

Corrections & the Law  
CJ 421/521  
CRN 2692/2699  
Spring 2017  
Wednesday, 6:30 to 9:00 PM  
Smith Hall 416

## Required Texts

1. Cripe, C., Pearlman G., and Kosiak D. (2013) Legal Aspects of Correctional Management: 3<sup>rd</sup> Edition
2. Constitution of the United States of America, as amended  
<https://www.law.cornell.edu/constitution>
3. Web Readings as assigned

### Instructor: Darrell L. Legg

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### Description

Review of legal principles relating to convicted criminals, including plea negotiations, sentencing, post-conviction remedies, constitutional rights of inmates, and conditions of confinement.

**Prerequisites:** CJ 200 – Introduction to Criminal Justice

### Computer Requirements

A student must have a computer or access to one and access to email. Class related materials are sent to your Marshall Email Account.

### Desired Learner Outcomes/Objectives

#### Class Objectives:

This class is a lecture course to acquaint the student with the study of probation, parole & community corrections.

Course Learning Objectives	How Each Objective is Practiced in this Course	How Each Objective is Evaluated in this Course
To provide a comprehensive understanding of the law & its impact on corrections	In-class exercises, lecture, weekly assignments, discussions	Examination 1 & 2 Weekly Assignments

To provide a comprehensive understanding of the organizational structure of statutes, regulations, and laws influencing correctional decision-making	In-class exercises, lecture, weekly assignments, discussions	Examination 1 & 2 Assigned weekly
Students will be able to describe and explain the basic concepts of corrections and the law, including <ul style="list-style-type: none"> <li>• Plea negotiations</li> <li>• Sentencing</li> <li>• Sentencing factors</li> <li>• Death penalty</li> <li>• Conditions of confinement</li> <li>• Probation/parole decisions</li> </ul>	In-class exercises, lecture, weekly assignments, discussions	Examination 1 & 2 Assigned weekly Legal review assignments
To understand the legal problems existing in corrections	In-class exercises, lecture, weekly assignments, discussions	Examination 1 & 2 Assigned weekly Legal review assignments
To disseminate information on careers in the field of corrections	In-class exercises, lecture, weekly assignments, discussions	Examination 1 & 2 Assigned weekly Legal review assignments

### **Evaluation of Learner Objectives**

Evaluation of this objective will be through classroom observation, in-class assignments, weekly written assignments, legal review assignments, and testing. All tests will be comprised of multiple choice, short answer and/or essay questions designed to stimulate thought, assess learning, and contribute to the intellectual growth of the student. The final examination is considered comprehensive in that material from the duration of the course is considered “testable.” In-class assignments will be graded on a pass/fail basis. Such in-class assignments will be completed during class time, and will be turned in prior to the end of class. Additionally, student participation will be an important component of the student's overall grade. All assignments will be due on dates indicated on assignment directions. Late assignments will not be accepted without a valid excused absence.

### **Paper/Project Guidelines**

**Each student will be required to complete 6 of 10 assignments evaluating the adherence to legal requirements of various states’ operational policies regarding various aspects of correctional operations.** The student will be required to submit a two to three page summary of their findings. This summary shall include a short description of the issue at hand, the legal

requirements as determined by the Court, the state's policy & procedures, and any recommendations for revision. Each week a new issue will be discussed and the student must be ready to discuss their findings. Students may elect to not complete a summary one week, but once the week's discussion has been completed, that issue cannot be addressed in their written summaries. In all, there will be 10 assignments; the student will be required to complete 6 of these. The total point value of these 6 assignments will be 300 points.

### **Weekly Homework Assignments**

Students will be required to complete 15 weekly assignments. These assignments are not to exceed one typewritten page (maximum 12 point font). These assignments are due the week following assignment in class and will be relevant to the lecture material of the current week.

### **Graduate Students**

Graduate students will conduct a review of one of the following issues:

Constitutional issues regarding the Death Penalty

Constitutional Issues regarding long term Special Housing Unit placement

Constitutional issues regarding various aspects of private corrections

These three topics will be explained in greater detail. Each topic will have a set of questions that require answer as well as additional legal analysis.

