

**STATE UNIVERSITY OF NEW YORK  
COLLEGE OF TECHNOLOGY  
CANTON, NEW YORK**



**COURSE OUTLINE**

**JUST 340 – LEGAL ISSUES OF THE PENAL SYSTEMS**

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**SCHOOL OF SCIENCE, HEALTH, AND CRIMINAL JUSTICE  
CRIMINAL JUSTICE DEPARTMENT  
SEPTEMBER 2019**

- 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:

<u>Course Objective</u>	<u>PSLOs (LEL)</u>	<u>Institutional SLO</u>
1. Assess the effectiveness of confinement as punishment in American correctional institutions.	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical Thinking [IA]
2. Explain the right of visitation for confined inmates.	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical thinking [IA]
3. Develop an understanding of inmates' rights to practice religion while under confinement.	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical Thinking [IA]
4. Evaluate the adequacy of legal assistance for persons subject to the restrictions of the penal system.	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical thinking [IA]

5. Distinguish between various types of discipline used within institutionalized correctional environments.	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical Thinking [IA]
6. Compare historical rehabilitative practices with the current philosophy of rehabilitation in contemporary penal systems	PSLO 2 Students will be able to demonstrate a working knowledge of core law enforcement principles.	2. Critical Thinking [IA]
7. Compare current civil and criminal liabilities and protections of corrections officials with others in the criminal justice system.	PSLO 5 Utilize management skills to analyze law enforcement structures and organizational cultures to produce the best lawful and ethical practices.	2. Critical Thinking [IA]

**K. TEXTS:**

Palmer, J.W. (2015). *Constitutional rights of prisoners* (10th ed.). London: Routledge.  
[free library e-text]. ISBN 978-1593455033

**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