

CJ 432.01
Legal Aspects of Corrections
Fall, 2007

Professor: Dr. Margo L. Frasier

Office: CJC C223

Telephone: (936) 294-4315

Email: mfrasier@shsu.edu

Class Hours: 9:30 a.m. – 10:50 a.m. (Tuesday and Thursday)

Classroom: C210

Office Hours:

Tuesday, Thursday

8:00 a.m.-9:15 a.m.

1:00 p.m.-3:00 p.m.

Other times available by appointment

TEXTBOOKS:

del Carmen, Rolando, *et al.*, *Briefs of Leading Cases in Corrections, 4th Edition.* Anderson Publishing Co. (2005).

Ross, Darrell, *Civil Liability Issues in Corrections, 1st Edition.* Carolina Academic Press (2005)

COURSE DESCRIPTION AND OBJECTIVES:

Description: A course exploring the legal problems from conviction to release; pre-sentence investigations, sentencing, probation and parole; incarceration; loss and restoration of civil rights. There will be an emphasis on the practical legal problems confronting the probation and parole officers and the correctional administrator.

Objectives:

1. To develop an understanding of the constitutional requirements, statutory rules, and judicial decisions that control sentencing, prisons and jails, parole, probation, juvenile justice, and the death penalty
2. To develop an awareness of specific issues in the law of corrections.
3. To develop an awareness of current changes and trends in the law of corrections.
4. Acquaint the student with the court system of Texas and the United States.
5. Improve student analytical and abstract thinking skills.

ATTENDANCE POLICY: Class attendance requirements will be followed in accordance with Academic Policy Statement 800401. Normally, more than six absences will result in a failing grade.

GRADING POLICY AND EXAMINATIONS:

Three examinations will determine students' grades. The exams will consist of essay questions, multiple choice, and true-false questions. The exams will cover the assigned chapters and the class discussions.

Grades will be based on the following scale:

270-300 points	A
240-269 points	B
210-239 points	C
180-209 points	D
Below 180	F

Grades will not be "curved". Grades will be entered on the student's Blackboard file. It is the student's responsibility to monitor the accuracy of the grades and absences.

MAKE-UP EXAMS: No make-up examinations will be given unless arrangements have been made prior to the examination date.

ANNOTATED OUTLINE OF TOPICS TO BE COVERED FOR EACH CLASS

MEETING: (There will be a copy of the powerpoint presentation for the lecture on Blackboard. It is suggested that you print it out three slides to a page and bring it to class with you.)

<u>Aug. 21</u>	Introduction to course; syllabus; del Carmen 3-7; Ross 1-18
<u>Aug. 23</u>	American law and court system; Ross 19-33
<u>Aug. 28</u>	Analyzing and briefing court cases; Ross 33-39
<u>Aug. 30</u>	Evolution of inmate rights; del Carmen 3-7; Ross 51-65
<u>Sept. 4</u>	Restriction of inmate rights; del Carmen 7, 85-92; Ross 69-83
<u>Sept. 6</u>	History, components, and remedies under Section 1983 lawsuits; del Carmen 40-42, Ross 69-83
<u>Sept. 11</u> Ross 83-93	Immunity and mechanics under Section 1983 lawsuits; del Carmen 69-75;
<u>Sept. 13</u>	Issues involving confinement; del Carmen 8-26
<u>Sept. 18</u>	Issues involving court access; del Carmen 26-40
<u>Sept. 20</u>	Issues involving disciplinary and discrimination; del Carmen 42-57

- Sept. 25 Issues involving due process and deliberate indifference; del Carmen 57-64; Ross 97-120
- Sept. 27 Examination #1
- Oct. 2 Issues involving use of force; del Carmen 64-68; Ross 125-139
- Oct. 4 Issues involving use of force; Ross 139-153
- Oct. 9 Issues involving *habeas corpus*; del Carmen 75-84; Ross 89-92
- Oct. 11 Issues involving mail, medical care, press, unions,, and visitation; del Carmen 92-113, 139-145
- Oct. 16 Issues involving duty to protect; del Carmen 113-117; Ross 157-169
- Oct. 18 Issues involving duty to protect from sexual assault and harassment; Ross 169-184
- Oct. 23 Issues involving religion, self-incrimination, segregation, and transfer; del Carmen 117-120, 123-139
- Oct. 25 Issues involving search and seizure; del Carmen 120-123; Ross 215-237
- Oct. 30 Issues involving wrongful death; Ross 187-211
- Nov. 1 Examination #2
- Nov. 6 Issues involving probation; del Carmen 149-160
- Nov. 8 Issues involving probation; del Carmen 160-170
- Nov. 13 Issues involving parole; del Carmen 171-186
- Nov. 15 Issues involving parole; del Carmen 186-197
- Nov. 20 Catch up day
- Nov. 22 Thanksgiving
- Nov. 27 Issues involving the death penalty; del Carmen 199-238
- Nov. 29 Issues involving the death penalty; del Carmen 239-278
- Dec. 4 Issues involving juveniles; del Carmen 279-314

Dec. 6 Issues involving supervisory liability; Ross 241-268

Dec. 11 Examination #3 (8:00 a.m.-10:00 a.m.)

ACADEMIC HONESTY: The Faculty of the College of Criminal Justice 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)

DISABLED STUDENT POLICY:

“Students with a disability which affects their academic performance are expected to arrange for a conference with the instructor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired.” The physically impaired may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students by telephone (ext. 1720).

SERVICES FOR DISABLED STUDENTS:

<http://www.shsu.edu/~counsel/sswd/html>

STUDENT ABSENCES ON RELIGIOUS HOLY DAYS POLICY:

Section 51.911 (b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

University policy 861001 provides the procedures to be followed by the student and instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). This request must be made within the first fifteen days of the semester or the first seven days of a summer session in which the absence(s) will occur. The instructor will complete a form notifying the student of a reasonable timeframe in which the missed assignments and/or examinations are to be completed.