



CR/LW 360 PRINCIPLES OF CRIMINOLOGY IN US AND DUTCH SOCIETY
IES Abroad Amsterdam

DESCRIPTION:

This course is designed to provide students with an opportunity to develop an understanding of the theories of crime through a deep analysis of US Constitutional law and its implications on society and compare that legal framework to the criminal statutes and polices and the implications of these on society in the Netherlands. Discussions will cover principles of criminology at a foundational and theoretical level and delve into a deep analysis through political, and practical examinations. Theoretical conceptions of crime, criminal justice, and the variety of ways in which Criminology can be constructed and used in practical scenarios will be particularly analyzed. This class will focus on the 4th, 5th, 6th, 8th, and 14th Amendments of the US Constitution, the Dutch Constitution and related criminal statutes, and the European Charter of Human Rights in order to compare the theoretical protections in criminal procedures in these legal frameworks.

CREDITS: 3 credits

CONTACT HOURS: 45 hours

LANGUAGE OF INSTRUCTION: English

INSTRUCTOR: Heather Barbus, heatherbarbus@gmail.com or heather@barbus-law.com

PREREQUISITES: None

ADDITIONAL COST: Transportation fees to The Hague and TBD Judicial Complex

METHOD OF PRESENTATION:

This course meets once a week and is a hybrid of lecture, class discussion, group work, and individual reflection. The method of presentation aims to promote student self-learning, to guide the learning process of students by stimulating group discussions and to encourage both the asking of questions and the search for answers. Student participation is expected, and students will be required to discuss the class assignments each week and engage in the discussions led by the instructor. Since participation is part of the overall grade for the class, students are required to contribute thoughts and answer questions in class and engage in course related trips.

REQUIRED WORK AND FORM OF ASSESSMENT:

- Participation - 10%
- Assignments - 5%
- Midterm Essay Exam - 30%
- Final Essay Exam - 25%
- Student Panel Presentation - 30%

Student Participation

This course depends on active discussion and participation. Students are expected to read and/or listen to all assigned material *before* class and come prepared with questions and answers. A rubric for class participation is posted on Moodle. Students are expected to inform themselves on the topics discussed in class from a societal perspective and are encouraged to follow these issues in the news. Students will also be required to upload a question(s) or interesting point on ONE of the assignments each week. These assignments must be submitted through Moodle or via email to your professor.

Assignments

Students submit through Moodle or email two written paragraphs of reflections on each course excursion. Students are expected to integrate their personal experiences of these activities with real-world concepts and to engage thoughtfully with the material presented. Reflective responses will be evaluated based on the depth of critical analysis, integration of course material, clarity of expression, and engagement with the topic.



Midterm Exam- Written Assessment

This essay exam will be given Week 8 and will consist of a case study that will require students to analyze and apply topics included in readings and class discussions thus far. The exam is a long-form essay, will be administered in class, and designed to be completed in three hours. There is a rubric on Moodle that covers the exam assessment expectations.

Final Exam- Written Assessment

This essay assignment will be given in the last week of class and will consist of an evaluation of how well the students understand the issues studied during the second half of the semester. The exam will require students to analyze the complex issues studied and answer questions in essay form. There is a rubric on Moodle that covers the exam assessment expectations.

Student Panel Presentations (or Moot Court)

This research and presentation assignment will require students to work in small groups to identify a problem in an area of criminology, research the causes of that problem, and prepare an individual presentation that discusses both the causes and ways to practically approach the problem. The presentation should focus on one legal issue and then compare the approaches to this subject in the US to a country within the European Union and propose realistic solutions. Presentations should be approximately 20 minutes long and facilitate discussion related to major themes of the course. Presenters should prepare a one-page, one-sided handout with key points of their presentations for the audience and may use a PowerPoint presentation during their discussion. A rubric with presentation expectations and requirements can be found on Moodle.

Deadline and assessment for the final project will be spread throughout the semester as follows:

- Proposed panel, issue, and research plan workshop – Week 5
- Thesis and outline workshop and date planning – Week 9
- Presentations to be delivered – Weeks 15 and 16

There is a rubric on Moodle that covers the assessment expectations.

LEARNING OUTCOMES:

By the end of the course, students will be able to:

- Identify and describe the impact of social structures, including race, gender, and mental health, on criminal behavior and justice policies;
- Apply problem solving skills with respect to criminal justice policy making;
- Evaluate emerging issues in crime prevention, ethics and public policy surrounding criminal justice cases;
- Analyze and apply theories related to policies and practices of criminal justice systems in the US, the Netherlands and the EU; and
- Identify situational contexts of crime and criminal behavior and understand legal issues and policies.

