

University of Maryland, College Park
Department of Criminology & Criminal Justice

CCJS 345: COURTS AND SENTENCING

Spring 2019
Tues/Thurs
9:30am – 10:45pm
Tawes 1000

INSTRUCTOR

James Lynch
2129 LeFrak Hall
Email: jlynch14@umd.edu
Office Hours: Tuesday and Thursday 2:00-4:00 pm

COURSE DESCRIPTION

This course is intended to provide students with a better understanding of American criminal courts. We will focus on how criminal courts operate, who the important actors are, and the most pressing issues facing US criminal courts today. Over the semester we will cover a variety of classes ranging from criminal prosecution, judicial discretion, racial disparities in sentencing, and the connection between criminal courts and the US correctional system. Students will be expected to consider both theoretical perspectives and empirical research evidence regarding criminal courts as well as to think critically about how our current knowledge about criminal courts and sentencing can help inform the future development and amelioration of the US criminal court system.

REQUIRED TEXTS

Spohn, Cassia. 2009. *How Do Judges Decide?* 2nd Edition. Sage Publications. ISBN: 9781412961042
Bogira, Steve. 2005. *Courtroom 302*. Vintage Books. New York; New York. ISBN: 9780307814197

Additional required readings will be made available to you via ELMS.

COURSE WEBSITE

This class utilizes Canvas (ELMS) for distribution of important course information. To access Canvas, go to <http://elms.umd.edu> and log in with your Directory ID and password. If you have any problems accessing your account, contact the support desk at 301-405-1400. You must be registered for the class to access the course website. The syllabus, additional required readings, class announcements, and grades will be posted on Canvas. You are responsible for knowing the material posted on the website. Writing assignments will also be submitted via Canvas.

COURSE GRADING

Exams: 60% total. Exam 1: 15%, Exam 2: 15% Final Exam: 30%

Participation: 10%

Writing Assignment: 30%

Percentage points will be converted to a letter grade as listed below:

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|--------------|-------------|-------------|-------------|----------|
| A+ (97-100%) | B+ (87-89%) | C+ (77-79%) | D+(67-69%) | F (<60%) |
| A (93-96%) | B (83-86%) | C (73-76%) | D (63-66%) | |
| A- (90-92%) | B- (80-82%) | C- (70-72%) | D- (60-62%) | |

EXAMS

There will be two in-class examinations and a final exam during finals week. Exams will cover content from both assigned readings and class lectures. Exam format will be some combination of multiple choice, matching, and short-answer questions designed to capture the full breadth of students' understanding of the course material. Exams will be completed without the use of notes, texts, computers, or additional aides. The first two exams will be non-cumulative, however the final exam is cumulative. The date of each exam is specified on the class schedule. Please note that if you arrive for an exam after the first person has completed and exited the lecture hall, you may not sit for the exam. Makeup exams will only be permitted with a documented excused absence (see Makeup Policy below for more specific details).

UNDERSTANDING ASSIGNED READINGS

Many of the required readings for this course are empirical articles published in peer-reviewed academic journals. While I do not expect you to fully understand all of the advanced statistical methods described in these empirical articles, you should be able to answer the following questions and be prepared to discuss these elements of empirical articles in class:

- a) The research question(s) – what question(s) is the author trying to answer?
- b) Basic data/methods – where does the data come from and what sample is the author using?
- c) Major findings – what are the important takeaways from the research?
- d) How does this research contribute to our understanding of courts and sentencing?

WRITING ASSIGNMENT

Students will be required to write a 1,000 word Op-Ed responding to one of a series of prompts provided by the professor. The prompts will require students to describe a contemporary issue facing American criminal courts and suggest a path forward to correct this issue. Students will be required to review a series of potential policy options and select a single path forward. Op-Ed prompts will be distributed one-month prior to the assignment due date on March 28 at the end of class. The student is free to select any of the prompts provided but must answer the question in full and use at least **ONE SOURCE NOT ASSIGNED IN CLASS** to make their argument. Example Op-Eds and resources will be provided on ELMS.

