



RPOS 317: COMPARATIVE CRIMINAL PROCEDURE

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Time: TuTh 1:15-2:35
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or by appointment

Course Description. "Due process" is a core element of democracy and the rule of law. But several questions commonly arise. What exactly is "due process"? What does it mean that "process" is "due"? Why does one set of legal protections constitute process that is more "due" than another set of protections? How do different countries answer these questions? What, if anything, can be done to improve due process in the U.S. by examining due process abroad?

Criminal procedure encompasses all the legal actors, institutions, and steps between them that make due process possible in the criminal justice system -- from police to prison, initial detention to final custody conditions and appeals. To meet our criteria for justice, the legal steps taken during the criminal process must be "just", but there is broad disagreement among legal scholars, practitioners, and the general public about what "just" or "due" means in both theory and in practice. In order to better understand this disagreement, this course examines the patterns, sources, and consequences of criminal procedure both in the U.S. and abroad. Specifically, this course examines (a) conceptual and normative foundations of democracy and the rule of law; (b) different policies and practices of criminal procedure across countries and over time in order to identify best practices that align with the conceptual and normative foundations in (a), (b) the consequences of the practices in (b), and (c) different episodes of reform in order to better understand the political forces that seek legal change.

Restating, the course has five main sections. First, we begin by reviewing how criminal procedure relates to desired standards of democracy and the rule of law. Here, in addition to becoming familiar with core definitions of rule of law and democracy, we cover foundational legal documents of the U.S., including the Magna Carta, Declaration of Independence, and Constitution. Second, taking a topical approach organized according to the chronological phases of the criminal process, we examine six distinct stages of this process: (1) investigation, (2) arrest, search, and seizure, (3) interrogation, (4) pre-trial court procedures, (5) the trial itself, and (6) sentencing, custody, and appeals. In each phase, students first examine principles and practices of criminal procedure in the U.S., and then examine these principles and practices in 8 other countries, including England, France, Germany, Italy, and Spain representing Europe; Israel illustrating a "security state"; and Argentina and Mexico representing Latin America. Third, we turn our attention to reform movements abroad, with particular attention to the Iberian Peninsula (Spain) and Latin America and the Caribbean, including recent and ongoing reforms in Chile, Colombia, Mexico, and several Caribbean and Central American countries. This section highlights the sources of these reform movements. Fourth, we assess the impact or effects of reform. Finally, drawing on the insights gathered from the comparative analysis above, we return to the U.S. to bring all previous discussions together, examining how best practices identified elsewhere compare with current practices here at home, emphasizing ways in which criminal

procedure in the U.S. is either exemplary or can be improved, and thinking about potential drivers or impediments to reform. Principal course requirements consist of participation, short reflection papers, quizzes, and an exam.

Pre-requisites. There are no pre-requisites for this course. However, *Introduction to Comparative & International Politics* (RPOS 102) is strongly recommended. Other recommended courses include *Introduction to Public Law, Constitutional Law, Rights, & Liberties*, and *Comparative Judicial Politics*.

Readings. The main texts for this course are:

- Bradley, Craig M. 2007. *Criminal Procedure: A Worldwide Study*. 2nd ed. Durham, NC: Carolina Academic Press.
- Thaman, Stephen C. 2008. *Comparative Criminal Procedure: A Casebook Approach*. 2nd ed. Durham: Carolina Academic Press, Comparative Law Series.

Copies of both texts are available at Mary Jane's bookstore. You can also find used and new versions at various online booksellers. The texts will be supplemented periodically with journal articles and other short pieces. Please see the class schedule below for a detailed list of the reading assignments. Articles and other short pieces are available via the library's electronic databases, but I will also place them on Blackboard. If unavailable online, I will provide these materials in class. We meet two times per week, and you should read ahead for each class.

Requirements and Grading

The requirements for this class and approximate weight of these requirements are:

- Participation: 10%
- Policy Reflection Papers: 20%
- Scheduled Quizzes: 10%
- Random Quizzes: 10%
- Final Exam: 40%

Participation

Active engagement with the material is critical to your success in class. Generally, you need to encounter the material at least three times in order for you to understand it in any depth. For some people, this may be easy to do independently. However, for most people, the easiest and fastest way to encounter the material three times is to (1) read for class, (2) participate in class discussions, and (3) write notes, outline, or review the material for an exam. Therefore, staying current with the reading and participating in class put you in a much better position to work with the material when you take an exam or write a paper later in the course.

