

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.

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Semester/Year: Spring 2008

Class Day/Time: TH 6:00 PM-8:50 PM

Class Location: CJ Center C104

Credit Hours: 3

Phone: 936-294-1349

Office: C117 CJ Center

Office Hours: T 3:00-4:30 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 learn the fundamental principles, generalizations, and theories of correctional law. 2--To develop critical creative capacities by writing case briefs. 3--To require students to submit case briefs, showing that writing is an incremental process that takes revisions and attention to detail. 4--To learn to analyze and critically evaluate ideas, arguments, and points of view within correctional law.

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, 2006-2008 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, 2006-2008 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 **March 27** and **May 15**. The exams will cover lectures and readings. Exams 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.

First Case Brief: Students will be required to develop creative capacities through written work. In their case briefs, students will integrate fundamental principles, generalizations, and theories of correctional law by analyzing and critically evaluating ideas, arguments, and points of view. As such, students will submit their first case brief to Dr. Vaughn on **March 6**. Late case briefs will be subject to a letter grade deduction per calendar-day. The case brief will be no longer than 5 double-spaced, typewritten pages with an inch margin all the way around. The first case brief is worth 25% of the final grade. An example case brief is attached to the syllabus.

Second Case Brief: Each student will submit a second case brief to Dr. Vaughn on **May 15**. The second case brief will comprise 25% of each student's final grade. Late case briefs will be subject to a letter grade deduction per calendar-day. The case brief will be no longer than 5 double-spaced, typewritten pages with an inch margin all the way around. An example case brief is attached to the syllabus.

Turning in Papers/Assignments/Exams: Students must submit papers directly to the professor and not submit them to the receptionists in the college office.

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

Disruptive Student Behavior: Disruptive student behavior in the classroom will not be tolerated.

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 May 19 to get their grade. According to university policy, grades cannot be posted, nor can grades be given over the telephone.

Course Outline**CJ 432 Legal Aspects of Corrections**

January 17**Syllabus Distribution.****January 24**

Introduction to Course. Title 42 U.S.C., Section 1983. Prisoners' Cause of Action: Ruffin v. Commonwealth, 62 Va. 790 (Va. Ct. App. 1871); Cooper v. Pate, 378 U.S. 546 (1964).

January 31

Access to the Courts: Johnson v. Avery, 393 U.S. 483 (1969); Bounds v. Smith, 430 U.S. 817 (1977); Lewis v. Casey, 518 U.S. 343 (1996).

February 7

Negligence: Parratt v. Taylor, 451 U.S. 527 (1981); 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).

February 14

Visitation: Block v. Rutherford, 468 U.S. 576 (1984); Overton v. Bazzetta, 539 US 126 (2003).
Constitutionality of Prison Regulations: Cruz v. Beto, 405 U.S. 319 (1972); Procunier v. Martinez, 416 U.S. 396 (1974).

February 21

Constitutionality of Prison Regulations (continued): Saxbe v. Washington Post, 417 U.S. 843 (1974); Houchins v. KQED, 438 U.S. 1 (1978); Turner v. Safley, 482 U.S. 78 (1987); O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987).

February 28

Constitutionality of Prison Regulations (continued): Thornburgh v. Abbott, 490 U.S. 401 (1989).
Labor Union: Jones v. North Carolina Prisoners' Labor Unions, 433 U.S. 119 (1977). **Due Process Issues/Liberty Interests:** Wolff v. McDonnell, 418 U.S. 539 (1974).

March 6

Due Process Issues/Liberty Interests (continued): Transfer: Meachum v. Fano, 427 U.S. 215 (1976); Montanye v. Haymes, 427 U.S. 236 (1976); Vitek v. Jones, 445 U.S. 480 (1980).