ATTENDANCE POLICY:

Since IES Abroad courses are designed to take advantage of the unique contribution of the instructor and the lecture/discussion format is regarded as the primary mode of instruction, class attendance is mandatory and will be taken for every class. In addition, students are expected to be on time for classes, course-related excursions, and tests. Some courses include mandatory trips outside of regular class hours, i.e. on weekends. Students will be made aware of the specific dates of such trips well in advance and are required to attend. It is your responsibility to be aware of and adhere to this attendance policy.

Irregular attendance may result in a lower grade in the course, and/or disciplinary action.

Faculty mark attendance in Moodle weekly, noting whether students are present or absent. **If you are more than 15 minutes late, you will be marked as absent.** Weekly attendance records will be uploaded, and you will receive automated messages regarding your absence count. In the same automated message, you will be provided with an opportunity to submit documentation to excuse absence(s) within one week of receipt of message.



Absences will be authorized for the following reasons:

- Health issues (must include a Dutch doctor's note);
- A recognized religious holiday traditionally observed by the particular student, **only when communicated within the first two weeks of class to IES Academic staff and faculty;**
- A grave incident affecting family members;
- Conflicting academic commitments, **only when communicated within the first two weeks of class to IES Academic staff and faculty;**

Any other absences (such as missing an alarm or missing a flight) are unexcused.

One unexcused absence is permitted without penalty to a student's final grade. Beyond this, each subsequent unexcused absence will result in a deduction of 1/3 of your final letter grade (for example, A- to B+). IES staff will make deductions at the end of the semester based on received documentation. Faculty do not have the authority to judge absences. Only IES staff can change an unexcused absence to excused.

What to do if you are going to be absent

In any case when you are not going to attend class, out of courtesy to your instructor and your fellow students, **you must notify your professor and IES academic staff.**

Regarding COVID-19, we will closely monitor government guidance for any developments and update the attendance policy accordingly.

CONTENT:

Week	Content	Assignments
Week 1. February 6	Introduction: Comparative Analysis of Legal Frameworks: US Constitution and Dutch Criminal Systems • Identify and explain the fundamental rights important to the study of criminology and the source from where these rights are legally grounded • The critical role of Equal Protection and Due Process of the 14th Amendment of the US Constitution in the field of Criminology • Compare the issues that arise in the US and the Netherlands regarding potential violation of equal protection rights using certain police practices	• Garland, David W., The Current Crisis of American Criminal Justice: A Structural Analysis (January 2023). Annual Review of Criminology, Vol. 6, pp. 43-63, 2023 • Michael Tonry and Catrien Bijleveld, Crime, Criminal Justice, and Criminology in the Netherlands, 35 CRIME & JUST. 1 (2007) • Anouk de Koning, 'Handle with Care: Diffuse Policing and the production of Inequality in Amsterdam', Ethnography 017, Vol. 18(4) 535–555 • US Constitution- Article 14, with a focus on Due Process and Equal Protection • Relevant comparable sections of the Dutch Constitution and Criminal Statutes