Considering the importance of participation and active engagement with the materials, several elements of the course are designed to encourage you to come prepared for each day of class and participate in class discussions and other activities. I generally assume that students start out with 100% of their participation grade, and either do things to consolidate that status or do things to erode and reduce their participation grade. With this in mind, I pay attention to your participation and engagement in class. One thing I will do from time to time is randomly call on someone to

answer a question about the assigned reading for that day. If I call on you and you can demonstrate that you have read and engaged with the material, then you strengthen your participation points. If I call on you and you are not there, or if I call on you and you have not done the reading, I deduct participation points. You can recover these points if you contribute more to future discussions. Two other concrete components that affect your participation grade are **Policy Reflection Papers** and **Quizzes** (see below for details on each). Part of your participation grade is composed simply of completing these components on time and in person when they take place in class. I will also return this work in class, so if you are not there to receive returned work, this can affect your participation grade. We will also occasionally break up into smaller groups, and I will note attendance and participation in these sessions.

Separately, **classroom conduct can also affect your participation grade**. You are expected to promote a classroom environment that makes it easy for your peers to engage with the material. In this regard, **please keep distractions to a minimum**. With regards to **technology in the classroom**, please turn your phones and other handheld devices off during class. Texting during class is unacceptable. Laptop use is allowed for taking notes and other activities relevant to class, but sending emails, messaging, checking social media, or watching videos online is unacceptable. If you are texting, on social media sites, watching videos, or otherwise using technology inappropriately in the classroom, **you will be asked to leave for the day**. If you are asked to leave, please do so promptly and without disrupting the class further; if you would like to discuss why you were asked to leave, please contact me by email and we can discuss what happened at a later time. **If this happens a second time, you will receive a zero (0) for your participation grade for the semester**. If you have extraordinary circumstances that justify keeping your phone on during class (e.g., family or medical urgency), please let me know ahead of time, before class starts that day.

Policy Reflection Papers

At scheduled times in the semester [see dates in class schedule], a Policy Reflection Paper is due. These papers should be typed, at least one page in length, double-spaced, in Times New Roman, 12-point font. Aside from following the required format, reflection papers should (1) make three points regarding a criminal procedure practice addressed in the reading for that week (this is the policy); and (2) advocate (in your own opinion but also with references to the materials in weeks 1-2) why this is a “best practice”. That is, you should identify aspects of a practice that are most in line with principles of democratic rule of law. For instance, you might (a) choose three features of a particular practice in one country and advocate why each of these features combine to form a best practice; (b) choose three features from among different practices that combine to form a best practice you would advocate, even though it does not yet exist in any one country; or (c) choose one feature of a practice and give three reasons why this is a best practice. Papers should be submitted in person **within the first five (5) minutes of class**.

There are no “correct” answers to the reflection papers in terms of your opinion. I will be grading these based upon the quality of your argument not on your particular political opinion. Egregious grammatical errors and sloppiness in style will also lower your grade.

Scheduled Quizzes

At scheduled times in the semester [see dates in class schedule], there will be a short online quiz on Blackboard. These quizzes will cover material from preceding weeks. Quiz questions will be in various formats (e.g., multiple choice, True/False, short answer), and if you have done the reading, come to class, and engaged with the material, there should be no surprises. Details will be provided in advance of each quiz.

Random “Pop” Quizzes

Separately, I will **toss a coin at the start of class on Thursday each week to determine if there will be a random quiz.** If the result is heads, there will be a short quiz on the reading for that day. If the result is tails, there will be no quiz. If you have done the reading for that day, you should not have any trouble with the quiz. I will collect all quizzes within the first five minutes of class.

Other Policies.

Email. I expect you to check your email. You are responsible for material sent by email.

Late Work and Missed Exams. All work delivered in class must be turned in within the first 5 minutes of class on the day it is due, or by 5pm if there is no class on the due date. Without a legitimate (e.g., medical or family emergency) and documented explanation, late work will be penalized one letter grade (10%) for each day it is late, and it is considered late if turned in beyond the time limits above (i.e., after the first 5 minutes of class, or after 5pm on days there is no class; this includes weekends and holidays). I stop deducting points after 5 days (50%), so even if you are more than 5 days late on an assignment, it is better to turn something in rather than to have a zero for that assignment. No late work will be accepted after the last day of class. Reflection papers and random quizzes must be turned in at the beginning of class in order for you to receive credit towards your participation grade. **No late random quizzes will be accepted.** Either you are there to take the pop quiz, or you are not. No late exams will be given.

