



UNSW Course Outline

CRIM2032 Disability in the Criminal Justice System - 2024

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General Course Information

Course Code : CRIM2032

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Law, Society and Criminology

Delivery Mode : Online

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Undergraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course explores current theoretical, policy and practice-oriented debates about how and why people with disability are overrepresented in all stages of criminal justice systems across western societies. The course will put these current debates in context by exploring

interdisciplinary materials and approaches - including critical criminology, penal abolition, decoloniality, disability justice and critical disability studies - that provide important insights about the role of historical, social- structural and cultural factors, as well as forms of state violence, abuse and neglect in the increasing criminalisation and imprisonment of people with disability. We will hear from criminalised people with disability, as well as leading advocates and practitioners working in the field. A key aim of the course is to develop a nuanced understanding of how disability as a key analytic category and identity (alongside class, race and gender/ sexuality) is central to developing a deeper understanding of the functions, purpose and consequences of criminal justice systems. A related aim is to explore how this knowledge contributes to the development of alternatives to criminal justice that are rooted in the principles of social, restorative and transformative justice.

Course Aims

- To explore how and why people with disability are overrepresented in criminal justice systems
- To identify and explain the role of historical, social-structural and cultural factors, and forms of state, institutional, individual and epistemic violence, abuse and neglect in the current overrepresentation of people with disability
- To articulate how a critical and reflexive interdisciplinary theoretical analysis of disability assists in understanding the purpose, functions and consequences of criminal justice systems
- To demonstrate creativity and innovation through consideration of alternatives to criminalisation and punishment

Relationship to Other Courses

This course does not have pre-requisites or assumed knowledge. It draws on foundational material, concepts and theories from across disciplinary boundaries, including from Criminology and Disability Studies.

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate in-depth understanding of the complex intersections between disability and criminal justice systems
CLO2 : Identify and explain the role of historical, social-structural and cultural factors, as well forms of state violence, abuse and neglect in the current overrepresentation of people with disability in criminal justice systems
CLO3 : Articulate how a critical and reflexive interdisciplinary theoretical analysis of disability assists in understanding the purpose, functions and consequences of criminal justice systems
CLO4 : Demonstrate creativity and innovation through consideration of alternatives to criminalisation and punishment

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate in-depth understanding of the complex intersections between disability and criminal justice systems	<ul style="list-style-type: none"> • Interrogating Assumptions • Critical Reflection Essay
CLO2 : Identify and explain the role of historical, social-structural and cultural factors, as well forms of state violence, abuse and neglect in the current overrepresentation of people with disability in criminal justice systems	<ul style="list-style-type: none"> • Interrogating Assumptions • Critical Reflection Essay
CLO3 : Articulate how a critical and reflexive interdisciplinary theoretical analysis of disability assists in understanding the purpose, functions and consequences of criminal justice systems	<ul style="list-style-type: none"> • Interrogating Assumptions • Critical Reflection Essay
CLO4 : Demonstrate creativity and innovation through consideration of alternatives to criminalisation and punishment	<ul style="list-style-type: none"> • Critical Reflection Essay

Learning and Teaching Technologies

Moodle - Learning Management System

Learning and Teaching in this course

This course centres a transformative learning approach that is achieved via: (a) discussion in community/ collaboration; (b) open dialogue on the meaning and value of our unique positionalities; and (c) critically reflective engagements with people with lived experience of disability/ difference and/ or criminalisation.

The course takes a seminar approach to engage with existing and emerging knowledge and evidence about the criminalisation and victimisation of disability and responses to it. Weekly sessions will introduce the key topics, themes and concepts, followed by a range of activities designed to encourage students to engage critically and reflexively with course materials, with an explicit focus on interrogating the underlying assumptions of dominant discourses about criminalised people with disability.