Op-Ed assignments must be your own original work. Students are **NOT** allowed to work together to complete this assignment. You must **submit your own copy of the Op-Ed to ELMS by no later than 11:00 AM on May 7, 2019**. Students must submit a PDF of their assignment to ELMS in the assignment location. Assignments must be typed, double spaced, in 12-point font, with one-inch margins. Email submissions will not be accepted. Assignments uploaded after 11:00AM will be considered late and are subject to a 10% point reduction for each additional day that the assignment is late (See Makeup Assignments/Late Policy).

GRADE DISPUTES

If you have questions or concerns about your grade(s) and believe I should review them, you must submit a written request over email that describes your concern in detail. This request must be submitted within **one week** after grades for the relevant assignment have been posted.

COURSE RELATED POLICIES

UMD now maintains a webpage that provides students with information about students' rights and other course-related university policies. Please visit <http://www.ugst.umd.edu/courserelatedpolicies.html> to review these policies.

MAKEUP POLICY/LATE ASSIGNMENTS

Makeup exams and assignments will only be given in cases of excused absences and official documentation is required. **Exams and assignments are considered to be Major Scheduled Graded Events and therefore the new University medical excuse policy, which allows one student signed honor statement attesting to illness, does not apply to them.** Excused absences are: illness with a doctor's note, death in the immediate family, required school activities, and required court appearances. **I will not accept a Health Center honor statement to verify an illness.** If you go to the Health Center and a doctor will not write you a note, you will need to get a copy of your medical record from them to verify your illness. If you know prior to an exam or assignment that you will have an approved absence, you must take the exam or turn in the assignment **PRIOR** to the exam/assignment due date. Failure to adhere to this policy will result in a grade of zero for the exam/assignment. All makeup exams and assignments must be completed within one week of the missed exam/assignment. If you have a documented excused absence for a day that a quiz is given, you may make up the missed quiz during my office hours within one week of the missed class.

A late writing assignment without a documented excused absence will lose one full letter grade (10%) per day. Students have up to five business days to submit the writing assignment late with a maximum penalty of 50%. If you miss a lecture, it is your responsibility to obtain lecture notes from a classmate. I do not post or hand out lecture notes regardless of circumstances. Although University policy does not allow grading based on attendance, you will need to attend classes regularly to ensure you obtain and understand the course material covered each week.

DISABILITY SUPPORT

I will make every effort to accommodate students who are registered with the Disability Support Services (DSS) Office and who provide me with a University of Maryland DSS Accommodation form. To receive documentation, please call DSS at 301-314-7682. This form should be presented to me by **Tuesday, February 12, 2019**. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation that has been reviewed by DSS. DSS students who are requesting to take their exams at the DSS Center must submit a request with DSS online **no later than one week prior to each exam**. The student is expected to take the exam at the same time as the rest of the class.

RELIGIOUS OBSERVANCES

If you are unable to take an exam due to a religious observance, you will need to notify and discuss the absence with me by **Tuesday, February 12, 2019**. Failure to notify me of a religious observance in advance will result in a grade of zero for the missed exam/assignment.

ATHLETES

Official athletic schedules must be submitted to me by **Tuesday, February 12**. Practices do not count as excused absences. In cases of an excused absence, students are expected to arrange a makeup exam/assignment with me in advance of the absence. Athletes who miss an exam or assignment due to a game or other commitment but never submitted an official schedule by September 12 and never notified me will receive a grade of zero for the missed exam/assignment.

ACADEMIC INTEGRITY

Academic dishonesty of any form will absolutely not be tolerated. Academic dishonesty encompasses the traditional behavior such as cheating on exams and assignments, giving false statements, etc., but also includes activities such as possessing and/or reviewing previous semesters' exams. Additionally, students will be asked to write the University approved Honor Pledge on each exam. The University of Maryland, College Park has a nationally recognized Code of Academic Integrity, administered by the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate and graduate students. As a student, you are responsible for upholding these standards for this course. **It is very important for you to be aware of the consequences of cheating, fabrication, facilitation, and plagiarism.** For more information on the Code of Academic Integrity or the Student Honor Council, please visit <http://shc.umd.edu/SHC/StudentAcademicDishonesty.aspx>.

