & Niven, D. Death Justice: Rehnquist, Scalia, Thomas & the Contradictions of the Death Penalty (2009).

Messner, S., Baumer, E. & Rosneiled, R. "Distrust of Govt., the Vigilante Tradition, & Support for Capital Punishment," 40 L&SR 559 (2006).

Ogletree, C. & Sarat, A. (eds). From Lynch Mobs to the Killing State: Race & the Death Penalty in America (2006).

Oshinsky, D. Capital Punishment on Trial: Furman v. Ga. (2010).

Parker, B." Death Penalty Statutes & Murder Rates: Evidence from Synthetic Controls," 18 J. Emp. Leg. Stud. 488 (2021)..

Paternoster, R. "Prosec. Discretion in Requesting the Death Penalty," 18 L&SR 437 (1984).

Phillips, S., Cooney, M. Geometrical Justice: The Death Penalty in America (2022).

Pifer, N. "The Scientific & the Social in Implementing *Atkins v. Virginia*," 41 L&SInq 1036 (2016).

Price, M. At the Cross: Race, Religion, & Citizenship in the Politics of the Death Penalty (2015).

Radelet, M., Cohen, G. "The Decline of the Judicial Override," 15 Annual Rev. L. & Soc. Sci. 539 (2019).

Rise, E. The Martinsville Seven (1995).

Sarat, A. "Speaking of Death," 27 L&SR 19 (1993).

Sarat, A. "Speaking of Death," in Sarat, A. & Kearns, T. The Rhetoric of Law (1994).

Sarat, A. "Vengeance, Victims & the Identities of Law," 6 Soc. & Legal Stud. 163 (1997).

Sarat, A. ed. The Killing State (1998).

Sarat, A. When the State Kills: Capital Punishment & the American Condition (2001). Review by J. Simon 36 L&SR 783 (2002).

Sarat, A. Mercy on Trial (2005)

Sarat, A. & Boulanger, C. The Cultural Lives of Capital Punishment (2005).

Sarat, A. "Memorializing Miscarriages of Justice," 42 L&SR 183 (2008).

Sarat, A. et al. "Botched Executions & the Struggle to End Capital Punishment: A Twentieth-Century Story," 38 L&SInq 694 (2013).

Sarat, A. Gruesome Spectacles: Botched Executions & America's Death Penalty (2014).

Sarat, A. ed. Final Judgments: The Death Penalty in American Law & Culture (2017).

Sarat, A. et al. "When the Death Penalty Goes Public: Referendum, Initiative, & the Fate of Capital Punishment" 44 L&SInq 391 (2019).

Sarat, A. The Death Penalty on the Ballot: American Democracy & the Fate of Capital Punishment (2019).

Schabaas, W. Death Penalty as Cruel Treatment & Torture (1996).

Steiker, C., Steiker, J. eds. Comparative Capital Punishment. (2019).

Steiner, B., Bowers, W., & Sarat, A. "Folk Knowledge as Legal Action," 33 L&SR 461 (1999).

Streib, V. The Fairer Sex: Executing Women in Ohio (2006).

Steiker, C. & J. Courting Death (2016).

Symposium: "Court-Related Aspects of Capital Punishment - The Law & the Courts," 29 Just. Sys. J. 243 (2008).

Walker, T. Eligible for Execution: The Story of the Daryl Atkins Case, (2009).

Weisberg, R. "The Death Penalty Meets Social Science: Deterrence & Jury Behavior Under New Scrutiny," 1 Annual Rev. Law & Soc. Sci. 151 (2006).

Weiss, R., Berk, R., Lee, C. "Assessing the Capriciousness of Death Penalty Charging," 30 L&SR 607 (1996).

White, W. The Death Penalty in the Nineties (1991).

White, W. Litigating in the Shadow of Death (2005).

Williams, K. Most Deserving of Death (2012).