Week	Content	Assignments
Week 2. February 13	Theories of Social Structure- Race, Gender and Mental Health - Understand how Race, Gender, and Mental Health influence the commission of crimes - Identify and understand the different social theories of crime and how these theories shape policy making relevant to criminology - Be able to identify and understand ethical dilemmas raised in the theory of social structure	- Shelton, D. (2006). NORMATIVE HIERARCHY IN INTERNATIONAL LAW. <i>The American Journal of International Law</i>, 100(2), pages 1-5 and 7-29. - Barkan, Steven E., "Social Problems: Continuity and Change" (2020). Faculty and Staff Monograph Publications. Read only 8.3, Who Commits Crime and 8.4, Explaining Crime. - Brown, Wyatt (2015) "An Intersectional Approach to Criminological Theory: Incorporating the Intersectionality of Race and Gender into Agnew's General Strain Theory," <i>Ralph Bunche Journal of Public Affairs</i>: Vol. 4: Iss. 1, Article 6. - Timmermans, S. & Gabe, J. "Introduction: Connecting Criminology and Sociology of Health and Illness" <i>Sociology of Health & Illness</i> Vol. 24 No. 5 2002, pp. 501–516
Week 3. February 20	Policing Society- 4th & 5th Amendment Rights - Understand the complications related to Reasonable Expectation of Privacy under the 4th Amendment - Why isn't being silent enough to invoke the right to remain silent? - Understand the standard applied in examining use of force by police - Identify issues in executing a no-knock order - Analyze how racial profiling impacts policing in the Netherlands	- ter Vrugt, P. (2021). A pragmatic attitude: The right to silence in the Netherlands. <i>New Journal of European Criminal Law</i>, 12(3), 389-407 <i>Mapp v Ohio</i> (1961) <i>Miranda v Arizona</i> (1965) <i>Terry v Ohio</i> (1968) <i>Berghuis v Thompkins</i> (2010) Listen <i>This American Life</i>: Cops See it Differently- Part One (Feb 6, 2015) link Read Case study- The Marshall Project, October 28, 2023 Blog report on No Knock Issues
Week 4. February 27	Criminal Procedure: Trial and Legal Representation and the 6th and 8th Amendments - Identify the 8th Amendment issues related to bail - Identify 6th Amendment issues with respect to speedy trial guarantee - Compare the right to counsel in the US & the Netherlands	Listen <i>On the Media</i>, How the Prosecutor Became the Most Powerful Person in the Justice System (July 2019) Listen here Listen <i>More Perfect Podcast</i>, Object Anyway (July 2019) Listen here Read Tabor, Joe (September 18, 2023) After litigation delaying its implementation, the full provisions of Illinois' SAFE-T Act went into effect on Sept. 18. Here's what to expect. Illinoispolicy.org link Is the Netherlands behind on bail? Read: Case study- Tapper, Jake. (2022, October 12) This is Not Justice. <i>The Atlantic</i> November 22 Issue.

Week	Content	Assignments
Week 5. March 6	Punishment, Correction & Reintegration - Examine 8th Amendment protections during incarceration in the US - Analyze how CJ in the Netherlands approaches incarceration - Understand the difference between sentencing procedures in the US and the Netherlands Guest Speaker- To Be Confirmed	Listen NPR Podcast <i>Reset</i>, “What Parole Can Teach Us About Fixing Mass Incarceration.” 7 November 2023. Link Read The Marshall Project Issue 06: The United States of Incarceration link Read Beckett, K & Goldberg, A “The Effects of Imprisonment in a Time of Mass Incarceration.” Crime and Justice, volume 51, 2022. Read Custodial Institutions Agency NL link to English description
Week 6. March 13	Death Penalty Debate - Recognize how to define the cruel and unusual clause of the 8th Amendment with respect to the death penalty - Identify why the death penalty still legal in the US if it doesn’t deter crime - Understand the principle issues the ECHR exposes in <i>Soering</i> and why are they important? - Define the important elements of Section 3 ECHR and how it protects incarcerated from the death penalty	Listen: Podcast, <i>Cruel and Unusual</i>, More Perfect Podcast, June 2, 2016. Link <i>Soering v United Kingdom</i> 161 Eur. Ct. H.R. (ser. A) (1989) and Section 3 of the ECHR - Research Handbook of Comparative Criminal Justice, Chapter 17 Capital Punishment in a Comparative Perspective Read McClesky v Kemp - Oliphant, Stephen, “Estimating the effect of death penalty moratoriums on homicide rates using the synthetic control method,” <i>Criminology & Public Policy</i>, 2022: 21:915-944.
Week 7. March 20	Course Related Trip: International Criminal Court*** Understand how the court operates by watching part of a trial from the public courtroom	Read: Familiarize yourself with the court Assignment: Write a short assessment of your experience
Week 8. March 27	Assessment- Case Study Mid-term assessment of theories and policies to be applied by writing a response to a case study that incorporates the first six lessons	Analyze and write an essay about the issues raised in the case study
Week 9. April 3	International Instruments of Law- Jurisdictional Puzzles and International Human Rights - Identify international human rights issues in terms of criminology - Examine Investigation procedures of international bodies - Analyze whether defendants have meaningful access to fair trials and remedies	- EU Charter of Fundamental Rights, Article 47 - Rome Statute - European Convention on Human Rights, Articles 3, 6, and 7 - United Citizens Directive, Articles 27, 28, 29 & 47 - EU Return Directive, Article 13