CLASSROOM EXPECTATIONS

I expect that all students will come to each class prepared to discuss the assigned material. In order to have a productive discussion, assigned readings must be complete **PRIOR** to the class period and you should come prepared to ask any questions and to provide your opinion on the material. Class discussions are essential to understanding the course material, so please come prepared to participate in group discussions, debates, class games, and group activities. I also expect that students pay attention and take notes during lectures. My lectures and slides **WILL NOT** be available online. If you miss class you must get notes from a classmate. If you would like me to review those notes for completeness, please stop by my office hours or make an appointment to discuss what you missed.

In order for this class to be a success, we must maintain a respectful environment that is conducive to learning. Disruptive behavior or disrespect toward me or other students will not be tolerated. Students who are unable to show civility with each other or with me will be referred to the Office of Student Conduct or to Campus Police. You are expected to follow the Code of Student Conduct. The University of Maryland's Code of Academic Integrity defines classroom disruption as "behavior a reasonable person would view as substantially or repeatedly interfering with the conduct of a class." This includes such things as leaving the classroom repeatedly, making loud and distracting noises, and conversing with other students during the course lecture. This also includes reading outside material, sleeping, text messaging, and using prohibited technological devices. Repeated classroom disruptions will result in being asked to leave the class and may ultimately affect the grade you receive.

USE OF TECHNOLOGY

Technology used for any purpose other than note-taking during class is prohibited. I will allow you to use a laptop to take notes during class if you like, but cell phones, mp3 players, etc. must be turned off during class and put away at all times. If devices are seen or used during class for any purpose other than note-taking, you will be asked to leave class. If any technological devices are seen and/or used during an exam, the exam will be collected from you and you will no longer be allowed to continue taking the exam. The exam score will be noted as zero and you will be referred to the

Student Honor Council. The only exception to the use of technology policy is required accommodations through DSS.

INCLEMENT WEATHER POLICY

If the University is closed due to inclement weather on a day that a graded assignment is due, the graded assignment will be due for the next class meeting in which the University is open. This does not apply to the writing assignment- which is to be uploaded to ELMS at the scheduled time since you need not be present to upload. If the final exam is cancelled, I will follow the University rules for rescheduling.

EXTRA CREDIT OPPORTUNITIES

Students may visit a criminal court hearing and write a 4-5 page reflection on their experience as it relates to topics discussed in class. Reflections can be submitted at any point in the semester and can earn you up to 3 points on your final grade. Reflections must accompany proof of physically being at the court (we will discuss this more in class).

COURSE EVALUATIONS

Your feedback about this course is very important to me. An online evaluation will be conducted at the end of the semester. You can go directly to the website (www.courseevalum.umd.edu) to complete your evaluation.

COPYRIGHT

The lectures that I deliver in this class and the course materials I create and distribute are protected by federal copyright law. You are permitted to take notes of lectures and to use course materials for your use in this course. You may NOT record, reproduce, or distribute my lectures/notes for any commercial purpose without my written consent. Persons who sell or distribute copies or modified copies of my course materials, possess commercial copies of my notes (i.e. Terpnotes), or assist another person or entity in selling or distributing those materials may be considered in violation of the University Code of Student Conduct, Part 9(k).

