

Chapter 11: Legal World

The Hands-Off Doctrine¹

- Historical policy of American courts not to intervene in prison management.
- Courts followed it until the late 1960s.

Based on two rationales.

- Judicial branch of government should not interfere with the running of correctional facilities by the executive branch.
- Judges should leave correctional administration to correctional experts.

Decline of the Hands-Off Doctrine

Ex parte Hull (1941)

- No state or its officers may interfere with a prisoner's right to apply to a federal court for a writ of *habeas corpus*.

Coffin versus Reichard (1944)

- *Habeas corpus* was extended to consider the conditions of confinement.

Monroe versus Pape (1961)

- Activities did not have to be authorized by state law to take place under color of state law.

Cooper versus Pate (1964)

- Prisoners may sue a warden or other correctional official under Title 42 of the U.S. Code, Section 1983.

Holt versus Sarver (1970)

- Entire Arkansas prison system was declared unconstitutional.

Prisoners' Rights

- Constitutional guarantees of free speech, religious practice, due process, and other private and personal rights.
- Constitutional protections against cruel and unusual punishments made applicable to prison inmates by the federal courts.

Legal Foundations of Prisoners' Rights¹

Constitutional rights: Personal and due process rights guaranteed to individuals by the U.S. Constitution and its amendments.

- Forms the basis of most inmate rights.

Legal Foundations of Prisoners' Rights²

Institutional needs: Prison administration interests recognized by the courts as justifying some restrictions on the constitutional rights of prisoners.

- Maintenance of institutional order and security.
- Safety of prison inmates and staff.
- Rehabilitation of inmates.

Legal Foundations of Prisoners' Rights ³

Federal statutes.

Civil liability: Legal obligation to another person to do, pay, or make good something.

Legal Foundations of Prisoners' Rights⁴

State constitutions: May contain specific provisions regarding corrections.

State statutes: State legislatures can pass statutes to grant specific rights beyond those conferred by the state constitution.

Mechanisms for Securing Prisoners' Rights¹

Writ of *habeas corpus*: Order that directs the person detaining a prisoner to bring him or her before a judge, who will determine the lawfulness of the imprisonment.

Tort action in state court.

Tort: Civil wrong, wrongful act, or wrongful breach of duty, other than a breach of contract, whether intentional or accidental, from which injury to another occurs.

Mechanisms for Securing Prisoners' Rights²

Federal civil rights lawsuit: Inmates can file suit in federal court alleging civil rights violations by corrections officials

- If inmates are successful, courts can award:

Nominal damages: Small amounts of money that may be awarded when inmates have sustained no actual damages, but there is evidence that their rights have been violated.

Compensatory damages: Money awarded as payment for actual losses suffered by a plaintiff.

Mechanisms for Securing Prisoners' Rights³

Punitive damages: Money awarded to punish a wrongdoer for an intentional and malicious act, or an act done with reckless disregard for the rights of the victim.

Request for injunctive relief.

Injunction: Judicial order to do or refrain from doing a particular act.

Criminal court system.

Jurisdiction: Power, right, or authority of a court to interpret and apply the law.