Zimring, F. The Contradictions of Capital Punishment (2003)

Zimring, F. & Hawkins, G. Capital Punishment & the Am. Agenda (1986).

Zimring, F. "Inheriting the Wind," 20 Fla. St. U. L. Rev. 1 (1992).

5. Habeas Corpus Relief.

a. Cases: Detention of Persons: Due process & habeas corpus.

Gerstein v. Pugh (1975)
 County of Riverside v. McLaughlin (1991)
 Lomax v. Ortiz-Marquez (2020)
 Banister v. Davis (2020)
 Mays v. Hines (2021)

b. Cases: Collateral Attacks.

U.S. v. Hayman (1952)
Burns v. Wilson (1969)
Fay v. Noia (1963)
Townsend v. Sain (1963)
Stone v. Powell (1976)
McCleskey v. Zant (1991)
Sawyer v. Whitley (1992)
Withrow v. Williams (1993)
Herrera v. Collins (1993)
Felker v. Turpin (1996)
House v. Bell (2006)
Virginia v. Leblanc (2017)
Brown v. Davenport (2022).
Shinn v. Martinez Ramirez (2022)

c. Commentary.

Belbot, B. & Hemmens, C. The Legal Rights of the Convicted (2010).
Clarke, F., Plant, R. "No Minor Matter: Underage Soldiers, Parents, & the Nationalization of Habeas Corpus in Civil War Am.," 35 Law & History Rev. 881 (2017).
Duker, W. A Constitutional History of Habeas Corpus (1980).
Freedman, Eric M. Making Habeas Work: A Legal History (2018).
Tyler, A. Habeas Corpus (2021).
Wert, J., Habeas Corpus in America (2011).

6. Parole, Halfway Houses, & Other Post Incarceration Practices.

Anwar, S., Fang, H. "Testing for Racial Prejudice in the Parole Board Release Process: Theory & Evidence," 44 J. Leg. Stud. 1 (2015).
Carroll, J. et al. "Evaluation, Diagnosis, & Prediction in Parole Dec. Making," 17 L&SR 199 (1982).
Carroll, L. & Mondrick, M. "Racial Bias in the Decision to Grant Parole," 11 L&SR 93 (1976).
Dagan, N, Segev, D. "Retributive Whisper: Communicative Elements in Parole," 40 L&SInq 611 (2015).
Halushka, J. Getting the Runaround: Formerly Incarcerated Men & the Bureaucratic Barriers to Reentry (2023).
Herbert, S. "Degradation or Redemption? A Parole Board Polices a Moral Boundary." 49 L&SInq 308 (2024).
Hintz, A. "Parole Board Decision Making & Constitutional Rights," 17 Annual Rev. Law & Soc. Sci. 335 (2021).
Lin, J., Grattet, R., Petersilla, "Justice by Other Means: Venue Sorting in Parole Revocation," 34 Law & Policy 349(2012).
Lynch, M. "Waste Managers?" 32 L&SR 839 (1998).
Martin, L. Halfway House: Prisoner Reentry & the Shadow of Carceral Care (2021)..
Mechoulan, S., Sahuguet, N. "Assessing Racial Disparities in Parole Release," 44 J. Leg. Stud. 39 (2015).
Mooney, A., Skog, A., Lerman, A. "Racial Equity in Eligibility for a Clean Slate under Automatic Criminal Record Relief Laws," 56 L&SR 398 (2022).
Piehowski, V., Phelps, M. "Strong-arm Sobriety: Addressing Precarity through Probation," 48 L&SInq 489 (2023).

Simon, J. Poor Discipline (1993).
 Smiley, C. Purgatory Citizenship: Reentry, Race, & Abolition. (2023).
 Werth, R. "Theorizing the Performative Effects of Penal Risk Technologies: (Re)producing the Subject Who Must Be Dangerous," 28 Soc. & Leg. Stud. 327 (2019).
 Young, K., Chimowitz, H. "How Parole Boards Judge Remorse: Relational Legal Consciousness & the Reproduction of Carceral Logic," 56 L&SR 237 (2022).
 Young, K., Pearlman, J. "Racial Disparities in Lifer Parole Outcomes: The Hidden Role of Professional Evaluations," 47 L&SInq 783 (2022).