### **CLASS PROJECTS:**

There will be various in-class assignments that will be announced and discussed in class. When assigned, they will be due before the end of class unless otherwise specified. Additionally, due to the nature of these in-class exercises, make-ups will not be practicable. **The total value of these in class assignments will be 50 points.**

### **PARTICIPATION**

Five percent of the course grade will be based on class participation. During the semester, students can earn from zero to fifty class participation points.

To receive credit for class participation students must make meaningful contributions to class discussions. Students will receive maximum credit when they demonstrate their understanding of required readings, make relevant and thought-provoking contributions to class discussions, and show respect for the views of others. Students will receive less than maximum credit when they must be prompted to contribute. Students who do not contribute, or participate in a problematic way (e.g., dominate the conversation, make rambling comments, interrupt the instructor with tangential contributions, and try to bluff their way through a discussion) will receive zero points. I reserve the right to give special consideration to students who tend to be very shy, so long as they make a sincere effort to overcome their shyness.

<u>Week</u>	<u>Chapter</u>	<u>Subject</u>
<b>January 11</b>	Chapter 1 - 4	An Introduction to the Law and to the Legal Aspects of Corrections Management; Corrections and the Criminal Justice System Habeas, Torts, and Section 1983; Going to Court
<b>January 18</b>	Chapter 5 & 6	A General View of Prisoners' Rights Under the Constitution Access to Courts
<b>January 25</b>	Chapter 7 - 9	First Amendment: Inmate Mail First Amendment: Inmate Association Rights and Visiting First Amendment: Religion
<b>February 1</b>	Chapter 10	Fourth Amendment: Search and Seizure, and Privacy
<b>February 8</b>	Chapter 11	Fifth and Fourteenth Amendments: Due Process—Inmate Discipline
<b>February 15</b>	Chapter 12	Fifth and Fourteenth Amendments: Due Process—Classification, Transfers, Personal Injuries, and Property Loss
<b>February 22</b>		Mid-Term Examination
<b>March 1</b>	Chapter 13	Fourteenth Amendment: Equal Protection—Female Offenders and Others
<b>March 8</b>	Chapter 14	Eighth Amendment: The Death Penalty and Other Sentencing Issues
<b>March 15</b>	Chapter 15	Eighth Amendment: Conditions of Confinement—Cruel and Unusual Punishment
<b>March 22</b>	<b>SPRING BREAK</b>	
<b>March 29</b>	Chapter 16	Eighth Amendment: Health Care
<b>April 5</b>	Chapter 17	Probation and Parole, Community Corrections, and Fines
<b>April 12</b>	Chapter 18 - 20	Statutory and Administrative Law; Federal Statutes: Equal Employment, Disabilities, and Tort Claims; Jails
<b>April 19</b>	Chapter 21 & 22	Juveniles and Young Offenders Privatization Issues in Corrections
<b>April 26</b>	Chapter 23 & 24	Loss of Rights of Convicted Persons; In Conclusion: A Postscript
<b>May 3</b>	<b>Final Exam</b>	

## Grades & Grading Scale

Grade component	Maximum value	Undergraduate Grade Scale	Graduate Grade Scale
<b>Summary 1-10 (minimum of 6 required)</b>	<b>50 each (300 maximum)</b>	<b>900-1000 = A</b>	<b>1500 - 1350 = A</b>
<b>Test 1</b>	<b>150</b>	<b>800-899 = B</b>	<b>1349 - 1200 = B</b>
<b>Test 2</b>	<b>150</b>	<b>700-799 = C</b>	<b>1159 – 1050 = C</b>
<b>Participation</b>	<b>50</b>	<b>600-699 = D</b>	<b>900 – 1049 = D</b>
<b>In class work</b>	<b>50</b>	<b>Below 600 = F</b>	<b>Below 900 = F</b>
<b>Weekly Homework</b>	<b>15 items @ 20 each (300 Maximum)</b>		
<b>Graduate Project</b>	<b>500</b>		
<b>Total of Points (Maximum)</b>	<b>Undergraduate Students  1000</b>	<b>Graduate Students  1500</b>	

### Class Schedule Notes

Classroom work will consist of traditional lecture, group activities, and sharing of information between students and instructor. While the majority of time will be spent in traditional lecture, students may also meet in groups to discuss in-class assignments.

