NYU Robert F. Wagner Graduate School of Public Service Logo

## PADM-GP.4401: Race, Crime and Incarceration Policy in the United States

Fall 2024 (Half-Term)

Meeting Time: Wednesday, 4:55 PM - 6:35PM

Location:

Instructor: Meg Egan, Adjunct Professor

Office:

Office Hours:

Email:

**Course Description:**

This course examines the role of race within the criminal legal system, focusing on how racial dynamics impact law enforcement, legal processes, incarceration, and policy. Through a combination of theoretical frameworks and empirical research, students will critically analyze the ways in which race and systemic inequalities intersect with criminal legal system practices, policies, and reforms.

**Course Objectives:**

The goal of this course is to provide students with considerable insight into the salient social behaviors and policies driving racial inequality and their influence on various aspects of criminal legal reform.

By the end of this course, students will be able to:

1. Critically evaluate how racial dynamics influence various components of the criminal legal system.
2. Analyze historical and contemporary issues related to race and the criminal legal system.
3. Apply theoretical frameworks to understand racial disparities in legal outcomes.
4. Develop informed perspectives on policies and practices aimed at addressing racial inequalities in the criminal legal system.

**Academic Integrity:**

Academic integrity is a vital component of Wagner and NYU. Each student is required to sign and abide by Wagner’s Academic Code. Plagiarism of any form will not be tolerated since you have all signed an Academic Oath and are bound by the academic code of the school. Every student is expected to maintain academic integrity and is expected to report violations to me. If you are unsure about what is expected of you should ask.

**Henry and Lucy Moses Center for Students with Disabilities at NYU:**

Academic accommodations are available for students with disabilities. Please visit the Moses Center for Students with Disabilities (CSD) website at www.nyu.edu/csd and click on the Rea sonable Accommodations and How to Register tab or call or e-mail CSD at (212)-998-4980 or mosescsd@nyu.edu) for information. Students who are requesting academic accommodations are strongly advised to reach out to the Moses Center as early as possible in the semester for assistance.

**NYU’s Calendar Policy on Religious Holidays:**

NYU’s Calendar Policy on Religious Holidays states that members of any religious group may, without penalty, absent themselves from classes when required in compliance with their religious obligations. Please notify me in advance of religious holidays that might coincide with exams to schedule mutually acceptable alternatives.

**Grading Policy and Assignments:**

1. Class Attendance and Participation 20%
2. Discussion Board 20%
3. Final Essay 60%

*Reflections:* Each week you will be required to submit a brief reflection (i.e., no more than 500 words) of the required readings and overall discussion topic using the Brightspace discussion board–specifically addressing the key concepts and arguments presented by the authors. Weekly reflections must be submitted no later than 10 PM EST on Tuesday evening before the discussion. Late submissions will not be accepted, and the participation grade will be subject to the overall quality of the assessment.

*Final Essay:* Students will complete a short essay (i.e., five to seven pages) analyzing a specific criminal legal reform policy centered on reducing racial disparities. A prompt and relevant instructions will be distributed at the end of the session on October 9, 2024. All students must submit their essay no later than October 23, 2024.

**Grading Scale and Rubric:**

Students will receive grades according to the following scale:

There is no A+

A = 4.0 points

A- = 3.7 points

B+ = 3.3 points

B = 3.0 points

B- = 2.7 points

C+ = 2.3 points

C = 2.0 points

C- = 1.7 points

There are no D+/D/D

F(fail) = 0.0 points

Student grades will be assigned according to the following criteria:

(A) Excellent: Exceptional work for a graduate student. Work at this level is unusually thorough, well reasoned, creative, methodologically sophisticated, and well written. Work is of exceptional, professional quality.

(A-) Very good: Very strong work for a graduate student. Work at this level shows signs of creativity, is thorough and well-reasoned, indicates strong understanding of appropriate methodological or analytical approaches, and meets professional standards.

(B+) Good: Sound work for a graduate student; well-reasoned and thorough, methodologically sound. This is the graduate student grade that indicates the student has fully accomplished the basic objectives of the course.

(B) Adequate: Competent work for a graduate student even though some weaknesses are evident. Demonstrates competency in the key course objectives but shows some indication that understanding of some important issues is less than complete. Methodological or analytical approaches used are adequate but the student has not been thorough or has shown other weaknesses or limitations.

(B-) Borderline: Weak work for a graduate student; meets the minimal expectations for a graduate student in the course. Understanding of salient issues is somewhat incomplete. Methodological or analytical work performed in the course is minimally adequate. Overall performance, if consistent in graduate courses, would not suffice to sustain graduate status in “good standing.”