Academic Integrity. All students must familiarize themselves with the *Standards of Academic Integrity* on the University’s website and pledge to observe its tenets in all written and oral work, including oral presentations, quizzes and exams, and drafts and final versions of essays. The full standards and examples of dishonest behavior are available at:

http://www.albany.edu/undergraduate_bulletin/regulations.html.

The most common violation of academic integrity is *plagiarism or cheating*. My advice is simple: don’t do it. Don’t even think about doing it. Plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing him or her. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation. If you have any questions about plagiarism, please contact the professor *before* you submit the assignment for grading. Plagiarism or cheating will result in a failing grade for the assignment and the submission of your name to the Office of Conflict Resolution at the *very minimum*. Ignorance will not provide a defense to the application of this policy.

Americans with Disabilities Act (ADA). Qualified students with disabilities needing appropriate academic adjustments should contact me as soon as possible to ensure your needs are met in a timely manner.

Miscellaneous. If you feel you need any help or simply want clarification on any of the material, please do not hesitate to raise your question in class or approach me outside of class. I hold regular office hours. If you cannot arrange to come talk with me during these hours, please email me or contact the Department of Political Science administrative offices so that we can set up an appointment.

Changes to Syllabus. Changes to this syllabus may be made throughout the semester. I will announce any changes. You can check if you have the current version of syllabus by looking at date in footer.

CLASS SCHEDULE

WEEK 1 (8/30 and 9/01)

I. Introduction

Introductions; syllabus; overview of course; readings; Blackboard

*** NO CLASS THUR., SEP. 1; APSA CONFERENCE, PHILADELPHIA ***

Requirements in place of class:

- Reading
 - Garrett, Brandon L. 2015. "Convicting the Innocent Redux." In D. Medwed, Ed., *Wrongful Convictions and the DNA Revolution: Twenty-Five Years of Freeing the Innocent* (Cambridge University Press, forthcoming)
- Movie:
 - Documentary, "Central Park 5", can be viewed online for free from any UAlbany computer (or from off-campus location using VPN):
 - **Movie:** <http://albany.kanopystreaming.com/video/ken-burns-central-park-five>
 - To install VPN, see instructions here:
<https://wiki.albany.edu/display/public/askit/Cisco+AnyConnect+VPN+Client+Installation+-+Connecting+and+Disconnecting+VPN+Session;jsessionid=2C2DD0D803A6574AD4D7041326792E2E>

WEEK 2 (9/06 – 9/08)

II. Criminal Procedure as Democratic Practice: Due Process, Democracy, and the Rule of Law

- Required reading (divide 1-6 into 6 groups; spread out over Tue (1-4) and Thur (5-6)):
 1. Group 1: Founding documents
 - Magna Carta
 - Declaration of Independence

- U.S. Constitution
 - Bill of Rights
 - Amendments 13-14
- 2. Group 2
 - Thaman, Ch.1
 - Kleinfeld, Rachel. “Competing Definitions of the Rule of Law.” In Thomas Carothers, ed. *Promoting the Rule of Law Abroad: In Search of Knowledge*. DC: Carnegie Endowment of International Peace.
- 3. Group 3
 - Tamanaha, Brian. 2004. *On the Rule of Law: History, Politics, Theory*. Cambridge: Cambridge University Press. Chapters 7 and 8: “Formal Theories” and “Substantive Theories”.
 - OSCE. 2006. “UPHOLDING THE RULE OF LAW AND DUE PROCESS IN CRIMINAL JUSTICE SYSTEMS.” pp. 1-20
- 4. Group 4 (read only conceptual parts in first half of each of these papers)
 - Botero, Juan C., and Alejandro Ponce, 2010, “Measuring the Rule of Law.” Working Paper Series (WPS), No. 1, World Justice Project. (pp1-16)
 - Coppedge, Michael, and John Gerring et al. (2011), “Conceptualizing and Measuring Democracy: A New Approach.” *Perspective on Politics* (pp247-249, 252-257)
- 5. Group 5:
 - Damaska, Mirjan R. 1975. “Structures of Authority and Comparative Criminal Procedure.” *Yale Law Journal* 84: 480-544.
- 6. Group 6:
 - Luna, Erik. 2004. “A Place for Comparative Criminal Procedure.” *Brandeis Law Journal*
- Recommended reading
 - Damaska, Mirjan R. 1986. *The Faces of Justice and State Authority: A Comparative Approach to the Legal Process*. New Haven: Yale University Press.
 - Mack, Raneta Lawson. 2008. *Comparative Criminal Procedure: History, Processes and Case Studies*. Buffalo, NY: William S. Hein and Co. (Preface and Ch1)
 - USAID Strategic Framework 2010 (pp. 1-20). E-Reserve (also at: http://www.usaid.gov/our_work/democracy_and_governance/technical_areas/rule_of_law)
 - Marshall, T.H. 1965. “Citizenship and Social Class.” In *Class, Citizenship, and Social Development*. New York: Doubleday.
 - Sen, Amartya. 1999. “Freedom as the Foundation of Justice.”
 - Rhode, Deborah L. 2004. *Access to Justice*. New York: Oxford University Press.
 - Legal Services Corporation. 2005. *Documenting the Justice Gap in America*.
 - Sen, Amartya. 1999. *Development as Freedom*. New York: Knopf.
 - Symposium on Amartya Sen’s *Development as Freedom*. 2002. *Studies in Comparative and International Development* 37(2).
 - Peter Evans. “Collective Capabilities, Culture, and Amartya Sen’s *Development as Freedom*.”
 - Frances Stewart and Severine Deneulin. “Amartya Sen’s Contribution to Development Thinking.”
 - Marc Fleurbaey. “Development, Capabilities, and Freedom.”
 - Amartya Sen. “Reponse to Commentaries.”
 - Mainwaring, Scott, and Christopher Welna, eds. 2003. *Democratic Accountability in Latin America*. New York: Oxford University Press.