Week	Content	Assignments
Week 10. April 10	Youth Justice: An International Perspective - Understand the most compelling differences between the US & Dutch approaches to Youth Justice - Understand the impact of these differences - Determine whether biological issues are relevant - Identify ethical issues important to youth justice	Listen: Justice in America: Juvenile Justice (January 2019) Listen here - Human Rights Watch Against All Odds: Prison Conditions for Youth Offenders Serving Life without Parole Sentences in the United States. (2012). - Council on Juvenile Justice: Trends in Juvenile Offending (September 2024) Read here - The United Nations Convention on the Rights of the Child (CRC) Section on juvenile justice Watch: Movie on Youth Justice: Kids Behind Bars: Inside Juvenile Prisons Documentary
Week 11. April 17	Victimology - Understand the most important foundational issues in victimology, including the rights and protections for victims, the impact the release of convicted has on victim, and the role of “blaming the victim” - Identify the role of the victim in criminal procedure both in the US and the Netherlands	Listen Podcast The Daily, “The Botched Hunt for the Gilgo Beach Killer” November 5, 2023. Link - Permberton, A., P.G.M. Aarten & E. Mulder (2017). Beyond Retribution, Restoration and Procedural Justice: The Big Two of Communion and Agency in Victims’ Perspectives on Justice, Psychology, Crime & Law, 23:7, 682-698.
Week 12. April 24	Crime Prevention, Ethics & Public Policy- Redesigning the System - Recognize how social media affects perception of crime and the complexities of the ethical debates surrounding cases - Identify emerging issues in “crimmigration”, terrorism and security	Read Bauman, Z. (2000). <i>Liquid Modernity</i> [EPUB]. Polity Press. (Read the section on Unity, pg 176-181 here) Read The Criminalization of Immigration in the US - Kox M and Staring R (2021) “I Call it a System” Unauthorized Migrants’ understandings of the long reach of Dutch internal migration controls. <i>International Journal for Crime, Justice and Social Democracy</i>. 10(3): 87-100 CASE Study The Marshall Project April 8, 2023 What Happens When your Social Media Photos End UP in the Hands of the Police link
Week 13. May 1	Spring Break!!!	
Week 14. May 8	Course Related Trip- Tour of Dutch Prison Facility Understand the difference between US & Dutch prisons	Read Familiarize yourself with the structure of the prison Assignment: Write a reflection on one aspect of your experience

Week	Content	Assignments
Week 15. May 15	Class Presentations Panel presentation of criminology	Assignment: Write a short reflection over one of the issues presented by your fellow student
Week 16. May 22	Class Presentations Panel presentation of criminology issue	Assignment: Write a short reflection over one of the issues presented by your fellow student
Week 17. May 29	Final Assignment- Case Study Final assessment over issues presented in second half of semester	Hypothetical case to test the principles of criminology in international law

COURSE-RELATED TRIPS:

- Guided visits to both the Schiphol Judicial Complex and the International Criminal Court to gain a perspective on how the issues we discuss are applied within these organizations.

REQUIRED READINGS:

Required readings will be posted to Moodle each week and correspond to the readings linked on the syllabus. **Check the Moodle regularly for updated readings and assignments.**

- Barkan, S. E. (2020). *Social Problems: Continuity and Change* (8.3, Who Commits Crime and 8.4, Explaining Crime).
- Bauman, Z. (2000). *Liquid Modernity* [EPUB]. Polity Press. (Read the section on Unity, pp. 176-181).
- Berghuis v Thompkins*, 560 U.S. 370 (2010).
- Bochenek, M. (2016). *Children Behind Bars: The Global Overuse of Detention of Children*. Human Rights Watch.
- Brown, W. (2015). "An Intersectional Approach to Criminological Theory: Incorporating the Intersectionality of Race and Gender into Agnew's General Strain Theory." *Ralph Bunche Journal of Public Affairs*, 4(1), Article 6.
- "CASE Study." *The Marshall Project*, April 8, 2023. "What Happens When your Social Media Photos End Up in the Hands of the Police."
- De Koning, A. (2017). "Handle with Care: Diffuse Policing and the Production of Inequality in Amsterdam." *Ethnography*, 18(4), 535-555.
- EU Charter of Fundamental Rights*, Article 47.
- European Convention on Human Rights*, Articles 3, 6, and 7.
- Garland, D. W. (2023). "The Current Crisis of American Criminal Justice: A Structural Analysis." *Annual Review of Criminology*, 6, 43-63.
- Human Rights Watch. (2012). *Against All Odds: Prison Conditions for Youth Offenders Serving Life Without Parole Sentences in the United States*.
- "Introduction to the Special Issue (Crimmigration)." *Tijdschrift voor Sociale en Economische Geschiedenis; Amsterdam*, Vol.20, Iss. 1, (2023): 5-10.
- Mapp v Ohio*, 367 U.S. 643 (1961).
- Miranda v Arizona*, 384 U.S. 436 (1966).
- Oliphant, S. (2022). "Estimating the Effect of Death Penalty Moratoriums on Homicide Rates Using the Synthetic Control Method." *Criminology & Public Policy*, 21, 915-944.
- Pemberton, A., Aarten, P. G. M., & Mulder, E. (2017). "Beyond Retribution, Restoration and Procedural Justice: The Big Two of Communion and Agency in Victims' Perspectives on Justice." *Psychology, Crime & Law*, 23(7), 682-698.
- Pluskota, M. (2023). "Introduction to the Special Issue (Crimmigration)." *Tijdschrift voor Sociale en Economische Geschiedenis; Amsterdam*, Vol.20, Iss. 1, 5-10.
- Radelet, Michael L., & Lacock, Traci L. (2009). "Do Executions Lower Homicide Rates: The Views of Leading Criminologists." *Journal of Criminal Law & Criminology*, 99, 489.
- Research Handbook of Comparative Criminal Justice, Chapter 17, Capital Punishment in a Comparative Perspective.
- Rome Statute*.