(C/-/+) Deficient: Inadequate work for a graduate student; does not meet the minimal expectations for a graduate student in the course. Work is inadequately developed or flawed by numerous errors and misunderstanding of important issues. Methodological or analytical work performed is weak and fails to demonstrate knowledge or technical competence expected of graduate students.

(F) Fail: Work fails to meet even minimal expectations for course credit for a graduate student. Performance has been consistently weak in methodology and understanding, with serious limits in many areas. Weaknesses or limits are pervasive.

*Brightspace*

All announcements, resources, and assignments will be delivered through Brightspace– including the submission of online discussion board assignments. Any assignment modifications, due dates, and other course-related matters will be posted as soon as possible through this website.

**Semester Overview:**

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| Date | Topic | Assignment Due |
| 09/04/24 | Introduction |  |
| 09/11/24 | Race, Crime, and the Social Safety Net | Reflection #1 |
| 09/18/24 | Racial Disparities in Policing | Reflection #2 |
| 09/25/24 | Bail Decisions, Incarceration, and Alternatives | Reflection #3 |
| 10/2/24 | Conditions of Confinement | Reflection #4 |
| 10/9/16 | Sentencing Disparities | Reflection #5; Final Essay Prompt Distributed |
| 10/16/24 | Reentry, Collateral Consequences and the Impact on Communities | Reflection #6 |
| 10/23/24 | Final Paper |  |

**Week One:** Introduction

We will begin by laying out the broad framework for the course by working to understand the historical context of racial disparities in the criminal legal system.

*Required Reading:*

Nazgol Ghandnoosh (2023), One in Five: Ending Racial Inequity in Incarceration, The Sentencing Project, <https://www.sentencingproject.org/reports/one-in-five-ending-racial-inequity-in-incarceration/>

Elizabeth Hinton (2018), *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System,* <https://www.vera.org/downloads/publications/for-the-record-unjust-burden-racial-disparities.pdf>

*Supplemental Reading/Viewing:*

Michelle Alexander (2012). The New Jim Crow. The New Press

Documentary: *13th* – Netflix

The Color of Law

**Week Two:** Race, Crime, and the Social Safety Net

In this session, we will begin exploring the ways in which socio-economic disparities lead to disparities in the criminal legal system. We will touch on the racial disparities in the experience of trauma, health care, mental health care, education, and housing.

*Assignment Due:* Reflection #1

*Required Reading:*

Bruce Western, Khalil Gibran Muhammad, Yamrot Negussie, and Emily Backes, Editors (2023), Reducing Racial Inequality in Crime and Justice: Science, Practice, and Policy, National Academies of Science, Engineering, and Medicine, Chapters 3 and 7 <https://nap.nationalacademies.org/read/26705/chapter/5#122>

<https://nap.nationalacademies.org/read/26705/chapter/9>

Ta Nehisi Coates, *The Case for Reparations* The Atlantic, June 2014 <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

Leah Pope (2019), *Racial Disparities in Mental Health and Criminal Justice, National Alliance on Mental Illness*, June 24, 2019 <https://www.nami.org/african-american/racial-disparities-in-mental-health-and-criminal-justice/>

**Week Three:** Racial Disparities in Policing

In week three, we will begin diving into the criminal legal system process through racial disparities in policing, the initial contact with the criminal legal system.

*Required Reading:*

Nazgol Ghandnoosh (2023), *One in Five: Disparities in Crime and Policing*, The Sentencing Project,<https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/>

Bernard E. Harcourt and Jens Ludwig (2006). “Broken Windows: New Evidence from New York City and a Five-City Social Experiment”. In: The University of Chicago Law Review 73.1, pp. 271– 320 <https://harris.uchicago.edu/files/inline-files/Broken_windows_2006.pdf>

Roland G. Fryer (2016). “An Empirical Analysis of Racial Differences in Police Use of Force”. In: NBER Working Paper Series, Working Paper 22399 <https://scholar.harvard.edu/sites/scholar.harvard.edu/files/fryer/files/empirical_analysis_tables_figures.pdf>

*Supplemental Reading:*

George L. Kelling and James Q. Wilson (1982), Broken Windows: The police and neighborhood safety The Atlantic, 1982 <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>

**Week Four:** Bail Decisions, Incarceration, and Alternatives

We will then move to the next step in the criminal legal system and discuss racial disparities in bail decisions and delve into bail reform efforts and alternatives to detention/incarceration to reduce incarceration in New York City.

