

Inequality in Criminal Sentencing
SOCIOLOGY 356.001
Spring 2021, Remote
TR 2-3:15pm

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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. The exercise of prosecutorial and judicial discretion is analyzed, with emphasis placed 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:

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

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

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.

Course Structure

This course will follow a mostly asynchronous format. You can expect that all materials will be available on Canvas for the week by Monday at noon. This will include pre-recorded lectures and any assignments that are due for that week. I will also offer weekly Zoom meetings on Thursdays at 2pm and will post the link in the module at the beginning of the week. These meetings serve as an opportunity to engage in real-time discussion with other members of the course. These meetings will be mostly unstructured, providing an opportunity to talk through some of the material for the course for that week. While these meetings are not required, I believe that you will get more out of the course by attending at least a few of them. To incentivize you to attend a few of these meetings, I will offer one extra credit point per meeting that you attend, capped at four. In addition to these meetings, there will be four weeks where we hold mandatory synchronous meetings (Week 1, Week 5, Week 14, Week 16). These meetings will be held on Tuesdays, Wednesdays, and Thursdays off the corresponding week. You only need to attend one of the days to receive credit. Zoom links will be posted at the beginning of the week.

Assignments

Paper Assignments (40 pts each, 80 pts total). You will be responsible for completing two short (3-4 page) paper assignments. In these assignments, you will write an argumentative essay regarding a topic that we have covered in class. Your essay should contain a clear thesis statement, use evidence from academic sources (not Wikipedia, Answers.com or news-site articles) to support your argument, and have clear sentence structure and grammar. More information will be provided approximately two weeks before the assignments are due. These assignments will be offered three times over the course of the semester, but you only need to complete two of them.

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, 11:55pm) to submit your quiz response to Canvas.

Exams (80 pts each, 240 pts total). We will have three 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 end of the week on Canvas (Friday, 11:55pm).

Participation (40 pts). You will also be assessed on your level of engagement and participation in the course. Each week, I will post 1-2 discussion questions on Canvas. For each one, you may write an original response, and/or you may respond to another person's comments. Your response should usually be at least a few sentences. In addition, your attendance at each Synchronous Meeting (capped at 1 meeting during the designated weeks, see Course Structure) will be worth up to 5 points.

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.

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. For each day that an assignment is late, 10% of the assignment's value will be deducted from your score. For example, if you turn in a paper assignment two days late, you will receive an 8 point (20% deduction) from the score you would have received.

Any student who, because of a disability, may require some special arrangements in order to meet course requirements should contact the instructor as soon as possible to make necessary accommodations. It is the responsibility of the student to request accommodation for individual learning needs.

CSU's Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation policy designates faculty and employees of the University as "Responsible Employees." This designation is consistent with federal law and guidance, and requires faculty to report information regarding students who may have experienced any form of sexual harassment, sexual misconduct, relationship violence, stalking or retaliation. This includes information shared with faculty in person, electronic communications or in class assignments. As "Responsible Employees," faculty may refer students to campus resources (see below), together with informing the Office of Support and Safety Assessment to help ensure student safety and welfare. Information regarding sexual harassment, sexual misconduct, relationship violence, stalking and retaliation is treated with the greatest degree of confidentiality possible while also ensuring student and campus safety.

Any student who may be the victim of sexual harassment, sexual misconduct, relationship violence, stalking or retaliation is encouraged to report to CSU through one or more of the following resources:

- o Emergency Response 911

- o Deputy Title IX Coordinator/Office of Support and Safety Assessment (970) 491-1350
- o Colorado State University Police Department (non-emergency) (970) 491-6425

For counseling support and assistance, please see the CSU Health Network, which includes a variety of counseling services that can be accessed at: <http://www.health.colostate.edu/>. And, the Sexual Assault Victim Assistance Team is a confidential student resource that does not have a reporting requirement and that can be of great help to students who have experienced sexual assault. The web address is <http://www.wgac.colostate.edu/need-help-support>.

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

Important information for students on COVID-19:

All students are required to follow public health guidelines in any university space, and are encouraged to continue these practices when off-campus(es). Students also are required to report any COVID-19 symptoms to the university immediately, as well as if they have potentially been exposed or have tested positive at a non-CSU testing location. If you suspect you have symptoms, please fill out the COVID Reporter (<https://covid.colostate.edu/reporter/>).

