

Department of Criminal Justice and Criminology

CJ 4332.02

Legal Aspects of Corrections

Fall 2017

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Class Hours: Wednesday 6 p.m – 8:50 p.m.

Classroom: C 110

Office Hours: Wednesday 5:15 p.m. – 6 p.m or by appointment

TEXTBOOKS:

Recommended:

Briefs of Leading Cases in Corrections 5th Ed.; Author Rolendo del Carmen et. al.

COURSE DESCRIPTION

General overview of the constitutional aspects of confinement in the United States. The course will cover all aspects of confinement including jail, prison and community supervision. In addition to covering conditions of confinement the course will cover topics concerning individual rights touching on punishment, rights before and during community supervision and legal rights while confined. Class participation is highly encouraged. I expect to have some speakers who have participated in the various aspects of corrections to share the experiences with the class and tie those experiences in with course material.

COURSE OBJECTIVES

- 1) Know the importance the constitution plays in all aspects of corrections and the criminal justice system as a whole.
- 2) Have a firm understanding of the Federal Constitution's part in State run prison system.
- 3) Understand the rights lost or diminished by a person's incarceration as compared to the rights of non-incarcerated persons.
- 4) Gain knowledge of specific constitutionally guaranteed rights of prisoners such as access to courts (which includes free world courts, TDCJ internal grievance system, TDCJ disciplinary hearings and subsequent punishments), cruel and unusual punishments, death penalty, civil commitment, TDCJ takings, freedom of press, and medical rights.

COURSE REQUIREMENTS

Regular attendance is expected. In order to do well in this class a student will need to be present for class. Due to the fact that this class meets once weekly (approximately 15 times including three exam days), only two absences are allowed. Some in class assignments/quizzes may be given and should you be absent that day, you will lose the opportunity to receive credit for those. For any absences over two the student will not receive the opportunity to earn extra credit. Additionally if a student has two or less absences the professor will raise the grade of the student

to the next highest letter grade if the students final average is one and a half points or less away from the next highest letter grade.

GRADING POLICY

Test#1 33.3%

Test#2 33.3%

Final Exam 33.3%

Extra Credit may be given based on class participation in discussions as well as special projects given at the instructor's discretion.

MAKE-UP EXAMS:

None will be offered. If for some reason a student cannot attend an exam they must contact the instructor as soon as possible. Any emergencies must be documented. If you fail to take the exam at the scheduled time, you will be required to take an essay exam.

STUDENT ACADEMIC POLICIES concerning Attendance, Academic Honesty, Disabled Student and Services for Disabled Students and Absences on Religious Holy days may be found at:

<http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

USE OF TELEPHONES AND TEXT MESSAGERS IN ACADEMIC CLASSROOMS AND FACILITIES

<http://www.shsu.edu/dept/academic-affairs/aps/aps-curriculum.html>

ANNOTATED OUTLINE OF TOPICS TO BE COVERED FOR EACH CLASS

Please note that this is a tentative schedule. I may modify it to accommodate speakers, films, or discussions. I will let you know what you will be responsible for any exam.

| DATE | Reading | Discussion | Tests |
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| 08/23/17 | Syllabus and General Overview of Class; Core Topics of Class, Prison Litigation Reform Act, & State's Right to govern their Prison Systems | Introduction/Syllabus/ Discuss Constitutional Law Generally; <i>Marbury v. Madison</i> , 5 U.S. 137 (1803) | |
| 08/30/17 | Access to Courts | Exhaustion of Remedies <i>Rosie v. Lundy</i> , 455 U.S. 509 (1982) Tex. Civil Practice and Remedies Ch. 14, Right to Counsel, <i>Murray v. Giarratano</i> , 492 U.S. 1 (1989); <i>McFarland v. Scott</i> , 512 U.S. 849 (1994), Disciplinary Hearings, <i>Wolff v. McDonnell</i> , 418 | |