*Required Reading*

Independent Commission on New York City Criminal Justice and Incarceration Reform (2017). *A More Just New York City.* [*https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf*](https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf)

Independent Commission on New York City Criminal Justice and Incarceration Reform (2018). *Beyond Bail or Nothing: The Case for Expanding Supervised Release*. A More Just NYC, July 2018. <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5d2f270ac4bf32000110ec5d/1563371275425/Supervised+Release+JULY.pdf>

Aubrey Fox and Stephen Koppel, J.D., PhD. (2021). *Pretrial Release Without Money: New York City, 1987-2020.* New York City Criminal Justice Agency, February 2021. <https://www.nycja.org/assets/downloads/Release-without-money-brief_2020.pdf>

Stephen Koppel and Rene Ropac, *Examining the System-Wide Effect of Eliminating Bial in New York City: A Controlled-Interrupted Time Series Study*. Data Collaborative for Justice, October 2023. <https://datacollaborativeforjustice.org/wp-content/uploads/2023/10/cits_final.pdf>

New York City Criminal Justice Agency, Pre-trial Data Dashboards. <https://www.nycja.org/research>

**Week Five: C**onditions of Confinement

In this session we will focus on incarceration, centering on pre-trial and short-term incarceration, conditions of confinement. We will use the New York City Department of Corrections and the Rikers Island Jail Complex as a focal point.

*Required Reading:*

United State District Court, S.D.N.Y., Nunez, et al. v. City of New York, et al. 11 Civ. 5845 (LTS)(JCF) filed 2015. <https://tillidgroup.com/wp-content/uploads/2018/02/Consent-Judgment-10-21-15.pdf>

Michael Jacobson, Elizabeth DeWolf, Margaret Egan, and David Hafetz, Beyond the Island: Changing the Culture of New York City Jails, 45 Fordham Urb. L.J. 373 (2018). Available at: <https://ir.lawnet.fordham.edu/ulj/vol45/iss2/3>

Jennifer Gonnerman (2014) *Before the Law*. The New Yorker, September 29, 2014

<https://www.newyorker.com/magazine/2014/10/06/before-the-law>

Supplemental Reading:

United States Attorney for the Southern District of New York, Letter to the Honorable Bill de Blasio, Commissioner Joseph Ponte, and Zachary Carter, CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island

<https://www.justice.gov/sites/default/files/usao-sdny/legacy/2015/03/25/SDNY%20Rikers%20Report.pdf>

Nunez et al. v. City of New York et al. Monitors Reports 2016-present

<https://tillidgroup.com/projects/nunez-monitorship/>

Matt Ford (2015), *America’s Largest Mental Hospital is a Jail*, The Atlantic June, 8, 2015 <https://www.theatlantic.com/politics/archive/2015/06/americas-largest-mental-hospital-is-a-jail/395012/>

**Week Six:** Sentencing Outcomes, Reentry and Collateral Consequences

We will then turn to sentencing outcomes to understand the racial disparities in sentencing, reentry, and collateral consequences. We will look at the impact of disparities in sentencing, and the impact of involvement on successful reentry particularly looking at fees and fines, housing, voting, and employment.

Required Reading:

Nazgol Ghandnoosh (2023), *One in Five: How Mass Incarceration Deepens Inequality and Harms Public Safety*, The Sentencing Project. <https://www.sentencingproject.org/publications/one-in-five-how-mass-incarceration-deepens-inequality-and-harms-public-safety/>

Tiffany Bergin, Rene Ropac, and Imani Randolph. (2022) *The Initial Collateral Consequnces of Pretrial Detention*. New York City Criminal Justice Agency. <https://www.nycja.org/assets/downloads/Collateral-Consequences-Results-Summary-Brief.pdf>

Kendra Bradner and Vincent Schiraldi (2020). *Racial Inequities in New York Parole Supervision*. Columbia Justice Lab, March 2020. <https://justicelab.columbia.edu/sites/default/files/content/New%20York%20Parole%20Racial%20Inequities_0.pdf>

Michael Johnson Jr. *Hidden Price of Justice: Fines and Fees in DC.s Criminal Legal System.*  June 25, 2024. [*https://www.dcfpi.org/wp-content/uploads/2024/06/DCFPI\_CatalystGrantReport\_v5.pdf*](https://www.dcfpi.org/wp-content/uploads/2024/06/DCFPI_CatalystGrantReport_v5.pdf)

Christopher Uggen et al. (2022)*Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction* <https://www.sentencingproject.org/app/uploads/2024/03/Locked-Out-2022-Estimates-of-People-Denied-Voting.pdf>

Lucius Couloute (2018). *Nowhere to Go: Homelessness among formerly incarcerated people*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/housing.html>

**Week Seven:** Moving Forward

We will then look ahead to ongoing criminal reform debates and the efforts to reduce racial disparities in the criminal legal system.

Bruce Western, Khalil Gibran Muhammad, Yamrot Negussie, and Emily Backes, Eds.(2023), Reducing Racial Inequality in Crime and Justice: Science, Practice, and Policy. National Academies of Science, Engineering, and Medicine, Chapter 8.

<https://nap.nationalacademies.org/read/26705/chapter/10>