7. Surveillance & Crime as Social Control: Data Collection About & Registration of Offenders.

Beckett, K. & Herbert, S. Banished (2010).
 Brayne, S., Lageson, S., Levy, K. "Surveillance Deputies: When Ordinary People Surveil for the State." 57 L&SR 462 (2023).
 Cohen, T. "Predicting Sex Offender Recidivism: Using the Federal Post Conviction Risk Assessment Instrument to Assess the Likelihood of Recidivism Among Federal Sex Offenders," 15 J. Emp. Leg. Stud. 456.
 Deflem, M. Ed. Surveillance & Governance: Crime Control & Beyond, (2008).
 Easterly, B. "Jud. Responsiveness to Valence Issues: An Event History Analysis of the Initial Sex Offender Registration & Notification (SORN) Laws," 38 Law & Policy 4 (2016).
 Gilliom, J. Overseers of the Poor (2001).
 Harris, D. Desistance from Sexual Offending: Narratives of Retirement, Regulation & Recovery (2017)
 Hoppe, T. "Punishing Sex: Sex Offenders & the Missing Punitive Turn in Sexuality Studies," 41 L&SInq 573 (2016).
 Lageson, S. "Crime Data, the Internet, & Free Speech: An Evolving Legal Consciousness," 51 L&SR 8 (2017).
 Lageson, S., Webster, E., Sandoval, J. "Digitizing & Disclosing Personal Data: The Proliferation of State Criminal Records on the Internet," 46 L&SInq 635 (2021).
 Lageson, S. Digital Punishment: Privacy, Stigma, & the Harms of Data-Driven Criminal Justice. (2020).
 Logan, W. Knowledge as Power: Criminal Registration & Community Notification Laws in America (2009).
 Nellis, M., Beyens, K. & Kaminski, D. eds. Electronically Monitored Punishment: International & Critical Perspectives. (2014).
 Newell, B. Police Visibility: Privacy, Surveillance, & the False Promise of Body-Worn Cameras (2021).
 Marx, G. Windows into the Soul: Surveillance & Society in an Age of High Technology (2016).
 Ross, J. "The Surveillance State & the Surveillance Private Sector: Pathways to Undercover Policing in France & the United States," 40 Law & Hist. Rev. 261 (2022).
 Sandoval, J., Lageson, S. "Patchwork Disclosure: Divergent Public Access & Personal Privacy across Criminal Record Disclosure Policy in the United States." 44 Law & Policy 255 (2022).
 Sarat, A., Douglas, L., Umphrey, . M. eds. Law & the Visible. (2021).
 Silver, J., Fisher, W., Horgan, J. "Public Mass Murderers & Federal Mental Health Background Checks," 40 Law & Policy 133 (2018).
 Simon, J. "Megan's Law," 25 L&SInq 1111 (2000).
 Simon, J. Poor Discipline (1994).
 Simon, J. "Reversal of Fortune: The Resurgence of Individual Risk Assessment in Criminal Justice," 1 Annual Rev. Law & Soc. Sci. 397 (2005).
 Simon, J. Governing through Crime (2007).
 Schuilenburg, M. The Securitization of Society: Crime, Risk, & Social Order (2015).

- Tewksbury, R. & Jennings, W. "Assessing the Impact of Sex Offender Registration..." 37 Criminal Justice & Behavior 570 (2010).
- Thacher, D. "The Rise of Criminal Background Screening in Rental Housing." 33 L&SInq 5 (2008).
- Williams, M., Comartin, E., Lytle, R.D. "The Politics of Symbolic Laws: State Resistance to the Allure of Sex Offender Residence Restrictions," 42 Law & Policy 209 (2020).
- Wittes, B., Blum, G, The Future of Violence—Robots & Germs, Hackers & Drones: Confronting the New Age of Threat (2016).