If you have COVID symptoms or know or believe you have been exposed, it is important for the health of yourself and others that you complete the online COVID Reporter. Do not ask your instructor to report for you; if you report to your instructor that you will not attend class due to symptoms or a potential exposure, you are required to also submit those concerns through the COVID Reporter. If you do not have access to the internet to fill out the online COVID-19 Reporter, please call (970)491-4600.

If you report symptoms or a positive test, your report is submitted to CSU's Public Health Office. You will receive immediate, initial instructions on what to do and then you will also be contacted by phone by a public health official. Based on your specific circumstances, the public health official may:

- Choose to recommend that you be tested and help arrange for a test
- Conduct Contact Tracing
- Initiate any necessary public health requirements or recommendations and notify you if you need to take any steps

If you report a potential exposure, the public health official will help you determine if you are at risk of contracting COVID.

For the latest information about the University's COVID resources and information, please visit the **CSU COVID-19 site** (<https://covidrecovery.colostate.edu/>).

Course Calendar

Week 1: Goals of Sentencing (Jan 18-22)

Synchronous Meetings (TWR 2pm)

Reading:

Goals of Sentencing (Spohn, Ch. 1)

Week 2: The Sentencing Process (Jan 25-29)

Readings:

The Sentencing Process (Spohn, Ch. 2)

Death Penalty (Warr & Stafford, 1984)

Week 3: Discretion in Sentencing (Feb 1-5)

Readings:

Judicial Discretion (Albonetti, 1991)

Prosecutorial Discretion (Engen & Steen, 2000)

Week 4: Sentencing and Case Attributes (Feb 8-12)

Readings:

How Do Judges Decide (Spohn, Ch. 3)

Focal Concerns Sentencing (Steffensmeier et al, 1998)

Week 5: Misdemeanorland (Feb 15-19)

Synchronous Meetings:

February 16: Introduction & Ch. 1-2

February 17: Ch. 3-4

February 18: Ch. 5-6 & Conclusion

Paper Assignment #1 Due

Week 6: Exam #1 (Feb 22-26)

Complete by Friday at 11:55pm on Canvas!

Week 7: Gender and Sentencing (Mar 1-5)

Readings:

Gender Disparity in Sentencing (Spohn, Ch. 4)

Gender & Imprisonment Decisions (Steffensmeier et al., 1993)

Week 8: Gender and Sentencing (Mar 8-12)

Readings:

Are Women Treated More Leniently? (Doerner & Demuth, 2012)

Gender Differences in Criminal Sentencing (Rodriguez et al., 2006)

Week 9: Race and Sentencing (Mar 15-19)

Reading:

Racial/Ethnic Disparity in Sentencing (Spohn, Ch. 5)

Paper Assignment #2 Due

Week 10: Race/Ethnicity & Sentencing (Mar 22-26)

Readings:

Fast Track Departures & Federal Immigration Cases (Tillyer & Hartley, 2013)

Independent & Joint Effects of Race/Ethnicity, Gender, and Age on Sentencing (Doerner & Demuth, 2010)

Week 11: Exam #2 (March 29-Apr 2)

Complete by Friday at 11:55pm on Canvas!

Week 12: Sentencing Reform (Apr 5-Apr 9)

Reading:

Sentencing Reform (Spohn, Ch. 6)

United States v. Booker (Hofer, 2007)

Week 13: Spring Break (Apr 12-16)

Spring Break

Week 14: Sentencing Fragments (Apr 19-23)

Synchronous Meetings:

April 20: Ch. 1-2

April 21: Ch. 3-4

April 22: Ch. 5-6

Week 15: Impact of Reform and Moving Forward (Apr 26-30)

Readings:

Impact of Reform (Spohn, Ch. 7)

Remodeling American Sentencing (Tonry, 2014)

Paper Assignment #3 Due

Week 16: Wrap-Up (May 3-7)

Synchronous Meetings (TWR 2pm)

Final Exam: Due Tuesday May 11, 11:55pm on Canvas!