Mechanisms for Securing Prisoners' Rights⁴

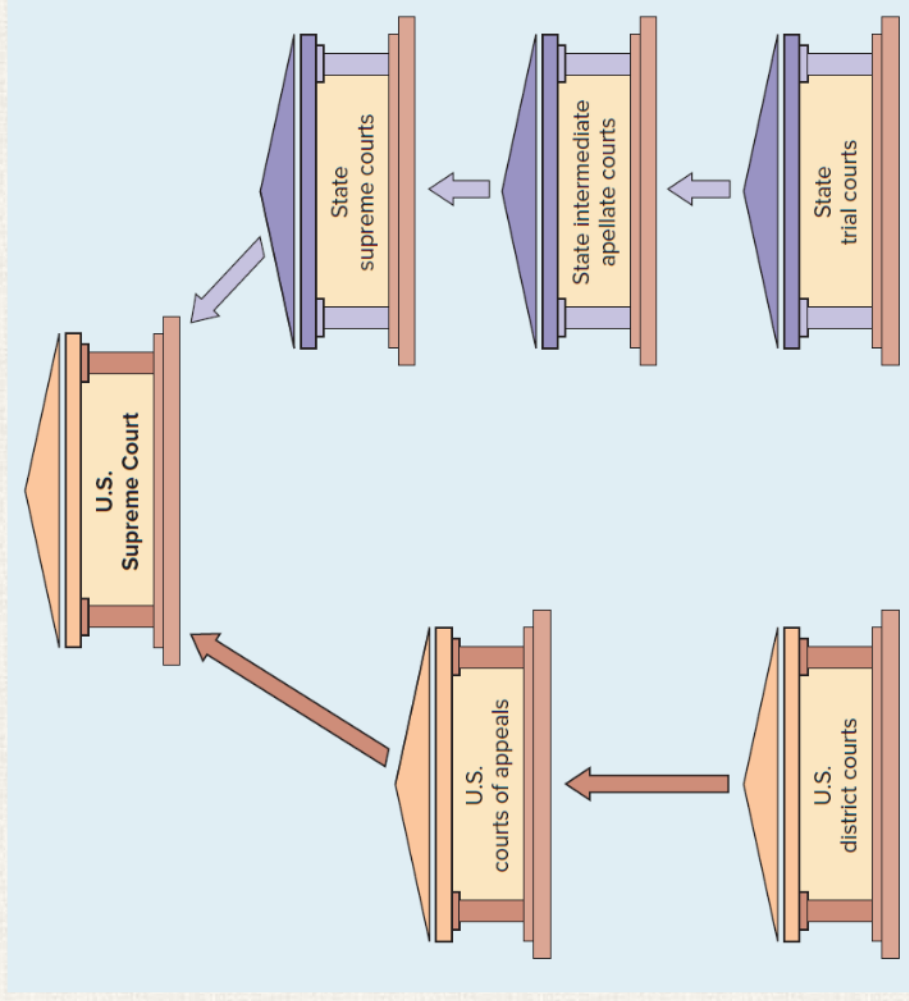
Request for injunctive relief.

Injunction: Judicial order to do or refrain from doing a particular act.

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Exhibit 11.1: Criminal Court Structure in the United States



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Inmate Grievance Procedures ¹

Formal institutional processes for hearing inmate complaints.

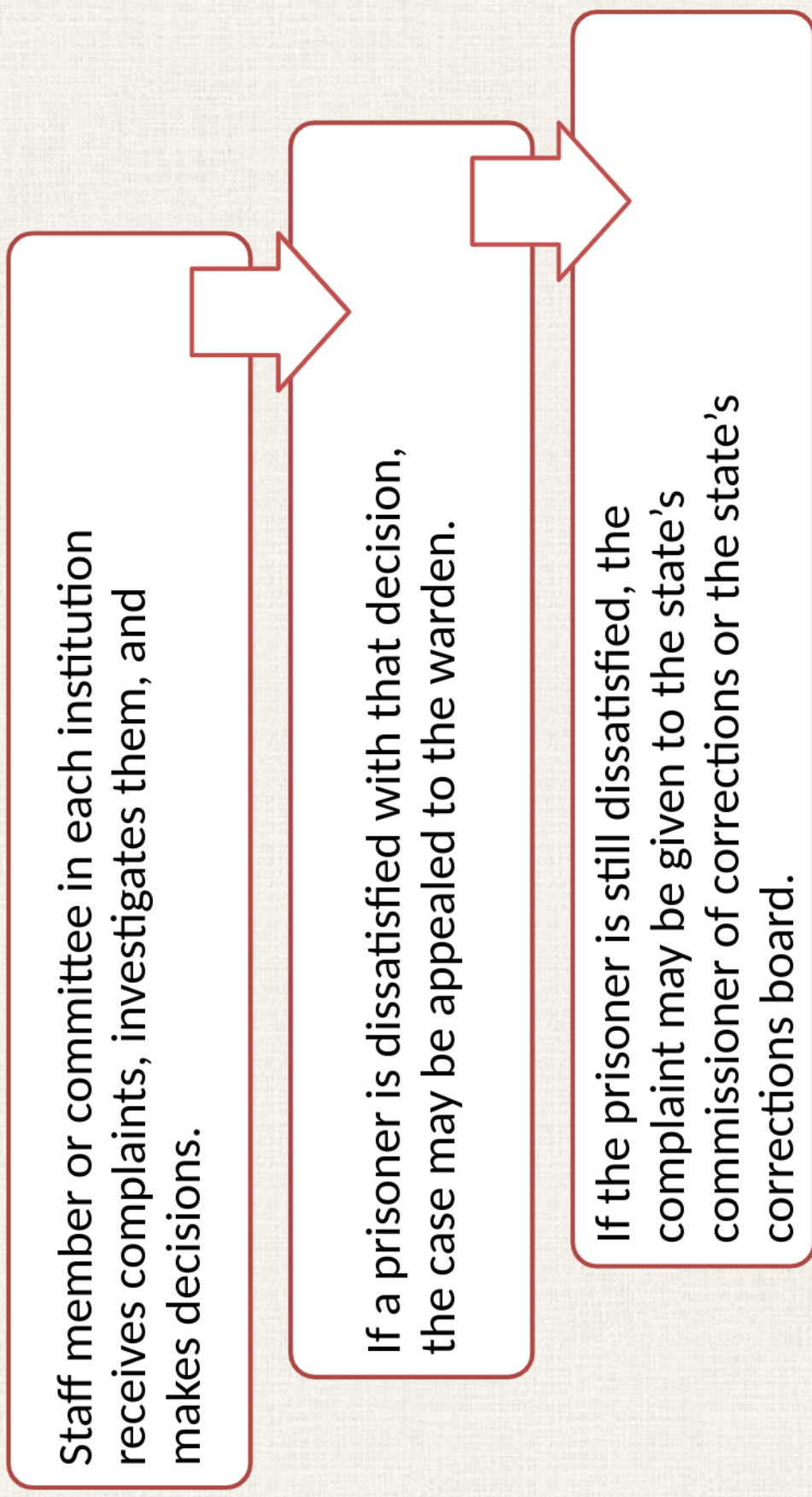
Reasons for establishing grievance mechanisms include:

- Promote justice and fairness and reduce violence.
- Allow inmates to voice their concerns.

Inmate Grievance Procedures ²

- Reduce the number of lawsuits filed by inmates.
- Assist correctional administrators in identifying institutional problems.

Process for Resolving Grievances



The Prisoners' Rights Era (1970 to 1991)

- Prisoners won some significant court battles.
- There was a turnaround in legal attitudes toward prisoners.
- **Precedent:** Previous judicial decision that judges should consider in deciding future cases.

First Amendment Issues

Legitimate penological objectives.

- Concerns that correctional officers and administrators have for the integrity and security of the correctional institution and the safety of staff and inmates.

Balancing test.

- Method the U.S. Supreme Court uses to decide prisoners' rights cases, weighing the rights claimed by inmates against the legitimate needs of prisons.

Freedom of Speech and Expression ¹

Visits to inmates by friends and loved ones.

- *Cruz versus Beto* (1972): Supreme Court ruled that all visits can be banned if they threaten security.
- Prison visits are not an absolute right.

Correspondence.

- *Procunier versus Martinez* (1974): Censoring of inmate mail is acceptable only when necessary to protect legitimate government interests.

Freedom of Speech and Expression ²

- *McNamara versus Moody* (1979): Prison officials may not prevent inmates from writing vulgar letters or those that make disparaging remarks about the prison staff.
- *Peppering versus Crist* (1981): Prison officials may not ban mailed nude pictures of inmates' wives or girlfriends.
- *Thornburgh versus Abbott* (1989): Publications which may be rejected by a warden should meet one of the seven criteria listed by the U.S. Supreme Court.

Freedom of Speech and Expression ³

- *Turner versus Safley* (1987): Upheld a Missouri ban on correspondence among inmates.
- *Jones versus North Carolina Prisoners' Labor Union, Incorporated* (1977): Upheld regulations that prohibited prisoners from soliciting other inmates to join the union.
 - Barred union meetings and bulk mailings concerning the union from outside sources.

Freedom of Religion ¹

Fulwood versus Clemmer (1962): Black Muslim faith must be recognized as a religion.

- Officials may not restrict members of that faith from holding services.

Cruz versus Beto (1972): Inmates have to be given a reasonable opportunity to pursue their religions.

Freedom of Religion ²

- *Kahane versus Carlson* (1975): Jewish inmates have the right to a kosher diet.
- *Udey versus Kastner* (1986): If the requested special diet is too costly, the prison may deny the request.
- Religious Land Use and Institutionalized Persons Act became law in 2000.

Fourth Amendment Issues

United States versus Hitchcock (1972) and *Hudson versus Palmer* (1984): Inmates can have no reasonable expectation of privacy in prison cells.

- Official surveillance is necessary to meet legitimate security needs of the prison.

Block versus Rutherford (1984): Prisoners do not have a right to be present during searches of cells.

Medical Care¹

- *Holt versus Sarver* (1970): Arkansas prison system was declared inhumane.
- *Estelle versus Gamble* (1976): Prison officials have a duty to provide inmates with medical care.

Medical Care ²

- Deliberate indifference:** Intentional and willful indifference.
- Calculated inattention to unconstitutional conditions of confinement.

Prison Conditions ¹

Totality of conditions: Standard to be used in evaluating whether prison conditions are cruel and unusual.