A central feature of this course is to expose students to the perspectives of people with lived experience of disability and criminalisation, as well as leading scholars, activists, advocates and practitioners working in the field. This structure is designed to link theory and practice and provide students with a foundation from which to build a critically informed and transformative

praxis. The course structure is further designed to assist students in the production of assessments and to provide the foundations to develop skills for post-undergraduate careers.

Students are expected to read the assigned prescribed readings prior to each class; these will be found on Moodle.

Prescribed Resources: All readings and media have been made available on the Moodle

Recommended Resources: All additional readings and media have been made available on the Moodle page. Students are encouraged to engage with additional materials according to their interests. These materials are also provided as key resources for the two assessments.

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Interrogating Assumptions Assessment Format: Individual	40%	Start Date: Not Applicable Due Date: 07/10/2024 11:59 PM Post Date: 22/10/2024 09:00 AM
Critical Reflection Essay Assessment Format: Individual	60%	Due Date: 25/11/2024 11:59 PM Post Date: 10/12/2024 09:00 AM

Assessment Details

Interrogating Assumptions

Assessment Overview

See term specific course information for further detail about assessment

Course Learning Outcomes

- CLO1 : Demonstrate in-depth understanding of the complex intersections between disability and criminal justice systems
- CLO2 : Identify and explain the role of historical, social-structural and cultural factors, as well forms of state violence, abuse and neglect in the current overrepresentation of people with disability in criminal justice systems
- CLO3 : Articulate how a critical and reflexive interdisciplinary theoretical analysis of disability assists in understanding the purpose, functions and consequences of criminal justice systems

Detailed Assessment Description

Interrogating Assumptions

Mainstream/ public and some academic discourses about criminalised people with disability regularly rely upon assumptions, frameworks and responses that pathologise and demonise members of this group. The permeation of these discourses in policy and practice are all-too frequently used to justify more punitive/ carceral approaches that directly and indirectly contribute to the growing number of people with disability who are criminalised and/or incarcerated. Recognising and understanding the impact of these assumptions, frameworks and responses is thus critical to resisting carceral logics and practices. It is also essential to developing critically informed, life-affirming alternatives to criminalisation and punishment.

Select one of the statements provided in the first three seminars of the course. Write a critique of this statement drawing on one or more of the critical theoretical and conceptual tools discussed in weeks 1 – 3 of course.

Assessment Length

1,500 words

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Critical Reflection Essay

Assessment Overview

See term specific course information for further detail about assessment

Course Learning Outcomes

- CLO1 : Demonstrate in-depth understanding of the complex intersections between disability

- and criminal justice systems
- CLO2 : Identify and explain the role of historical, social-structural and cultural factors, as well forms of state violence, abuse and neglect in the current overrepresentation of people with disability in criminal justice systems
 - CLO3 : Articulate how a critical and reflexive interdisciplinary theoretical analysis of disability assists in understanding the purpose, functions and consequences of criminal justice systems
 - CLO4 : Demonstrate creativity and innovation through consideration of alternatives to criminalisation and punishment

Detailed Assessment Description

Critical Reflection Essay

This course centres a transformative learning approach; a key part of which requires the capacity for critical reflection.

Drawing on the seminar materials, key readings, additional resources, community discussions and guest presentations, write a critically reflective account of your engagement with the core ideas, conceptual frameworks and theoretical perspectives introduced in the course. Some of the core ideas, concepts and theories that may be included are: the social model of disability; ableism; settler colonialism/ anti-colonialism; PIC abolition; critical disability criminology; disability justice; transformative justice. The essay should engage with and reference academic sources, and follow an academic structure, you are required to write from a subjective/ personal position (i.e., use 'I'). The account is to include:

1. Key assumptions of relevance prior to engaging in the course;
2. Major topics and themes introduced in the course that aligned with and/or challenged your prior assumptions;
3. Your preferred theoretical and conceptual frameworks;
4. Key learnings of significance from the course;
5. A description of how your learnings might enable, influence and/or inspire alternatives to criminalisation and punishment.

Assessment Length

2,500

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Generative AI Permission Level

Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

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For more information on Generative AI and permitted use please see [here](#).

