COURSE OUTLINE

JUST 340 – LEGAL ISSUES OF THE PENAL SYSTEMS

Prepared By: Paul R. Bowdre
Updated By: Michelle Currier, PhD
A. **TITLE**: Legal Issues of the Penal Systems

B. **COURSE NUMBER**: JUST 340

C. **CREDIT HOURS**: 3 credits/3 contact hours per week for 15 weeks.

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): 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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<thead>
<tr>
<th>Course Objective</th>
<th>PSLOs (LEL)</th>
<th>Institutional SLO</th>
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<tbody>
<tr>
<td>1. Assess the effectiveness of confinement as punishment in American correctional institutions.</td>
<td>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</td>
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<td>2. Explain the right of visitation for confined inmates.</td>
<td>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</td>
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<td>3. Develop an understanding of inmates’ rights to practice religion while under confinement.</td>
<td>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</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>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</td>
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<td>5. Distinguish between various types of discipline used within institutionalized correctional environments.</td>
<td>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</td>
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<td>6. Compare historical rehabilitative practices with the current philosophy of rehabilitation in contemporary penal systems</td>
<td>PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.</td>
<td>2. Critical Thinking [IA]</td>
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<td>7. Compare current civil and criminal liabilities and protections of corrections officials with others in the criminal justice system.</td>
<td>PSLO 5 Utilize management skills to analyze law enforcement structures and organizational cultures to produce the best lawful and ethical practices.</td>
<td>2. Critical Thinking [IA]</td>
</tr>
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K. **TEXTS:**


L. **REFERENCES:**

n/a

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
Q. LABORATORY OUTLINE: N/A