

The Politics of Punishment
PSCI 209
Fall 2023

I. Course Description

This seminar will evaluate the influence of political institutions on local law enforcement decision-making, with particular emphasis on constitutional design, public opinion, electoral incentives, political parties, bureaucratic accountability, oversight, fiscal incentives and organized interest groups. While grounded in contemporary developments, this course will also incorporate historical perspectives. Likewise, while substantively focused, we will pay close attention to social scientific evidence and research methods.

II. Contact and Meeting Details

Classroom Location and Meeting Times

Location: Morey Room 501

Tuesdays and Thursdays, 11:05 am – 12:20 pm

Instructor

Professor Sidak Yntiso

Email: syntiso@ur.rochester.edu

Office Hours: Wednesdays, 11:00 am – 12:00 pm (in Harkness 320)

Teaching Assistant

Weihong (Erika) Qi

Email: wqi3@ur.rochester.edu

Office Hours: Wednesdays, 10:30 – 11:30 am

III. Student Responsibilities

Class participation (10%): Active participation in classroom discussions and exercises is vital to effective learning. Students are expected to arrive well-prepared, ready to demonstrate a thorough comprehension of the assigned readings, and to engage with their peers' response papers (see below).

Response papers (30%): Students will prepare a 400–500-word response memo once every other week. Response papers may address one or more of the *required* readings assigned each week (all reading materials will be made available on Blackboard). While the format of the response memos may vary according to the content of the readings, each memo should reflect original thought and analysis, not summarize the assigned materials. Students may (a) identify one or more deficiencies in the arguments or evidence presented in the readings or (b) advance a case for why a particular aspect of

the criminal justice system can be more effectively understood by considering the perspectives, arguments, or evidence provided by that week's readings. Response papers will be graded against the following rubric:

- *Check plus (6/6 points)* - demonstrates an in-depth understanding of the reading material; provides exceptional insight into a significant deficiency, strength, or application of the reading's arguments.
- *Check (4/6 points)* - shows a basic familiarity with the reading material and some effort toward creating a coherent argument but mainly summarizes the text.
- *Check minus (2/6 points)*: indicates no familiarity with the reading material and a shallow engagement with the topic.
- *No or late submission (0/6 points)*

Students will be organized into two groups in accordance with seniority:

- Students in the Class of 2025 or in the MT, T5, or G programs in Group A and;
- Students in the Classes of 2024 or 2026 in Group B.

Each group will have six opportunities to write a response memo. The final grade will be based on the five best paper scores.

Student assignments must be uploaded to Blackboard by 5 PM on the day preceding the Thursday course meeting. Shortly after 5 pm, the option to upload a new assignment will close and submitted memos will be made available for viewing by the entire class.

Midterm exam (20%): Administered in class on *Thursday, October 19*.

Final exam (40%): Administered in class on *Thursday, December 21*.

Upper-Level Writing Students Only: In lieu of a final or midterm exam, students will write a 12-page research paper, due *Thursday, December 21* (worth 40% of total grade). A summary of the research project, up to one page in length, is expected by 5 pm on *Thursday, October 19* (worth 20% of total grade). Please note that any submissions received after either due date will be subject to a reduction in grade of one-third of a letter per day of delay (for example, from an 'A' to an 'A-').

IV. University Principles and Policies

Academic Honesty and Plagiarism: Students are expected to submit their own work. Any instance of academic dishonesty, cheating, or plagiarism will not be tolerated and may result in a zero grade for the submitted assignment. Review the University Academic Honesty Policy ([here](#)).

V. Schedule

Part 1. Preliminaries

Week 1. Course Introduction

Assignments

- Group A response memos due by 5 pm on Wednesday, September 6

Required Reading

- Stuntz, William J. "Introduction: The Rule of Too Much Law." In *The Collapse of American Criminal Justice*, Harvard University Press, 2011.
- Tsebelis, George. "The Abuse of Probability in Political Analysis: The Robinson Crusoe Fallacy." *The American Political Science Review*, Vol. 83.1 (1989): 77-91
- Wagner, Peter, and Wendy Sawyer. "Mass Incarceration: The Whole Pie 2022." *Prison Policy Initiative*. March 14, 2019.