### Attendance Policy (Philosophy)

1. **Attendance is MANDATORY in this class.** A student should recognize that one of the most important aspects of a college education is classroom attendance & participation. The value of this part of the academic experience cannot be fully measured by the testing process. **It is highly recommended that you do not miss class.**
2. Absences such as those resulting from illness, death in the family, or institutional activities (Those approved by the academic deans, such as debates, artistic performances, class trips, and athletics) are to be excused when a student reports such and is subsequently verified by the instructor. For such absences, the student should not be penalized (MU Undergraduate catalog).
3. When students attend classes they are in a position to make significant contributions to their learning experiences and the learning experiences of others by asking pertinent questions, making pertinent observations, and sharing information. When

students cut classes, they not only keep themselves from learning, but they keep other from learning all they possibly could. Students should participate, just not occupy a chair.

4. **Greater than 2 unexcused absences will result in a 10% reduction in grade for each subsequent absence (excused or unexcused).**
5. Students will be held accountable for all requirements and information covered in all classes. If it becomes necessary to give quizzes to spur attendance, the points gained on these quizzes will count toward test scores.
6. **Any materials due are due on the day stated.** If assignments or papers are late or not turned in, in class on the date stated, the paper or assignment will only be accepted with a minimum of a letter grade deduction for lateness.
7. In-class materials will not be available for “make-up.” However, in the event of an excused absence, an opportunity to make up the assignment will be offered.
8. All exams will be taken on the dates assigned. If an exam is missed, then this will result in a 0 (zero) being given for the exam. However, exams may be rescheduled by the instructor if he is given prior notice, or excuse as specified in the catalog and in the above tenets.

### **Academic Misconduct**

Academic Dishonesty is defined as any act of a dishonorable nature which gives the student engaged in it an unfair advantage over others engaged in the same or similar course of study and which, if known to the classroom instructor in such course of study, would be prohibited. This includes, but is not limited to: securing or giving unfair assistance during examinations or required work of any type; the improper use of books, notes, or other sources of information; submitting as one's own work or creation any oral, graphic, or written material wholly or in part created by another; securing all, or any part of assignments or examinations, in advance of their submission to the class by the instructor; altering of any grade or other academic record; conspiring with or knowingly helping or encouraging a student to engage in academic dishonesty; any other type of misconduct or activity which shows dishonesty or unfairness in academic work.

Sanction for academic dishonesty may range from a lower final grade in or a failure of the course or exclusion from further participation in the class to dismissal from the institution.

In those cases where the instructor imposes a sanction and does not refer the matter to the department chairperson for additional sanctions, the student may appeal the sanction in accordance with the procedures for a grade appeal.

**SPECIAL NOTE: Turn your cell phone and any other personal electronic devices off before class begins. I WILL NOT TOLERATE TEXTING DURING CLASS. This is not only rude to me, but rude to your fellow students.**

## UNIVERSITY POLICIES

By enrolling in this course, you agree to the University Policies listed below. Please read the full text of each policy by going to <http://www.marshall.edu/academic-affairs/policies/>

- *Academic Dishonesty*
- *Excused Absence Policy for Undergraduates*
  - *Computing Services Acceptable Use*
  - *Inclement Weather*
  - *Dead Week*
- *Students with Disabilities*
- *Academic Forgiveness*
- *Academic Probation and Suspension*
- *Academic Rights and Responsibilities of Students*
  - *Affirmative Action*
  - *Sexual Harassment*

### Important Dates

Classes begin	January 9
Last day for students to add a class	January 13
MLK, Jr. Holiday (classes dismissed)	January 16
Fr/So Midterm grades due	February 27 (by noon)
Spring break (classes dismissed)	March 20-25
Dead week	April 24-28
Last class day	April 28
Last day students can completely withdraw from Spring semester	April 28
Finals week	May 1-5