

**A Review of *Courtroom 302: A Year Behind the Scenes in
an American Criminal Courthouse***

By

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Book: *Courtroom 302: A Year Behind the Scenes in an American Criminal Courthouse*
Author: Steve Bogira
Publisher: Alfred A. Knopf
Year: 2005

The advent of DNA testing, false eyewitness accounts of crimes, and coerced confessions has awakened people to the reality that there are serious miscarriages of justice in the criminal courts of America. False confessions in the Central Park jogger case ... scandals in the Los Angeles Police Department ... the Illinois Supreme Court's concluding in 1993 that within the Chicago Police Department Commander Joe Burge and his men had carried out years of "systematic torture" ... the numerous cases of innocent people being freed from death row—one would have to have lived in a vacuum not to be aware of problems in the American criminal justice system. Still, with television shows such as CSI showing people the near-infallible ways in which police determine who is guilty—and innumerable movies and television shows telling us too many offenders get off on "technicalities"—most students continue to believe that the system favors offenders over victims and miscarriages of justice are rare.

In this book Steve Bogira effectively and movingly shows how miscarriages of justice and an anti-defendant bias are inherent in the functioning of our criminal justice system. *Courtroom 302* is the story of one year in Chicago's Cook County Criminal Courthouse, the busiest felony courthouse in the country. It weaves the stories of several defendants—from bond hearings through sentencing—in the courtroom of the book's central figure, Judge Daniel Locallo. The cases serve to illustrate the numerous factors undermining justice in the system and to inform on and discuss larger issues and realities.

Steve Bogira spent a year observing, interviewing and researching all participants in the human dramas that take place daily in big city criminal courtrooms. *Courtroom 302* shows the perspectives, pressures, constraints and biases that determine the actions of its players—the defendants, deputies, prosecutors, public defenders, private attorneys, jurors and most of all, Judge Locallo. The author's ability to gain the trust of such a variety of participants is impressive and serves to reveal not only readily apparent truths and realities, but also those that lie beneath the surface. The book is impartial and dispassionate in its approach to the cases and participants, but there is great passion in the stories it tells. The parts of the book that are written from the perspectives of the defendants are at times particularly moving.

As described by the author, the main job of the courthouse is to sort through the "raw material" brought in by the police; and in most cases, the sorting takes place within the

constraints of tightly scripted scenarios. The goal is not so much to dispense justice as it is to dispose of cases. The sheer volume of cases requires that no one in the system has the time—and in most cases the desire—to give more than cursory attention to any one case. Bond hearings, which determine whether defendants go to jail or not, last less than a minute. “Heater,” high-profile cases involving serious crimes and well-known offenders or victims are shown to be exceptions to the assembly line system of justice where everyone involved takes them quite seriously. Yet the book shows that even in these cases, true justice is often not achieved.

The author notes that courtroom staff members tend to work “reflexively” rather than “reflectively,” with most participants in the system having become desensitized to the humanity of the defendants. Many players in the system are portrayed as mostly decent people who turn a blind eye to the injustices they see every day, while others are portrayed as fundamentally dishonest and abusive. Many of the deputies are described as being mean-spirited and abusive, referring to defendants in terms such as “scum,” assuming they are all guilty, and at times beating them. Even those deputies who have some sympathy for some defendants are pressured not to show it for fear of being branded as soft and “sissies” by the other deputies.

Courtroom 302 shows how insufficient resources, too many cases, an insular culture, and the personal biases of people in the system all work together to deny justice to defendants. The descriptions of plea bargain hearings are particularly effective in illustrating the injustices in the system. Since no one—other than possibly the defendant—wants the work and time required for a jury trial, defendants are pressured to confess in return for reduced charges and/or sentencing. While it is unconstitutional to coerce defendants into giving up their right to a trial, the author shows how defendants are pragmatically made aware that rejecting the plea bargain will likely result in a guilty verdict and a much stiffer sentence. Even the public defenders are shown to contribute to the injustice of plea bargains in recommending that clients plead guilty after only a cursory look at the police file and determining the case is a loser. One public defender acknowledged this early appraisal is sometimes wrong but notes that, given the caseloads, there is no other approach that would work.

Judge Locallo, the central character in the book, is indicative of how the insular culture of the courtroom undermines justice and railroads defendants. He comes across as a fundamentally decent man who, due to the constraints and biases of the system in which he acts, often dispenses injustice while trying to do the opposite. He has little use for the testimony of “so called” experts, relying instead on those he knows and “good common sense”. For example he refused to grant a new trial for a man convicted of murder despite the testimony of two county psychiatrists that anti-psychotic medications the man was given in jail probably made him too groggy and disoriented to understand the nature of the proceedings against him. Moreover, despite acknowledging that police sometimes abuse and coerce defendants in obtaining confessions, in at least one hundred cases when asked to suppress a confession, he ruled that every one was voluntary.

Judge Locallo is also in many ways indicative of contradictions in the courthouse workings. He is strong advocate of free choice when it comes to defendants, believing that poverty, abuse and so forth are no excuses for crime. Thus, in sentencing he considers the background and status of the victim, but not the offender. His free choice belief does not apply

to his uncle Victor, however, whom Locallo holds in high regard and views as having been forced into a criminal career by circumstances beyond his control. Despite this anti-defendant bias, Judge Locallo is seen by most of the public defenders as a fair and just judge. And he is not liked by many prosecutors, as he is seen as giving easy sentences and has never given anyone the death penalty.

I believe *Courtroom 302* could be effectively used as a supplementary text in various lower or upper division criminal justice courses. Not only will students learn the actual workings of a typical big city courtroom, they will also learn about larger issues that impact criminal justice processing in the United States. The author frequently links problems in this courtroom to larger issues, and he often uses research by others to further inform the reader about issues raised. For example, in discussing this overcrowded courtroom, he discusses the war on drugs and how it is in large part responsible for injustices and overcrowding in courtrooms across the United States. And in discussing the issue of police lying in court, he uses a study of forty-one Cook County judges, prosecutors and public defenders by Orfield (1992) to add depth and breadth to his analysis. Among the other larger issues discussed in the book are merit selection of judges, torture and coercion by police, deinstitutionalization of the mentally ill, sentencing guidelines and racism in jury selection.

While these larger issues are raised and discussed, *Courtroom 302* always returns to the highly interesting personal dramas that are at the core of the book. Many students who are not impressed or moved by statistics and research studies will respond to the stories in this book as they are personal and well written. The variety of cases followed and issues raised would allow for numerous opportunities for discussion and debate. One quibble I have with the book is that it assumes some prior knowledge of criminal courts that some readers may not have. If used as a supplementary text in a class, the instructor could easily provide the small amount of knowledge necessary for students to fully understand the book. I strongly recommend this book as being informative and interesting to readers at all levels and as a supplementary text in a variety of criminal justice courses.

ENDNOTE

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REFERENCES

Orfield, M. (1992). Deterrence, perjury, and the heater factor: An exclusionary rule in the Chicago criminal courts. *University of Colorado Law Review* 63, 75.