- Gloppen, Siri, Roberto Gargarella, and Elin Skaar, eds. 2004. *Democratization and the Judiciary: The Accountability Function of Courts in New Democracies*. London: Frank Cass.
- Diamond, Larry, Marc F. Plattner, and Andreas Schedler, eds. 1999. *The Self-Restraining State: Power and Accountability in New Democracies*. Boulder, CO: Lynne Rienner.
- Jarquín, Edmundo, and Fernando Carrillo, eds. 1998. *Justice Delayed: Judicial Reform in Latin America*. Washington, D.C.: Inter-American Development Bank.
- Eckstein, Susan, and Timothy Wickham-Crowley, eds. 2003. *What Justice? Whose Justice? Fighting for Fairness in Latin America*. Berkeley: University of California Press.

WEEK 3 (9/13 – 9/15)

III. Phase 1: Overview of Actors and Alternatives to Initiating the Prosecution

*** DUE: REFLECTION PAPER #1 - TUE., SEP. 13 ***

- Required readings:
 - Tue
 - Thaman, Ch.2
 - Law Reform Commission of Canada. 1986. “Private Prosecutions.”
 - Only pages: 1-15, 19-31, 46-47 (on U.S.).
 - Chemerinsky and Levenson (2008), Ch.1
 - Thur
 - Mathias, Eric. 2002. “The balance of power between the police and public prosecutor.” 459-483
- Recommended readings:
 - Worrall, John L. 2008. “Prosecution in America: A Historical and Comparative Account.” In John L. Worrall and M. Elaine Nugent-Borakove, eds. *The Changing Role of the American Prosecutor*. Albany: SUNY Press.

WEEK 4-5 (9/20 – 9/29)

IV. Phase 2: Arrest, Search, Seizure

*** DUE: REFLECTION PAPER #2 - TUE., SEP. 27 ***

- Reading
 - Week 4
 - Thaman, Ch.3
 - Dressler and Michaels (2010), Ch.4
 - Week 5
 - Bradley, read through section II(B):
 - In following order:
 - U.S., England
 - France, Germany, Italy
 - Israel

WEEK 6-7 (10/04 – 10/13)

V. Phase 3: Interrogation

Quiz #1: complete online during week of 10/04 (Blackboard; covers earlier material; see details on Blackboard for deadline information)

- Week 6
 - Thaman, Ch.4
- Week 7
 - Bradley, read section II(C):
 - In following order:
 - U.S., , England
 - France, Germany, Italy
 - Israel

MOVIE (Tuesday, 10/11): "Presunto Culpable" (Presumed Guilty; finish on 10/13)

WEEK 8-9 (10/18 – 10/27)

VI. Phase 4: Court Procedures – Pre-Trial

*** DUE: REFLECTION PAPER #3 - TUE., OCT. 18 ***
(covering materials on Phase 3, Interrogation)

*** DUE: REFLECTION PAPER #4 - TUE., OCT. 25 ***
(covering Phase 4, Court Procedures – Pre-Trial)

- Thaman, Ch.5: discovering and entering evidence
- Thaman, Ch.6: procedural economy
- Bradley, read section III(A):
 - In following order:
 - U.S., England/Wales
 - France, Germany, Italy
 - Israel
- Recommended reading:
 - Langer, Máximo. 2005. Rethinking Plea Bargaining: The Practice and Reform of Prosecutorial Adjudication in American Criminal Procedure.” *American Journal of Criminal Law* 33(3): 223-299.
 - Damaska, Mirjan. 2004. “Negotiated Justice in International Criminal Courts.” *Journal of International Criminal Justice* 2: 1020-.