March 13: Spring Break**March 20: Brubaker Movie (Questions from the movie will be on the midterm exam, so take notes)****March 27: Midterm Examination**===== **Midterm Examination** =====**April 3****Due Process Issues/Liberty Interests (continued): Segregation:** Hutto v. Finney, 437 U.S. 678 (1978); Hughes v. Rowe, 449 U.S. 5 (1980); Hewitt v. Helms, 459 U.S. 460 (1983).**April 10****Due Process Issues/Liberty Interests (continued): Discipline:** Baxter v. Palmigiano, 425 U.S. 308 (1976); Cleavinger v. Saxner, 474 U.S. 193 (1985); Greenholtz v. Inmates of the Nebraska Penal and Correction Complex, 442 U.S. 1 (1979).**April 17****Due Process Issues/Liberty Interests: Discipline (continued):** Ponte v. Real, 471 U.S. 491 (1985); Superintendent at Walpole v. Hill, 472 U.S. 445 (1985); **Due Process Issues/Liberty Interests (continued):** Sandin v. Conner, 515 U.S. 472 (1995).**April 24****Conditions of Confinement:** Trop v. Dulles, 356 U.S. 86 (1958); Bell v. Wolfish, 411 U.S. 520 (1979); Rhodes v. Chapman, 452 U.S. 337 (1981).**May 1****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).**May 8****Medical Care:** Estelle v. Gamble, 429 U.S. 97 (1976). **Duty to Protect:** Farmer v. Brennan, 511 U.S. 825 (1994); **Forced Medication:** Washington v. Harper, 494 U.S. 210 (1990); Riggins v. Nevada, 504 U.S. 127 (1992); Sell v. United States, 539 US 166 (2003).**May 15: Final Examination**===== **Final Examination** =====**NOTE**--This syllabus is primarily for planning purposes, and the professor reserves the right to alter it in any fashion.

GUIDE TO CASE BRIEFING

Case briefs help the reader to understand court cases better and are used extensively as a learning tool in law schools and in the practice of law. Students read a case, take it apart into classified segments, and then reassemble it in a more concise and organized form so as to facilitate learning.

In order to familiarize students with the basics of case briefing, a sample case brief is presented here. It must be stressed that there are various ways to brief cases, usually depending on what the reader or instructor considers important. For example, some instructors include only the court's majority opinion, while others go into concurring and dissenting opinions. Some require comments concerning the significance of the case, while others want excerpts from the decision. What follows is one of the simplest ways to brief a case.

The basic elements of a simple case brief are

1. Name of the case
2. Citation (telling where the case can be found)
3. Date decided
4. Facts
5. Main issue
6. Decision
7. Principle of law
8. Analysis

Example of a Case Brief: The Case of *Miranda v. Arizona*

- 1. Name of the Case:** *Miranda v. Arizona*
- 2. Citation:** 384 U.S. 486
- 3. Date Decided:** 1966

Note: *In your brief, the preceding elements go in this order: *Miranda v. Arizona*, 384 U.S. 486 (1966).*

4. Facts: Ernesto Miranda was arrested in his home and taken to the police station in Phoenix, Arizona, where he was interrogated by two police officers for two hours. He was not advised of his right to remain silent or of his right to an attorney. Miranda signed a written confession and was later convicted of kidnapping and rape. He appealed his conviction to the U.S. Supreme Court, saying that the evidence against him was obtained in violation of his constitutional right against self-incrimination and therefore should not have been admitted in court.

Note: *The facts section can be too detailed or too sketchy, both of which can be misleading. In general, be guided by this question: What minimum facts must you include in your brief so that a person who has not read the whole case (as you have) will nonetheless understand it? That amount of detail is for you to decide--you must determine what facts are important or unimportant.*

5. Main issue: Are statements made by a suspect during custodial interrogation--where the suspect has not been advised of his right to remain silent or to have an attorney--admissible as evidence in court during the trial?

Note: The issue statement must always be in question form, as here. Be sure that your issue statement is neither too narrow (as to be applicable only to the peculiar facts of that case) nor too general (as to apply to every case even remotely similar in facts), so that it is useless. Also, some cases have more than one issue.

6. Court Decision: The conviction of Miranda was reversed, and the case was sent back to trial court for new trial without using the evidence that was illegally obtained.

Note: The court decision section answers the following questions: Did the court affirm, reverse, or modify the decision of the immediate lower court from which the case came, and what happened to the case? Sometimes this is confused with the principle of law. The difference is that the court decision section simply tells you what happened to the case on appeal and what the court said is to be done with it.

7. Principle of Law (otherwise known as Doctrine or Ruling or Decision): When a suspect is taken into custody or otherwise deprived of freedom in a significant way, he or she must be given the following warnings:

a. You have the right to remain silent; b. Anything you say can be used against you in a court of law; c. You have a right to the presence of an attorney; d. If you cannot afford an attorney, one will be appointed for you by the state.

If these warnings are not given, any evidence obtained by the police cannot be admitted in court during the trial, because it is deemed to have been obtained in violation of a suspect's constitutional right against self-incrimination.

Note: Most cases do not have a principle of law as lengthy as this. In any case, you must be able to state in brief, exact, clear language what the court said. Usually, you can pick the principle of law out from the case itself, particularly toward the end of the court decision. The principle of law is the most important element of the case, because it states the rule declared by the court. Such a rule becomes applicable to similar cases to be decided by courts in that jurisdiction.