Week 2. Normative Foundations and Dilemmas

Assignments

- Group B response memos due by 5 pm on Wednesday, September 13

Required Reading

- Devlin, Lord Patrick. 1971. "Morals and the Criminal Law." In *Morality and the Law*, ed. Richard Wasserstrom. Belmont, CA: Wadsworth Publishing
- Hart, H. L. A. 1971. "Immorality and Treason." In *Morality and the Law*, ed. Richard Wasserstrom. Belmont, CA: Wadsworth Publishing
- Kadish, Sanford H. "The Crisis of Overcriminalization." *The Annals of the American Academy of Political and Social Science* 374.1 (1967): 157-170.

Week 3. The Constitutional Governance of Punishment

Assignments

- Group A response memos due by 5 pm on Wednesday, September 20

Required Reading

- Stuntz, William J. Chapter 3. "Ideals and Institutions." In *The Collapse of American Criminal Justice*, Harvard University Press, 2011.
- Barkow, Rachel Elise. Chapter 7. "Institutional Intransigence." In *Prisoners of Politics*. Harvard University Press, 2019.

Week 4. Public Opinion

Assignments

- Group B response memos due by 5 pm on Wednesday, September 27

Required Reading

- Enns, Peter K. "The Public's Increasing Punitiveness and Its Influence on Mass Incarceration in the United States." *American Journal of Political Science* 58.4 (2014): 857-72.

- Esberg, Jane, Jonathan Mummolo, and Sean J. Westwood. "The Stability of Criminal Justice Policy Views: Evaluating the Effects of Factual Corrections and Appeals to Social Identity." *Working paper* (2020).

Optional Reading

- Gilliam Jr, Franklin D., and Shanto Iyengar. "Prime Suspects: the Influence of Local Television News on the Viewing Public." *American Journal of Political Science* (2000): 560-573.

Part 2. Selection and Control of Elected Officials

Week 5. Electoral Incentives

Assignments

- Group A response memos due by 5 pm on Wednesday, October 4

Required Reading

- Gordon, Sanford C., and Gregory Huber. "The effect of electoral competitiveness on incumbent behavior." *Quarterly Journal of Political Science* 2.2 (2007): 107-138.
- Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. "Judicial selection and death penalty decisions." *American Political Science Review* 108.1 (2014): 23-39.

Optional Reading

- Bandyopadhyay, Siddhartha, and Bryan C. McCannon. "The effect of the election of prosecutors on criminal trials." *Public Choice* 161.1-2 (2014): 141-156.

Week 6. Electoral Parties and Electoral Distortions

Assignments

- Group B response memos due by 5 pm on Wednesday, October 11

Required Reading

- Thompson, Daniel M. "How partisan is local law enforcement? Evidence from sheriff cooperation with immigration authorities." *American Political Science Review* 114.1 (2020): 222-236.
- White, Ariel. "Misdemeanor Disenfranchisement? The demobilizing effects of brief jail spells on potential voters." *American Political Science Review* 113.2 (2019): 311-324.

Optional Reading

- Weaver, Vesla M., and Amy E. Lerman. 2010. "Political Consequences of the Carceral State." *American Political Science Review* 104(4): 817-833
- Gerber, Alan S., et al. "Does incarceration reduce voting? Evidence about the political consequences of spending time in prison." *The Journal of Politics* 79.4 (2017): 1130-1146.

Week 7. Fall Break and Midterm

Assignments

- Midterm administered in class on Thursday, October 19.
- *Upper-Level Writing Students Only*: No class meeting. Research proposals due by 5 pm on Thursday, October 19.

Week 8. Race, Crime and Politics

Assignments

- Group A response memos due by 5 pm on Wednesday, October 25

Required Reading

- Alesina, Alberto, and Eliana La Ferrara. "A test of racial bias in capital sentencing." *American Economic Review* 104.11 (2014): 3397-3433.
- Feigenberg, Benjamin, and Conrad Miller. "Racial divisions and criminal justice: Evidence from southern state courts." *American Economic Journal: Economic Policy* 13.2 (2021): 207-40.