WEEK 10-11 (11/01 -11/10)

VII. Phase 5: Court Procedures – The Trial

Quiz #2: complete online during week of 11/01 (Blackboard; covers earlier material)

*** DUE: REFLECTION PAPER #5 - TUE., NOV. 8 ***
(covering Phase 5, Court Procedures – The Trial)

- Thaman, Ch.7
- Bradley, read sections III(B):

- In following order:
 - U.S., England/Wales
 - France, Germany, Italy
 - Israel

WEEK 12 (11/15 – 11/17)

VIII. Phase 6: Sentencing, Custody, and Appeals

* DUE: REFLECTION PAPER #6 - TUE., NOV. 15 *

- TBA (piece on sentencing, prison conditions, etc.)
- Bradley, read sections III(C):
 - In following order:
 - U.S., England/Wales
 - France, Germany, Italy
 - Israel
- Recommended readings:
 - Robbins, Ira P. 1980. *Comparative Postconviction Remedies*. Lexington, MA: D.C. Heath and Co.
 - Contains materials on Brazil, Mexico, Germany, Yugoslavia, China, and international law
 - Lazarus, Liora. 2004. *Contrasting Prisoners' Rights: A Comparative Examination of Germany and England*. Oxford: Oxford University Press.

WEEK 13 (11/22 – 11/24)

IX. Criminal Procedure Reform: Sources of Legal Change

Required readings: divide among 4 groups (first 2 groups lead discussion on Tuesday; next two groups lead discussion on Thursday)

Group 1: World

- Required
 - Sung, Hung-En. (2006). "Democracy and Criminal Justice in Cross-National Perspective: From Crime to Due Process." *Annals of the American Academy of Political and Social Science* (605):311-337.

Group 2: Spain

- Required
 - Bradley, 1st ed. (2002) chapter on Spain (Blackboard; not in 2nd ed.)
 - Hilbink, Lisa. 2007. "Politicising Law to Liberalise Politics." In Halliday et al.

Group 3: Latin America

- Required
 - Langer, Máximo. 2007. "Revolution in Latin American Criminal Procedure: Diffusion of Legal Ideas from the Periphery." *American Journal of Comparative Law* 55: 617-.

Group 4: Mexico

- Required
 - Chapter on Mexico from Bradley volume

- Ingram, Matthew C. (2016). "Diffusion of Criminal Procedure in Mexico." *Latin American Politics & Society*
- Recommended
 - Tiede, Lydia Brashear. 2004. "Committing to Justice: An Analysis of Criminal Law Reforms in Chile." Working Paper, Center for Iberian and Latin American Studies, UCSD. Available at: <http://escholarship.org/uc/item/6ph2s3cj>.
 - Kauffman, Katherine. 2010. "Chile's Revamped Criminal Justice System." *Georgetown International Law Journal* 40: 621-643.

***** NO CLASS THUR, NOV 24: THANKSGIVING BREAK*****

WEEK 14 (11/29-12/01)

X. Criminal Procedure Reform: Consequences of Legal Change

Quiz #3: complete online during week of 11/29 (Blackboard; covers earlier material)

Required Reading:

- Chile
 - Tiede, Lydia Brashear. 2012. "Chile's Criminal Law Reform: Enhancing Defendants' Rights and Citizen Security." *Latin American Politics and Society* (July).
- Mexico
 - Blanco, Luisa. (2016). "The Impact of Judicial Reform on Crime Victimization and Trust in Institutions in Mexico." *Violence and Victims* 31(1):27-49.