Tentative Class Schedule and Reading Assignments

| Date | Topic | Assignment Due |
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| Week 1 Intro/ Courts in US | Jan 29: Course Introduction Jan. 31: Court Systems in the US | Jan. 29: No Reading Jan. 31: Bogira Ch. 1. Neubauer Ch. 3 |
| Week 2 Criminal Courts | Feb 5: Criminal Courts: Purpose Feb 7: Criminal Courts: Procedure | Feb. 5: Spohn Ch. 1 Feb.7: Neubauer & Meinhold Ch. 8 Bogira Ch. 2 |
| Week 3 Prosecutors and Plea Bargains | Feb 12: Prosecutors & Pleas & Plea Bargaining Feb 14: Court room work group | Feb.12: Spohn p. 33-67 Forst (2002); Dervan (2015) WSJ Walker (2006) p. 167-174 Feb. 14: Kutateladze et al. (2014) |
| Week 4 Bail | Feb.19: Bail Overview Feb. 21: Issues with Contemporary Bail System | Feb.19: Walker 2006 p.133-139; Clear et al (2011) excerpts Feb. 21: Santos (2016) Dewan (2015) |
| Week 5 Plea bargaining | Feb. 26: Exam 1 Feb. 28: Role of the Judge & Judicial Discretion | Feb. 26: No Readings Feb.28: Spohn Ch. 2 & Ch. 3 |
| Week 6 Judges/ Juries | Mar 5: Jury Sentencing Mar 7: Purpose/Structure of Guidelines | Mar 5: Frank & Applegate (2006) Mar 7: Spohn p. 225-242 |

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| <p>Week 7</p> <p>Sentencing Reform:</p> <p>Sentencing Guidelines</p> | <p>Mar 12: Varieties and Impact of Sentencing Guidelines</p> <p>Mar. 14: Maryland and Federal Sentencing Guidelines</p> | <p>Mar. 12: Frase (2000) NCSC (2008)</p> <p>March 14: Guideline Matrices & Manual Stith & Cabranes (1997) Ch. 2</p> |
| <p>Week 8</p> <p>Sentencing Reform:</p> <p>Mandatory Minimums</p> | <p>Mar 26: Mandatory Minimum*</p> <p>Mar.28: Three Strikes Laws Writing Assignment Prompts Distributed</p> | <p>Mar 26: Spohn p. 251-269</p> <p>Mar 28: Walker pp. 146-155</p> |
| <p>Week 9</p> <p>Sentencing Reform in the Federal Courts</p> | <p>April 2: Impact of Sentencing Reforms</p> <p>April 4: Intermediate Sanctions</p> | <p>April 2: Stemen & Reingifo (2011)</p> <p>April 4: Wood & May (2003) Tonry (1997) Ch. 4</p> |
| <p>Week 10</p> <p>Sentencing/ Capital Punishment</p> <p>Disparities in Punishment</p> | <p>April 9: Capital Punishment</p> <p>April 11: Racial Disparities in Court Decisions</p> | <p>April 9: Donohue & Wolfers (2010); Eberhardt et al. (2006); NYT Op Ed, 2016</p> <p>April 11: Spohn Ch. 5 Rachlinski et al. (2009)</p> |
| <p>Week 11</p> <p>Disparities in Sentencing: Race and Gender</p> | <p>April 16: Professional development class</p> <p>April 18: Racial Disparities (continued)</p> | <p>April 16: No readings</p> <p>April 18: Jeffery T. Ulmer (2012) Ulmer, et al. (2014)</p> |
| <p>Week 12</p> | <p>April 23 : Exam 2</p> | <p>April 23: No Readings</p> |

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| Disparities in Sentencing: Race and Gender | April 25: Gender/Other Disparities in Court Decisions | April 25: Spohn Ch. 4 Johnson 2006 |
| Week 13 Gender Disparities Back End Sentencing: Parole Decisions Specialty Courts | April 30: : Parole Back-end Sentencing May 2: Drug Courts and Other Specialized | April 30: Petersilia (2003) : Ch. 3 May 2: MacKenzie (2006) Ch. 11; Marble & Worrall (2009) |
| Week 14 | May 7: Risk Assessment May 9: Invisible Punishments Writing Assignment Due 5/7 at 11:00AM | May 7: Hannah-Moffat (2013) Starr (2014) LSI-R Interview May 9: Travis (2005) Ch. 4 Writing Assignment Due 5/7 |
| Week 15 | May 14: Review ** Extra Credit Essay Due** | May 14: No readings |
| Final Exam | TBD | |