

Inequality in Criminal Sentencing

Sociology 356.001

Fall 2026, Eddy 10

TR 3:30-4:45pm

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This course will examine the structure and process involved in the prosecution, adjudication, and sentencing of criminal defendants and how these processes lead to disparities and inequalities in sentencing. We will also analyze the exercise of prosecutorial and judicial discretion, placing emphasis on understanding the influence of legal, organizational, and environmental contexts on decision-making.

Course Objectives

- Learn about the sentencing process, whether and how inequalities are part of sentencing, and what reforms have looked like over time.
- Explore some of the theoretical and empirical literature on issues in courts and sentencing.
- Learn and/or further develop the ability to read, interpret, and apply empirical research, with an emphasis on research methods.
- Craft and support theoretical arguments having to do with issues in policing, both orally and in writing.
- Develop policy recommendations to improve the functioning of courts and sentencing, based on theoretical and empirical research findings.

Prerequisites

Students enrolled in this course should have completed SOC 100 and SOC 253.

Required Reading

The following books are required for this course:

Clair, M. (2020). *Privilege & Punishment: How Race & Class Matter in Criminal Court*. Princeton University Press.

Hester, R. (2024). *Sentencing Without Guidelines*. Temple University Press.

Spohn, C. (2008) *How Do Judges Decide? The Search for Fairness and Justice in Punishment*. Sage Publications.

Optional:

Kohler-Hausmann, I. (2018). *Misdemeanorland: Criminal Courts and Social Control in an age of Broken Windows Policing*. Princeton University Press.

Tonry, M. H. (2016). *Sentencing Fragments: Penal reform in America, 1975-2025*. Oxford University Press.

In addition to these books, selected articles will be placed on Canvas.

Assignments

Group Paper Assignment (60 pts)

In this course, you will be asked to complete a group assignment related to sentencing. That may choose any topic that we cover in class, or something that is adjacent to our class material. Examples may include: the goals of sentences, capital sentencing, sentencing theory (e.g., focal concerns), gender disparity in sentencing, racial disparity in sentencing, social context and sentencing, sentencing reform, or sentencing policy. Each Group Paper should have three parts. The first part will identify a problem facing courts related to the chosen area. The second part will review the relevant sentencing research. The third part will present a strategy that courts could use to address the problem. As a very general guideline, each group paper should be around 10-pages double spaced, but some will be shorter, others may be longer.

Sentencing Presentation (20 pts)

In addition to submitting a Group Paper, each group will present their paper to the class. These presentations will occur during the week of December 1-5 (during class sessions on December 2 & 4).

Reading Quizzes (4 pts each, 40 pts total)

Some, but not all lectures will conclude with a reading/lecture quiz question. The quiz will be posted as an assignment on Canvas alongside the lecture and slides for that week. You will have until the end of the week (Friday, 11:59pm) to submit your quiz response to Canvas. I will provide all students with an automatic 48 hour grace period on these assignments, but you should strive to submit your responses by Friday. There will be approximately twelve (12) quizzes throughout the semester, with the final two serving as extra credit. For this reason, late quizzes will not be accepted.

Exams (80 pts each, 240 pts total)

We will have two exams in this course. The exams will follow a short answer & essay format. You will generally have options in both the short answer and essay portions. Exams are due at the end of the week on Canvas (Friday, 11:59pm).

Participation (40 pts)

You will also be assessed on your level of engagement and participation in the course. Participation will be assessed in two ways: 1) submitting small-group responses to in-class discussion questions and 2) a discretionary measure of your active participation in the course. Attending class is a necessary, but not sufficient condition to receive a high participation score. You are expected to ask questions, answer questions, and show overall engagement. Participation will also be used to make decisions in borderline cases. Please note that these are not “free” points – if you are not closely engaged and participating on a regular basis, you should expect a poor participation grade. Repeated class disruption will result in a 0 for your participation grade for the entire semester.