8. Other outcomes & responses to offenders.

- Astrata, M., "Reentry Philosophies, Approaches, & Challenges," 102 Judicature 2: 31 (2018).
- Augustine, D. "Working around the Law: Navigating Legal Barriers to Employment during Reentry," 44 L&SInq 726 (2019).
- Bazemore, G.; Leip, L. "Victim Participation in the New Juvenile Court: Tracking Jud. Attitudes toward Restorative Justice Reforms," 21 Just. Sys. J. 199 (1999-2000).
- Ewald, A. "Because I Feel like I Want to Be Heard, You Know?" Carceral Citizenship & Collateral Consequences, 46 Law & Policy 4 (2024).
- Godsey, M. Blind Justice: A Former Prosecutor Exposes the Psychology & Politics of Wrongful Convictions (2017).
- Goodman, P. "'Work Your Story'": Selective Voluntary Disclosure, Stigma Management, & Narratives of Seeking Employment After Prison," 45 L&SInq 1113 (2020).
- Gould, J. The Innocence Commission: Preventing Wrongful Convictions & Restoring the Criminal Justice System (2008).
- Hernandez, R. "Wrongfully Convicted & in Lock-Up: Understanding Innocence & the Development of Legal Consciousness behind Prison Walls," 49 L&SInq 394 (2024).
- Jacobs, J. The Eternal Criminal Record (2015).
- Lemley, E.; Russell, G. "Implementing Restorative Justice by Groping Along: A Case Study in Program Evolutionary Implementation," 23 Just. Sys. J. 157 (2002).
- Lessing, B., Willis G. "Legitimacy in Criminal Governance: Managing a Drug Empire from Behind Bars," 113 APSR 584 (2019).
- Medwed, D., ed. Wrongful Convictions & the DNA Revolution: Twenty-Five Years of Freeing the Innocent (2017).
- Menkel-Meadow, C. "Restorative Justice: What Is It & Does It Work?" 3 Annual Rev. Law & Soc. Sci. 161 (2007).
- Meyer, J., Levinson, C. "Reflections on a Reentry Court," 102 Judicature 2:42 (2018).
- Myrick, A. "Facing Your Criminal Record," 47 L&SR 73 (2013).
- Norris, R. Exonerated: A History of the Innocence Movement (2017).
- Norris, R., Hicks, W., Mullinix, K. The Politics of Innocence: How Wrongful Convictions Shape Public Opinion (2023).
- Ostermann, M., Hyatt, J. "When Frontloading Backfires: Exploring the Impact of Outsourcing Correctional Interventions on Mechanisms of Social Control," 43 L&SInq 1308 (2018).
- Parsons, Anne E. From Asylum to Prison: Deinstitutionalization & the Rise of Mass Incarceration after 1945. (2018).
- Redlich, A., et al, eds. Examining Wrongful Convictions: Stepping Back, Moving Forward (2014).
- Renfro, P. Stranger Danger: Family Values, Childhood, & the American Carceral State (2020).
- Seigel, M. Race to Injustice: Lessons Learned from the Duke Lacrosse Rape Case (2009).
- Smith, N. Justice Through Apologies: Remorse, Reform, & Punishment (2014).

Strickland, R. Restorative Justice (2004).
Weisman, R. Showing Remorse: Law & the Social Control of Emotion (2014).

