

COLLEGE OF CRIMINAL JUSTICE
Sam Houston State University
Phone: 936-294-1635

College Web Site: <http://www.cjcenter.org/college/>

CJ 432 LEGAL ASPECTS OF CORRECTIONS

Professor: Dr. Michael S. Vaughn, Ph.D.
Email: mvaughn@shsu.edu
Semester/Year: Summer 2008
Class Day/Time: T; TH 6:00 PM to 9:50 PM
Class Location: CJ Center A209

Credit Hours: 3
Phone: 936-294-1349
Office: C117 CJ Center
Office Hours: T, TH 3:00-4:00 PM
or by appointment

Course Prerequisites: None

Course Abstract: This course addresses major procedural and substantive issues in the rapidly evolving field of correctional law. Our primary emphasis is upon the judicial interface with institutional corrections. In addition to studying the content of and rationale for specific judicial mandates, we will also consider the broader policy implications for correctional and judicial agencies resulting from heightened legalization of the field.

Course Objectives: 1--To familiarize students with the unique challenges in correctional law. 2--To have students acquire and demonstrate critical thinking skills. 3--To provide students with an overview of the duties and responsibilities of correctional personnel in the face of increasing litigation within the jail and prison context. 4--To introduce students to a variety of judicial approaches to correctional issues so that students will appreciate the evolving nature of the judicial role and its impact upon correctional agencies, clientele, and processes.

Required Texts: (1) del Carmen, R.V., Ritter, S.E., & Witt. B.A. (2005). Briefs of leading cases in corrections (4th ed.). Cincinnati: Anderson.

Attendance: Students are referred to the Sam Houston State University Undergraduate Catalog, 2008-2010 for the official university policy on class attendance. Students are expected to attend course lectures on a regular basis. Excessive absences will probably adversely affect a student's grade because most test material will be presented through lectures that are not in the textbook.

Academic Honesty: All students at this University are expected to engage in academic pursuits on their own with complete honesty and integrity. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The Faculty of Sam Houston State University expects students to conduct their academic work with integrity and honesty. Acts of academic dishonesty will not be tolerated and can result in the failure of a course and dismissal from the University. Academic dishonesty includes, but is not limited to, cheating on a test, plagiarism, collusion (the unauthorized collaboration with another person in preparing work offered for credit), the abuse of resource materials, and misrepresentation of credentials or accomplishments as a member of the college. The University's policy on **academic honesty** and appeal procedures can be found in the manual entitled Student

Guidelines, distributed by Division of Student Services. (Reference Section 5.3 of the SHSU Student Guidelines).

Disability Student Policy: http://www.shsu.edu/~vaf_www/aps/811006.html

Services for Disabled Students: <http://www.shsu.edu/~counsel/sswd.html>

Student Absences on Religious Holy Day Policy:

<http://www.shsu.edu/catalog/scholasticrequirements.html#holyday>

Withdrawals: Students wishing to withdraw are cautioned to follow formal procedures outlined by the university. Consult the Sam Houston State University Undergraduate Catalog, 2008-2010 for official policies under “tuition and fees refund policy” and “dropping courses.”

Incompletes: Except for the gravest of emergencies, a grade of "incomplete" will not be allowed for the course. Any missing grades, whether for examination or assignments, will be assumed to be zeros and will be averaged as such.

Reading Assignments: Each student is expected to have completed the reading assignments before each class session. Reading the assignments before each class session will enhance the student's understanding of daily lectures.

Tests: There will be 2 non-cumulative tests over the course of the semester. Each test will consist of 25% of the final grade. Exams will be on **July 22** and **August 7**. The exams will cover lectures and readings. Exams for undergraduate students will cover lectures and readings and will be objective. As such, students should bring a blank scantron computerized answer sheet to class to take their exams. This means that exams will have true/false, multiple choice, and matching questions. Students will be tested on material covered in class. All tests must be taken on the day indicated. If a student misses an exam, a make-up exam may be scheduled, but make-up exams will be given only in the most extraordinary circumstances. Make-up exams will be all essay. Students taking any exam during the semester should be aware of the following: (1) No one may enter the examination room after the first student has left. (2) Each person given an examination booklet must return the booklet when turning in the exam to the instructor (failure to return an examination booklet will result in a zero on the examination). Failure to correctly record your name on the test and the computerized grading sheet will result in a zero on the exam.

In-Class Writing Assignments: In-class writing assignments will consist of writing about course material covered in the previous class lecture. Each in-class writing assignment will consist of 25% of the grade. As there are only 4 days in which lectures will occur that are not the class session before or after an exam, these in-class writing assignments will not be announced ahead of time. They may occur on July 10, 15, 29, or 31. These assignments will be limited to one page and specific theme covered in the previous class lecture.

Grade Distribution: The final grade will be based on the 2 tests (25% each) and 2 in-class writing assignments (25% each). 100-90%=A, 89-80%=B, 79-70%=C, 69-60%=D, 59% and below=F.

Distribution of Grades at the End of the Semester: Students may find out their grades in the course, if at the time they take the final exam, they may email the professor after August 11th to get their grade. According to university policy, grades cannot be posted, nor can grades be given over the telephone.

Course Outline:

July 8-July 10

Introduction to Course. Title 42 U.S.C., Section 1983. Prisoners' Cause of Action: Ruffin v. Commonwealth, 62 Va. 790 (Va. Ct. App. 1871)

Access to the Courts: Bounds v. Smith, 430 U.S. 817 (1977); Lewis v. Casey, 518 U.S. 343 (1996).

Negligence: Daniels v. Williams, 474 U.S. 327 (1986); Davidson v. Cannon, 474 U.S. 344 (1986).

Prison Search and Seizure: Hudson v. Palmer, 468 U.S. 517 (1984).

July 15-July 17

Visitation: Block v. Rutherford, 468 U.S. 576 (1984);

Constitutionality of Prison Regulations: Turner v. Safley, 482 U.S. 78 (1987); O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987).

Constitutionality of Prison Regulations (continued): Thornburgh v. Abbott, 490 U.S. 401 (1989).

Due Process Issues/Liberty Interests: Wolff v. McDonnell, 418 U.S. 539 (1974).

July 22 Midterm Exam → Bring scantron sheet and pencil to take exam.

===== **Midterm Examination** =====

July 24

Due Process Issues/Liberty Interests (continued): Transfer: Meachum v. Fano, 427 U.S. 215 (1976); Vitek v. Jones, 445 U.S. 480 (1980); Sandin v. Conner, 515 U.S. 472 (1995); **Conditions of Confinement:** Trop v. Dulles, 356 U.S. 86 (1958);

July 29-July 31

Conditions of Confinement (continued); Bell v. Wolfish, 411 U.S. 520 (1979); Rhodes v. Chapman, 452 U.S. 337 (1981).

August 5

Conditions of Confinement (continued): Wilson v. Seiter, 501 U.S. 294 (1991); Helling v. McKinney, 509 U.S. 25 (1993). **Use of Excessive Force:** Whitley v. Albers, 475 U.S. 312 (1986); Hudson v. McMillian, 503 U.S. 1 (1992).

Medical Care: Estelle v. Gamble, 429 U.S. 97 (1976). **Duty to Protect:** Farmer v. Brennan, 511 U.S. 825 (1994);

August 7 → Final Exam → Bring scantron sheet and a pencil to take the exam.

NOTE--This syllabus is primarily for planning purposes, and the professor reserves the right to alter it in any fashion.