Prison Conditions ²

Hutto versus Finney (1978): Solitary confinement in Arkansas in excess of 30 days is cruel and unusual punishment.

Rhodes versus Chapman (1981): Double-celling of inmates in a short-term facility is not cruel and unusual punishment.

Fourteenth Amendment¹

Due process: Expected course of legal proceedings according to the rules and forms established for the protection of persons' rights.

- Right guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution.
- Requires that laws and legal procedures be reasonable and be applied fairly and equally.

Fourteenth Amendment²

- *Turner versus Safley* (1987): Without access to the courts, inmates have no due process opportunities.
- *Johnson versus Avery* (1968): Inmates have a right to consult jailhouse lawyers when trained legal advisers are not available.

Fourteenth Amendment ³

- *Wolff versus McDonnell* (1974): Sanctions cannot be levied against inmates without appropriate due process.
- *Baxter versus Palmigiano* (1976): Inmates do not have a right to counsel at a prison disciplinary hearing.

Fourteenth Amendment ⁴

Meacham versus Fano (1976): Prisoners have no right to be in any particular prison.

- Have no due process protections before being transferred from one prison to another.

Bounds versus Smith (1977): Law libraries were created in prisons across the nation.

Fourteenth Amendment ⁵

- *Daniels versus Williams* (1986): Prisoners could sue for damages in federal court only if officials had inflicted injury intentionally.
- *West versus Atkins* (1988): Private citizens who contracted to do work for prisons can be sued for civil rights violations against inmates.

Frivolous Lawsuits

Lawsuits with no foundation in fact, and brought for publicity, political, or other reasons not related to law.

Frivolous Lawsuits: Cases ¹

Turner versus Safley (1987).

- Supreme Court established a four-pronged test for determining the reasonableness of prison regulations.

Wilson versus Seiter (1991).

- Overcrowding, excessive noise, insufficient locker space, and similar conditions do not violate the Constitution so long as the intent of the prison officials is not malicious.

Mark versus Nix (1993) and *Escobar versus Landwehr* (1993).

- Crucifixes and rosaries could legally be denied to inmates because of their possible use as weapons.

Frivolous Lawsuits: Cases ²

Bettis versus Delo (1994).

- Prohibiting ceremonial pipes, medicine bags, and eagle claws did not violate the First Amendment rights of Native American inmates.

Farmer versus Brennan (1994)

- Officials cannot be held liable, if they took appropriate steps to mitigate a risk even when a prisoner is harmed and officials knew that the risk of harm existed.

Edwards versus Balisok (1997)

- Prisoners cannot sue for monetary damages under Section 1983 of the U.S. Code for loss of good-time credits until they are able to sue successfully in state court to have their disciplinary conviction set aside.

Frivolous Lawsuits: Cases ³

Overton versus Bazzetta (2003).

- Visits to prisoners who had committed two substance abuse violations while incarcerated were denied.

Howes versus Fields (2012).

- Inmates who face questioning by law enforcement officers while they are incarcerated need not be advised of their Miranda rights prior to the start of interrogation.

Florence versus Burlington County (2012).

- Officials had the power to strip-search persons who had been arrested prior to admission to a jail even if the offense for which they were arrested was a minor one.

Legal Mechanisms

State inmates are required to exhaust all state remedies before filing a petition for a writ of *habeas corpus* in federal court.

Federal inmates are required to show in their petitions that:

- They were deprived of some right to which they were entitled despite the confinement.
- Deprivation of this right made the imprisonment more burdensome.

Female Inmates and the Courts

Barefield versus Leach (1974)

Demonstrated that the opportunities and programs for female inmates were clearly inferior to those for male inmates.

State, ex rel. Olson versus Maxwell (1977)

Lack of funds was not an acceptable justification for unequal treatment of male and female prisoners.

Glover versus Johnson (1979)

Court ordered a plan to provide higher education and vocational training for female prisoners in the Michigan prison system.

McMurray versus Phelps (1982)

Court ordered an end to the unequal treatment of female inmates in that state's jails.

Mary Beth G. versus City of Chicago (1983)

Strip searches of female misdemeanor offenders awaiting bond in a Chicago lockup were unreasonable under the Fourth Amendment.

Correctional Officer Civil Liability and Inmate Lawsuits ¹

Doctrine of sovereign immunity: Governing body or its representatives could not be sued because it made the law and therefore could not be bound by it.

Correctional Officer Civil Liability and Inmate Lawsuits ²

Correctional agencies on the federal level have been protected from certain civil suits stemming from the negligent actions of their employees.

- Individual officers are also shielded if their actions are reasonable in the light of law.