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| | | U.S. 539 (1974), <i>Baxter v. Palmigiano</i> 425 U.S. 308 (1976) | |
| 09/06/17 | Access to Courts & Prison Regulations | Proof required for disciplinary hearing <i>Walpole v. Hill</i> , 472 US 445 (1985), Standard for Regulations <i>Block v. Ritherford</i> 468 U.S. 576 (1984), <i>Turner v. Safley</i> 482 U.S. 78 (1987), <i>Overton v. Bazetta</i> 539 U.S. 126 (2003) | |
| 09/13/17 | Conditions of Confinement | <i>Ruiz v. Estelle</i> , 503 F. Supp. 1265 (1980); | |
| 09/20/17 | No Class | Prosecutor Convention | |
| 09/27/17 | Exam | Conditions of Confinement, Access to Courts, Prison Regulations, & Core Topics | Test #1 |
| 10/04/17 | Walls Unit Tour | Walls Unit Tour at 10 a.m. – Remember the Rules and Dress Code | |
| 10/11/17 | Medical Treatment & Freedom of Press | <i>Estelle v. Gamble</i> 429 U.S. 97 (1976), <i>Wilson v. Saiter</i> , 501 U.S. 294 (1991), <i>Helling v. McKinney</i> 509 U.S. 25 (1993), <i>Pell v. Procanier</i> 417 U.S. 817 (1974), <i>Houchins v. KQED</i> , 483 U.S. 1 (1978) | |
| 10/18/17 | Use of Force/ Civil Liability under Sec.1983 | <i>Whitley v. Albert</i> , 475 U.S. 312 (1986), <i>Hudson v. McMillan</i> , 503 U.S. 1 (1992), <i>Parratt v. Taylor</i> 451 U.S. 527 (1981), <i>Daniels v. Williams</i> , 474 U.S. 327 (1986), <i>West v. Adkins</i> , 487 U.S. 42 (1988) | |
| 10/15/17 | Civil Commitment of Sexually Violent Predators | <i>Kansas v. Hendricks</i> , 521 U.S. 346 (1997), <i>McKune v. Lile</i> , 536 U.S. 24 (2002), 48 Hrs video Wesley Wayne Miller | |
| 11/01/17 | Exam 2 | Medical Treatment, Freedom of Press, Civil Commitment, Use of Force, and Civil Liability under Sec. 1983 | |
| 11/08/17 | Crimes Committed in Prison | Crimes and Prosecution of said Crimes committed by incarcerated individuals in the Texas Prison System. (Penal Code and examples) | |
| 11/15/17 | Death Penalty | <i>Furman v. Georgia</i> , 408 U.S. 153 | |

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| | | (1972), <i>Gregg v. Georgia</i> , 428 U.S. 153 (1976), <i>Ford v. Wainright</i> , 477 U.S. 399, <i>Penry v. Lynaugh</i> 492 U.S. 302 (1989), <i>Atkins v. Virginia</i> , 536 U.S. 304 (2002), <i>Roper v. Simmons</i> , 546 U.S. 551 (2005) | |
| 11/29/17 | Community Supervision | <i>Mempa v. Rhag</i> , 389 U.S. 128, (1967) <i>U.S. v. Knights</i> , 534 U.S. 112, (2001) <i>Minnosta v. Murphy</i> 465 U.S. 660, (1984) <i>Moody v. Daggett</i> , 429 U.S. 78, (1976) <i>Sampson v. California</i> 547 U.S. 843 (2006) | |
| 12/06/17 | Exam 3 | 8:30 p.m. - 10:30 p.m. | Final Exam |

TECHNOLOGY

1) Cell Phones and like devices -- Please have them on silent or vibrate. No text messaging during class. I will ask you to leave class if you are seen using it in class for any reason. If your job requires that you be able to be contacted at any time, please discuss that with me in advance and we can arrange for that situation.

2) Lap tops – Can be used if used appropriately.

TARDINESS

If you are tardy by more than 15 minutes you will be counted absent. If you know ahead of time you will be late, let the instructor know. Additionally you will lose the opportunity to earn any credit on quizzes or assignments given at the beginning of class and if you are tardy.

TOBACCO

No tobacco will be allowed in class in any form. It distracts other students and interferes with their education.