I. Politics & Policy Outcomes of Criminal Pre-trial Processes & Litigation.

1. Assorted empirical studies of politics & criminal policy implementation.

Casper, J. et al. "Procedural Justice in Felony Cases," 22 L&SR 483 (1988).
Cole, D. No Equal Justice: Race & Class in The American Criminal Justice System (1999).
Comfort, M. "Punishment Beyond the Legal Offender," 3 Annual Rev. Law & Soc. Sci. 271 (2007).
Ewald, A.; Smith, M. "Collateral Consequences of Criminal Convictions in American Courts: The View from the State Bench," 29 Just. Sys. J. 145 (2008).
Reiter, K., Coutin, S. "Crossing Borders & Criminalizing Identity: The Disintegrated Subjects of Administrative Sanctions," 51 L&SR 567 (2017).
Roberts, J. & Stalans, L. Public Opinion, Crime, & Criminal Justice (1997)
Rowland, C., Carp, R. & Songer, D. "Presidential Effects on Criminal Justice Policy...," in Goldman & Sarat, Am. Ct. Systems p. 411; 22 L&SR 191 (1988).

2. Studies of the interaction of criminal/regulatory legal policy & political & social order.

Ball, M. "The Play's the Thing," 28 Stanford Law Rev. 81 (1975).
Brown, R. Strain of Violence (1975).
Chevigny, P. Gigs (1991).
Dershowitz, A. Reasonable Doubts: The Criminal Justice System & the Simpson Case (1996).
Erikson, K. Wayward Puritans (1966).
Goodrum, S. After Homicide: Victims' Families in the Criminal Justice System (2020).
Gusfield, J. Symbolic Crusade (1963, 2d ed. 1986).
Gusfield, J. "Moral Passage," 15 Social Probs. 175 (1967).
Gusfield, J. Culture of Public Problems: Drunk Driving & the Symbolic Order (1981), chaps. 5-7.
Hamm, R. Shaping the Eighteenth Amendment (1995).
Hernandez, K. City of Inmates: Conquest, Rebellion, & the Rise of Human Caging in Los Angeles, 1771–1965 (2017).
Katzenstein, M. & Waller, M. "Taxing the Poor: Incarceration, Poverty Governance, & the Seizure of Family Resources," 13 Perspectives on Politics 638 (2015).
Kaufman, N., Kaiser, J., Rumpf, C. "Beyond Punishment: The Penal State's Interventionist, Covert, & Negligent Modalities of Control," 43 L&SIInq 468 (2018).
Lerman, A. & Weaver, V. Arresting Citizenship: The Democratic Consequences of American Crime Control (2014).
Lageson, S., Vuolo, M., Uggem, C. "Legal Ambiguity in Managerial Assessments of Criminal Records," 40 L&SIInq 175 (2015).
Lageson, S. "Crime Data, the Internet, & Free Speech: An Evolving Legal Consciousness," 51 L&SR 8 (2017).
Loo, T. & Strange, C. "The Traveling Show Menace," 29 L&SR 639 (1995).
McElhattan, D. "The Exception as the Rule: Negligent Hiring Liability, Structured Uncertainty, & the Rise of Criminal Background Checks in the US," 47 L&SIInq 132 (2022).
McMullen, J. & Perrier, D. "Lobster Poaching & the Ironies of Law Enforcement," 36 L&SR 679 (2002).
Odem, M. Delinquent Daughters (1994).

- Smith, C., Hurst, J., “Forms of Jud. Policymaking: Civil Liability & Criminal Justice Policy,” 19 Just. Sys. J. 341 (1997).
- Verma, A. “The Law-Before: Legacies & Gaps in Penal Reform,” 49 L&SR 847 (2015).
- Walker, H. Mobilized by Injustice: Criminal Justice Contact, Political Participation, & Race (2020).
- White, A. “Family Matters? Voting Behavior in Households with Criminal Justice Contact,” 113 APSR 607 (2019).
- White, A. “Misdemeanor Disenfranchisement? The Demobilizing Effects of Brief Jail Spells on Potential Voters,” 113 APSR 311 (2019).
- Wozniak, K. The Politics of Crime Prevention: Race, Public Opinion, & the Meaning of Community Safety. (2023).