Grading Scale

<u>Points</u>	<u>Letter Grade</u>
97%+	A+
93-96%	A
90-92%	A-
87-89%	B+
83-86%	B
80-82%	B-
77-79%	C+
70-76%	C
60-69%	D
60%>	F

Other Issues

The course will adhere to the Academic Integrity Policy of the Colorado State University General Catalog and the Student Conduct Code.

Artificial Intelligence (AI) has become an important tool in many of our lives. There are many appropriate uses of AI, including in this course. However, you should think of AI as another source of information – not as way to generate the work that you would submit for assignments in the course. After all, my hope is that you are taking this course because you are genuinely interested in criminology – and more specifically, courts and sentencing. Therefore, I expect that you will not turn in assignments or responses that are purely generated by AI.

Be proactive. If you have a personal issue that is preventing you from doing well in the course, please come and talk to me as soon as possible. The longer you wait, the less I will be able to help you.

Late assignments are strongly discouraged. I reserve the right to determine whether I will accept any late assignment and whether I will assess a late penalty.

For policies relevant to this and other CSU courses and resources to help with various challenges that you may encounter (e.g., Title IX, Case Management, Mental Health) please visit the link below.

<https://col.st/2FA2g>

Anyone caught cheating and/or plagiarizing may receive a zero on the assignment and may be turned over to university officials.

Course Calendar

Week 1: Goals of Sentencing

August 25: Welcome & Syllabus
August 27: Goals of Sentencing (Spohn, Ch. 1)

Week 2: The Sentencing Process

September 1: The Sentencing Process (Spohn, Ch. 2)
September 3: How Do Judges Decide (Spohn, Ch. 3)

Week 3: Discretion in Sentencing

September 8: Judicial Discretion (Albonetti, 1991)
September 10: Prosecutorial Discretion (Engen & Steen, 2000)

Week 4: Sentencing Theory

September 15: Focal Concerns Sentencing (Steffensmeier et al, 1998)
September 17: Courtroom Communities Theory (Merritt, 2022)

Week 5: Exam #1

Complete by 10/2 at 11:59pm on Canvas!

Week 6: Gender and Sentencing

September 29: Gender Disparity in Sentencing (Spohn, Ch. 4)
October 1: Gender & Imprisonment Decisions (Steffensmeier et al., 1993)

Week 7: Gender and Sentencing

October 6: Are Women Treated More Leniently? (Doerner & Demuth, 2012)
October 8: Gender Differences in Criminal Sentencing (Rodriguez et al., 2006)

Week 8: Race and Sentencing

October 13: Racial/Ethnic Disparity in Sentencing (Spohn, Ch. 5)
October 15: County-Level Context & Sentencing (Durante, 2021)

Week 9: Race and Sentencing

October 20: Fast Track Departures & Federal Immigration Cases (Tillyer & Hartley, 2016)
October 22: Independent & Joint Effects of Race/Ethnicity, Gender, and Age on Sentencing (Doerner & Demuth, 2010)

Week 10: Privilege & Punishment

October 27: Privilege & Punishment Ch. Introduction – Ch. 2 (pp. 1-101)
October 29: Privilege & Punishment Ch. 3-Conclusion (pp. 102-195)

Week 11: Sentencing Reform

November 3: Sentencing Reform (Spohn, Ch. 6)
November 5: *United States v. Booker* (Hofer, 2007)

Week 12: Sentencing without Guidelines

November 10: Hester Ch. 1-4 (pp. 1-78)
November 12: Hester Ch. 5-7 (pp. 79-130)

Week 13: Sentencing Reform

November 17: Fair Sentencing Act (Bjerk, 2017)
November 19: No Class

Week 14: Fall Recess

November 24: No Class
November 26: No Class

Week 15: Presentations

December 1: Presentations
December 3: Presentations

Week 16: Wrap-Up

December 8: Impact of Reform (Spohn, Ch. 7)
Remodeling American Sentencing (Tonry, 2014)
December 10: No Class
Sentencing Papers Due: 12/14

Final Exam: Due Monday 12/15, at 12pm on Canvas.