COURSE OUTLINE

JUST 340 – LEGAL ISSUES OF THE PENAL SYSTEMS

Prepared By: Paul R. Bowdre

SCHOOL OF SCIENCE, HEALTH, AND CRIMINAL JUSTICE
CRIMINAL JUSTICE DEPARTMENT
APRIL 2015
A. **TITLE:** Legal Issues of the Penal Systems

B. **COURSE NUMBER:** JUST 340

C. **CREDIT HOURS:** 3

D. **WRITING INTENSIVE COURSE:** No

E. **COURSE LENGTH:** 15 weeks

F. **SEMESTER(S) OFFERED:** Fall / Spring

G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:** 3 lecture hours per week

H. **CATALOG DESCRIPTION:** Students examine problems and issues faced by incarcerated persons within the American penal system. Course topics include: history of confinement as punishment, issues of visitation, religion, legal assistance, prison discipline, rehabilitation, and the civil and criminal liabilities of corrections officials.

I. **PRE-REQUISITES/CO-REQUISITES:**
   a. Pre-requisite(s): Introduction to Criminal Justice (JUST 101), Correctional Philosophy (JUST 105), and completion of 45 semester credit hours or permission of the instructor
   b. Co-requisite(s): None

J. **GOALS (STUDENT LEARNING OUTCOMES):** By the end of this course, the student will be able to:

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<tr>
<th>Course Objective</th>
<th>Institutional SLO</th>
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<tr>
<td>1. Assess the effectiveness of confinement as punishment in American correctional institutions.</td>
<td>2. Critical Thinking</td>
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<td>2. Explain the right of visitation for confined inmates.</td>
<td>1. Communication 2. Critical Thinking</td>
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<td>3. Develop an understanding of inmates’ rights to practice religion while under confinement.</td>
<td>2. Critical Thinking</td>
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<td>4. Evaluate the adequacy of legal assistance for persons subject to the restrictions of the penal system.</td>
<td>1. Communication 2. Critical Thinking</td>
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<td>5. Distinguish between various types of discipline used within institutionalized correctional environments.</td>
<td>2. Critical Thinking</td>
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<td>6. Compare historical rehabilitative practices with the current philosophy of rehabilitation in</td>
<td>2. Critical Thinking</td>
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K. **TEXTS:**


L. **REFERENCES:**


M. **EQUIPMENT:** Technology Enhanced Classroom

N. **GRADING METHOD:** A-F

N. **MEASUREMENT CRITERIA/METHODS:**

- Exams
- Quizzes
- Papers
- Participation

P. **DETAILED COURSE OUTLINE:**

I. An Introduction to the Law and to the Legal Aspects of Corrections Management
   A. The Law
   B. Historic Origins
   C. Branches of Government
   D. The Court System, Federal and State
   E. Criminal and Civil Law

II. Corrections and the Criminal Justice System
   A. The Police
   B. Arrest and Release
   C. Prosecution
   D. The Courts
   E. Sentencing
   F. Corrections

III. Habeas, Torts, and section 1983
A. Habeas Corpus  
B. Torts  
C. Section 1983  

IV. Going to Court  
A. Corrections Staff Summoned to Court  
B. Obtaining Representation  
C. Not Going to Trial  
D. Trial  
E. Appeal  

V. A General View of Prisoners’ Rights Under the Constitution  
A. The Nature of Prisons  
B. Inmate Grievances  
C. The Prison Litigation reform Act  
D. Prisoners’ Rights  

VI. Access to Courts  
A. Ex Parte Hull  
B. Johnson v. Avery  
C. Shaw v. Murphy  
D. Bounds v. Smith  
E. Lewis v. Casey  
F. Murray v. Giarratano  
G. Wolff v. Martinez  
H. Frivolous Complaints and Frequent Flyers  

VII. First Amendment: Inmate Mail  
A. Prison Mail: The Background  
B. Correspondence in Foreign Languages  
C. Inmate Postage  
D. Nude Photographs  

VIII. First Amendment: Inmate Association Rights and Visiting  
A. Freedom of Association  
B. Jones v. North Carolina Prisoners’ Labor Union  
C. Inmates and the News Media  
D. Inmate Visits  
E. Conjugal Visits  

IX. First Amendment: Religion  
A. Establishment of Religion  
B. Faith-based Initiatives  
C. Freedom to Exercise Religion in Prisons  
D. Religious Freedom restoration Act
E. Unusual Religious Groups

X. Fourth Amendment: Search and Seizure, and Privacy
   A. Searches in Prisons
   B. Strip Searches
   C. Pat Searches and Other Inmate Searches
   D. Visitor Searches
   E. Searches of Employees

XI. Fifth and Fourteenth Amendments: Due Process – Inmate Discipline
   A. The Fifth and Fourteenth Amendments
   B. The Importance of Inmate Discipline
   C. How Prison Discipline Works
   D. Confidential Informants

XII. Fifth and Fourteenth Amendments: Due Process – Classification, Transfers, Personal Injuries, and Property Loss
    A. The Nature of Classification
    B. International Transfers
    C. Loss of Property and Personal Injuries
    D. Use of Excessive Force

XIII. Fourteenth Amendment: Equal Protection – Female Offenders and Others
     A. Female Offenders
     B. Foreign Offenders
     C. Equal Protection Issues
     D. Racial Discrimination

XIV. Eighth Amendment: The Death Penalty and Other Sentencing Issues
    A. Sentencing
    B. Death Penalty sentences
    C. Death Row Conditions
    D. Cruel and Unusual Punishment in Noncapital Sentencing Cases

XV. Eighth Amendment: Conditions of Confinement – Cruel and Unusual Punishment
    A. Conditions in Prison
    B. Opening the Gates
    C. Crowding in Prisons and Jails
    D. Effect of the Prison Litigation Reform Act
    E. Qualified Immunity

XVI. Eighth Amendment: Health Care
    A. Medication and Involuntary Medication Case Opinions
    B. Inmate Suicides
    C. HIV and AIDS
D. Tuberculosis in Prisons
E. An Aging Inmate Population

XVII. Probation and Parole, Community Corrections, and Fines
A. How Probation and Parole Work
B. Community Corrections
C. Use of Fines

XVIII. Statutory and Administrative Law
A. The Hierarchy of Laws in the United States
B. Interstate Compacts and Uniform Laws
C. State and Local Laws, regulations, and Policies
D. The Federal Bureau of Prisons
E. State and Local Corrections
F. Accreditation

XIX. Federal Statutes: Equal Employment, Disabilities, and Tort Claims
A. Equal Employment Law
B. Equal Employment
C. The Americans with Disabilities Act
D. Tort Claims

XX. Jails
A. Constitutional Rights of Jail Inmates
B. Using Excessive Force and Failure to Train
C. Other Jail Issues
D. Removing the Sheriff

XXI. Juveniles and Young Offenders
A. Juveniles: History and Background
B. Juvenile Court Concepts
C. More Sophisticated Juveniles
D. Boot Camps

XXII. Privatization Issues in Corrections
A. History of Privatization
B. Contracting for services
C. Pros and Cons of Privatization
D. Legal Issues in Privatization

XXIII. Loss of Rights of Convicted Persons
A. Historical View of Loss of Rights by Convicted Persons
B. Bars to Employment and Other Impediments
C. Voting Rights
D. Restoration of Rights
Q. LABORATORY OUTLINE: N/A