- Shelton, D. (2006). "Normative Hierarchy in International Law." *The American Journal of International Law*, 100(2), 1-29.
- *Soering v United Kingdom*, 161 Eur. Ct. H.R. (ser. A) (1989).
- Tabor, J. (September 18, 2023). "After Litigation Delaying Its Implementation, the Full Provisions of Illinois' SAFE-T Act Went into Effect on Sept. 18. Here's What to Expect." *Illinoispolicy.org*.
- Tapper, Jake. (2022, October 12). "This is Not Justice." *The Atlantic*, November 22 Issue.
- Ter Vrugt, P. (2021). "A Pragmatic Attitude: The Right to Silence in the Netherlands." *New Journal of European Criminal Law*, 12(3), 389-407.
- *Terry v Ohio*, 392 U.S. 1 (1968).
- *The Marshall Project Issue 06: The United States of Incarceration*.
- *The United Nations Convention on the Rights of the Child (CRC)*. Section on juvenile justice.
- Timmermans, S., & Gabe, J. (2002). "Introduction: Connecting Criminology and Sociology of Health and Illness." *Sociology of Health & Illness*, 24(5), 501-516.
- *US Constitution*, Article 14.
- *United Citizens Directive*, Articles 27, 28, and 29.

RECOMMENDED READINGS:

- There are many sources online you can access to track important developments in the issues covered in this class. Some well-produced information can be found through the following sources: The Marshall Project, Death Penalty Information Center, The Innocence Project, Center for Constitutional Rights, The Guardian and ProPublica.

INSTRUCTOR BIOGRAPHY:

Heather Barbus is a US trained lawyer who has been practicing US migration law for more than 20 years. She obtained a B.A. cum laude in Sociology/Criminology from John Carroll University in 1997 and her J.D. from DePaul University College of Law in 2000. While completing her J.D. studies, Heather was a Student Researcher for the Asylum Clinic at DePaul, where she collaborated with NGOs to argue complex immigration issues on behalf of migrants in the US and represented asylum seekers. Currently, Heather is a cum laude candidate for LLM in International Migration and Refugee Law at Vrije Universiteit in Amsterdam and an Adjunct Lecturer at IES Abroad Amsterdam Center.

Admitted to both the Illinois Bar and the 7th Circuit District Court in November 2000, Heather began her career practicing US immigration law with a large global employment migration firm, where she learned essential practical and analytical skills. Her career unfolded and she was presented with the opportunity to help manage a boutique migration firm in Chicago, where she practiced in various areas of migration law, including asylum, cancellation of removal, permanent residency, naturalization, VAWA and all areas of employment-based migration law. In 2010, she opened her own practice and continues to expand her migration expertise beyond US law to International and European migration law. Heather's work centers around fundamental rights issues of migrants living in or coming to the US and/or Europe and her work involves litigation before the Immigration Court, Appeals before the Board of Immigration Appeals, and representation before US Immigration Citizenship and Immigration Services. Heather has published academically, spoken at a number of immigration conferences, has led several committees of the American Immigration Lawyers Association, and served as the Immigration Chapter Chair of the Chicago Bar Association. Heather is also passionate about education and has held board positions with Friends of Stone Scholastic Academic Academy in Chicago.