General Assessment Information

Detailed information about required referencing system and examples to assist with assessment preparation are provided in the course Moodle. Assessment requirements will be clarified and discussed in class.

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

Grading Basis

Standard

Requirements to pass course

In order to pass this course students are required to achieve a composite mark of at least 50 out of 100.

Course Schedule

Teaching Week/Module	Activity Type	Content
Week 1 : 9 September - 15 September	Seminar	Introduction to disability in the criminal legal system Aims to introduce and discuss key concepts and debates in disability and criminology, and to assess and discuss these debates from a critical theoretical perspective.
Week 2 : 16 September - 22 September	Seminar	Interdisciplinary theoretical approaches to understanding the overrepresentation of people with disability in the criminal legal system. Aims to explore and discuss the importance of critical interdisciplinary theoretical approaches for understanding and responding to the overrepresentation of people with disability in criminal legal systems.
Week 3 : 23 September - 29 September	Seminar	Pathways to prison Aims to explore and discuss key knowledge and debates about the social-structural and institutional causes of the disproportionate funneling of minoritised and disadvantaged people with disability into criminal legal systems.
Week 4 : 30 September - 6 October	Seminar	Lived experiences and practice skills for working for and with criminalised people with cognitive disability. Aims to engage with and develop understanding about the essential need for lived experience voices and knowledges in theory, policy and practice, and to build understanding of some of the key practice skills required to work effectively for and with criminalised people with disability.
Week 5 : 7 October - 13 October	Seminar	First Nations people with disability in the criminal legal system Aims to identify and assess the role of colonial dispossession in the current extreme overrepresentation of First Nations people with disability in criminal legal systems.
Week 6 : 14 October - 20 October	Other	Flexibility Week - No seminar
Week 7 : 21 October - 27 October	Seminar	Topic: Policing disability and alternatives Aims to develop a critical appreciation of: (a) the colonially constituted institution of policing, its enduring role as a key mechanism in maintaining social control, controlling difference, and enforcing discrimination based on race, class, ability and sexuality; and (b) the importance of alternatives to the institution of policing.
Week 8 : 28 October - 3 November	Seminar	Perspectives on Justice Aims to examine and discuss: (a) the extreme rates of victimisation experienced by people with disability, (b) the inherent problems with the dichotomisation of victim/survivors and so-called 'offenders'; and (c) key legal perspectives and skills for lawyers working for and with people with disability.
Week 9 : 4 November - 10 November	Seminar	Policy Reform and Advocacy Aims to identify and discuss previous, existing and future policy reform and related initiatives that may assist in preventing the multiple forms of social-structural injustice experienced by people with disability who come into contact with the criminal legal system.
Week 10 : 11 November - 17 November	Seminar	Beyond the State: Alternatives to the Prison Industrial Complex Aims to explore and discuss a range of personal, practical and community alternatives to the prison industrial complex.

Attendance Requirements

This course centres a transformative learning approach that is achievable via: (1) discussion in community/ collaboration; (2) open dialogue on the meaning and value of our unique

positionalities; and (3) critically reflective engagements with people with lived experience of disability/ difference and/ or criminalisation. Participation in person is the optimal mode to achieve this learning. An 80% attendance requirement is in place and attendance will be recorded. An 80% attendance rate means that no more than 2 seminars can be missed without a valid reason.

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

General Schedule Information Course Resources

Prescribed Resources

See Moodle for weekly prescribed readings

Recommended Resources

See Moodle for all recommended additional resources

Additional Costs

None

Course Evaluation and Development

This is the second iteration of this course in its current form. Toward the end of the course, detailed feedback will be invited from students. This material will be used to inform and improve future iterations of the course.

Informal feedback is also important. We want students to discuss issues as they arise with the course lecturers in person or by email.

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Head lecturer	Michael Baker				By appointment	Yes	Yes
Convenor	Phillip Wadds					Yes	No

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar

prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your

teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.