Recommended Reading:

- Ingram, Matthew C., Octavio Rodriguez Ferreira, and David A. Shirk. "Assessing Mexico's Judicial Reform: Views of Judges, Prosecutors, and Public Defenders." Special Report (June). Justice in Mexico Project, Trans-Border Institute, University of San Diego.
- Rios Espinoza, Carlos. 2008. "REDESIGNING MEXICO'S CRIMINAL PROCEDURE: THE STATES' TURNING POINT." *Southwest Journal of Law and Trade in the Americas* 15: 53-82.
- Ingram, Matthew C. and David A. Shirk. 2012. "Building Institutional Capacity in Mexico." In Philip George and Susana Berruecos, eds. *Mexico's Struggle for Public Security: Organized Crime and State Responses*. London: Palgrave-Macmillan.

WEEK 15 (12/06 – 12/08)

XI. Bringing It All Together: Comparing Best Practices in U.S. and Abroad

*** LAST DAY OF CLASSES, THUR., DEC. 8 ***

Required reading:

- Amman, Diane Marie. 2000. "Harmonic Convergence? Constitutional Criminal Procedure in an International Context." *Indiana Law Journal* 75: 809-873.

- Frase, Richard S., and Thomas Weigend. 1995. "German Criminal Justice as a Guide to American Law Reform: Similar Problems, Better Solutions?"

Recommended reading:

- TBA

Review, evaluations, and course summary

New topics: international criminal law and procedure; empirical analysis of law in general; statistics and social science in law

FINAL EXAM:

The University has scheduled the final exam for this class on Friday, Dec. 16, 10:30-12:30. (See: http://www.albany.edu/registrar/registrar_assets/Fall_2016_Final_Examination_Schedule.pdf)

*** Final Exam will be an online exam on Blackboard ***

Exam will be open for 2 hours during a 3-day window that includes Dec 16. You will need to find a 2-hour time period in which to take the exam, which may or may not be the time period the University expects you to set aside for the final exam in this class.

Additional Resources:

(1) Websites

- Supreme Court Blog: www.scotusblog.com
- Empirical Legal Studies (ELS) Blog: www.elsblog.org
- Law & Courts Section of American Political Science Association: <http://www.law.nyu.edu/lawcourts>
- Law & Society Association (LSA): <http://www.lawandsociety.org>
- Comparative Law Society: <http://www.iuscomp.org>
- American Society of International Law: <http://www.asil.org/index.html>
- Constitutional Law Professors' Blog: <http://lawprofessors.typepad.com/conlaw>
- Globalex legal research site (NYU): <http://www.nyulawglobal.org/Globalex/>
- Jurist legal research site (U. of Pittsburgh): <http://jurist.org/>
- World Treaty Index: <http://worldtreatyindex.com>
- Comparative Criminal Procedure course site at University of Chicago: <http://guides.lib.uchicago.edu/compcrimpro>
- Computational Legal Studies: <http://computationallegalstudies.com>

(2) Some relevant journals:

- International Journal of Constitutional Law
- Journal of Empirical Legal Studies
- Journal of Law, Economics, and Organization
- Journal of Legal Studies
- Judicature
- Justice System Journal
- Law and Social Inquiry
- Law and Society Review

(3) Additional Texts

- a. Mack, Raneta Lawson. 2008. *Comparative Criminal Procedure: History, Processes and Case Studies*. Buffalo, NY: William S. Hein and Co.
- b. Delmas-Marty, Mireille, ed. 1995. *The Criminal Process and Human Rights: Toward a European Consciousness*. Dordrecht, Netherlands: Martinus Nijhoff.
 - i. Contains survey of criminal process in multiple countries, and then more focused debates on stages of process, especially trial.
- c. Fionda, Julia. 1995. *Public Prosecutors and Discretion: A Comparative Study*. Oxford: Clarendon.
 - i. Emphasis on sentencing function of prosecutors and of increasing role of prosecutor in administering criminal sanctions.
- d. Delmas-Marty, Mireille, and J.R. Spencer, eds. *European Criminal Procedure*. Cambridge: Cambridge University Press.
 - i. Specific chapters dedicated to Belgium, England, France, Germany, and Italy, and several topic chapters dedicated to procedural topics, e.g., public prosecutors, division of power between police and prosecutors, and the role of the judge.
- e. Hatchard, John, Barbara Huber, and Richard Vogler, eds. 1996. *Comparative Criminal Procedure*. London: British Institute of International and Comparative Law.
 - i. Contains chapters on France, Germany, and England and Wales, with additional overview and comparative chapters.
- f. Cryer, Robert, Hakan Friman, Darryl Robinson, and Elizabeth Wilmschurst. 2011. *An Introduction to International Criminal Law and Procedure*. Cambridge: Cambridge University Press.