Optional Reading

- Baumgartner, Epp and Shoub 2018. Chapter 8. "Black Political Power and Disparities in Policing." In *Suspect citizens: What 20 million traffic stops tell us about policing and race*. Cambridge University Press, 2018.

Part 3. Selection and Control of Unelected Bureaucrats

Week 9. The Limits of Bureaucratic Accountability

Assignments

- Group B response memos due by 5 pm on Wednesday, November 1

Required Reading

- Eckhouse, Laurel. "Metrics Management and Bureaucratic Accountability: Evidence from Policing." *American Journal of Political Science* 66.2 (2022): 385-401.
- Mummolo, Jonathan. "Modern police tactics, police-citizen interactions, and the prospects for reform." *The Journal of Politics* 80.1 (2018): 1-15.

Optional Reading

- Wirsching, Elisa Maria. "Political Power of Bureaucratic Agents: Evidence from Policing in New York City." (2022).

Week 10. Officeholder Characteristics

Assignments

- Group A response memos due by 5 pm on Wednesday, November 8

Required Reading

- Shoub, Kelsey, Katelyn E. Stauffer, and Miyeon Song. "Do female officers police differently? Evidence from traffic stops." *American Journal of Political Science* 65.3 (2021): 755-769.

- McCrary, Justin. "The effect of court-ordered hiring quotas on the composition and quality of police." *American Economic Review* 97.1 (2007): 318-353.

Optional Reading

- Gordon, Sanford C. "Assessing partisan bias in federal public corruption prosecutions." *American Political Science Review* 103.4 (2009): 534-554.

Week 11. Racial Disparities in Policing

Assignments

- Group B response memos due by 5 pm on Wednesday, November 15

Required Reading

- McCall, Andrew. "Resident assistance, police chief learning, and the persistence of aggressive policing tactics in Black neighborhoods." *The Journal of Politics* 81.3 (2019): 1133-1142.
- Hübert, Ryan, and Andrew T. Little. "A Behavioural Theory of Discrimination in Policing." *The Economic Journal* (2023)

Week 12. Fiscal Incentives

Assignments

- Group A response memos due by 5 pm on Wednesday, November 22

Required Reading

- United States Department of Justice, Civil Rights Division (2015). Investigation of the Ferguson Police Department. [Read just the report summary.]
- Ouss, Aurélie. "Misaligned incentives and the scale of incarceration in the United States." *Journal of Public Economics* 191 (2020): 104285.

Optional Reading

- Baicker, Katherine, and Mireille Jacobson. "Finder's keepers: Forfeiture laws, policing incentives, and local budgets." *Journal of Public Economics* 91.11 (2007): 2113-2136.

Week 13. Organized Interest Groups

Assignments

- Group B response memos due by 5 pm on Wednesday, November 29

Required Reading

- Dharmapala, Dhammika, Richard H. McAdams, and John Rappaport. "Collective bargaining rights and police misconduct: Evidence from Florida." *The Journal of Law, Economics, and Organization* 38.1 (2022): 1-41.
- Page, Joshua. Chapter 1 (pages 1-8) and Chapter 3. In *The Toughest Beat: Politics, Punishment, and the Prison Officers Union in California*. Oxford University Press, 2011

Part 4. Reforming the Criminal Justice System

Week 14. Technological Reform

Required Reading

- Yokum, David, Anita Ravishankar, and Alexander Coppock. "A randomized control trial evaluating the effects of police body-worn cameras." *Proceedings of the National Academy of Sciences* 116.21 (2019): 10329-10332.
- Stevenson, Megan T., and Jennifer L. Doleac. "Algorithmic risk assessment in the hands of humans." *Available at SSRN 3489440* (2022).

Week 15. Reforming the Political Process

Required Reading

- Barkow, Rachel Elise. Chapters 8-10. In *Prisoners of Politics*. Harvard University Press (2019).
- Goldstein, Rebecca. "The Politics of Decarceration." *Yale Law Journal* 129.2 (2019).

Week 16. Final's Week

Assignments

- Final exam administered in class on Thursday, December 21.
- *Upper-Level Writing Students Only*: No class meeting this week. Research papers due by 5 pm on Thursday, December 21.