



## Sul Ross State University

### **Criminal Justice 4332 Constitutional Issues in Corrections Fall: 2023**

**Professor:** Martin Guevara Urbina, Ph.D.

Classroom: Web

Class Meeting: Online

Office: 201 (Faculty Building)

Phone: 830-703-4820 (office, direct line)

Hours: Monday and Tuesday 12:00 to 5:00. Even though this is an online course, you are welcome to visit the Professor's office anytime.

E-mail: [murbina@sulross.edu](mailto:murbina@sulross.edu)

**Course (Catalog) Description:** *A study of the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendment rights and the theories behind those rights, as they relate to convicted prisoners and pretrial detainee. The impact of court decisions on prisons and jails. Liability and immunity of correctional personnel.*

#### **Student Learning Outcomes (SLOs):**

1. Demonstrate proficiency in the application of legal concepts, theoretical applications, scientific principles, and historical trends in the criminal justice arena.
2. Demonstrate competency in the application of basic research methods, to include: research design, statistical analysis, and uses of empirical findings and interpretations.
3. Demonstrate the application of organizational principles, cultural, social and behavioral knowledge, critical thinking skills and cognitive thought processes within the criminal justice arena.

#### **Marketable Skills for Criminal Justice Program:**

1. **Oral and Written Comprehension:** The ability to listen and understand information, ideas, and ideologies presented through spoken words; and the ability to read and conceptualize information, perspectives, and ideologies presented in writing. Broadly, oral and written communication involves active listening, speaking, and learning.

2. **Critical Thinking:** This includes the ability to engage in reflective and independent thinking, which is fundamental for relevant inquiry and productive innovation, analysis, and synthesis of information, ideas, and propositions.
3. **Problem Solving:** Utilizing a humanist and liberating praxis, empower students to strategically utilize triangulation strategies for evaluating, finding, creating, and implementing solutions to difficult or complex issues in a never-constant society.
4. **Leadership Ability:** Transformational leadership, vital for motivating, decision making, and inspiring vision for achieving positive results—a defined mission.

**Objective:** *Constitutional Issues in Corrections* will offer a sound and holistic analysis of various statutory and constitutional rights of prisoners and detainees in the US, combined with a legal, historical, sociological, and criminological examination of American jurisprudence, to include law, order, and justice. While the focus will be primarily, but not exclusively, on the functions and dynamics of statutory and constitutional rights of inmates, particular attention will be given to what I call a symbiotic triangle—law, society, and in/justice—giving us insight into the nature of law, legal systems, and legal institutions. For instance, some legal scholars approach the legal system from an *outside* rather an *inside* perspective, which focus on legal rules and procedures as seen from inside the legal system, often in an idealized form. Specifically, the intent of this course is to provide the student with a detailed understanding of 10 main topics, which are best expressed in the following questions:

1. What is *law*, and, by extension, order and justice?
2. Pragmatically, philosophically, politically, economically, culturally, and socially, what do we mean by *constitutional issues in corrections*?
3. What are the primary objectives of statutory and constitutional rights for inmates?
4. What are the most influential theoretical and philosophical ideologies behind modern constitutional and statutory rights of inmates and detainees? How has the judicial system, in the context of legal rights, evolved in the US? What are the links between time and space?
5. What FORCES have driven and/or continue to drive legal reform as it pertains to inmates? What role do politics, the media, symbolism, power, social norms, and society play in the making and implementation of constitutional rights for prisoners? Likewise, what role have historical EVENTS played in shaping and re-shaping constitutional rights for inmates?
6. WHO has played the most significant role in “shaping and reshaping” judicial reform as it pertains to prisoners and detainees? What are the reasons of amending existing laws?
7. What is the scope and nature of current “critical” issues in jurisprudence? For instance, should undocumented people (“illegal immigrants”) be granted the same constitutional rights as their counterparts; that is, US citizens and legal residents?
8. What is the significance, implications, and ramifications of “globalized legislation and sanctions,” and, by extension, constitutional rights for prisoners and detainees in the US and abroad?
9. What are the avenues for the establishment of a rational, effective, and just legal system?

10. What is the future jurisprudence, in the context of constitutional and statutory rights for prisoners and detainees?

The next set of questions is essentially definitional in nature. It is essential that we share the same definitions of an issues, event, situation, or problem if we are to come to a common understanding of both the problem and any possible solutions/remedies. Consequently, the class's first segment deals with defining "Law," as it pertains to prisoners and detainees and placing it in a global context.

The last set of questions is more analytical. A particular truism about jurisprudence, criminological, sociological, and theoretical aspects of the nature of society is as follows: There are many typologies of criminological, sociological, and legal theories as there are authors writing textbooks about the subject. The five-fold approach we will take is an amalgam of several such typologies:

*History*—When deemed appropriate, we will make use of historical events, situations, and circumstances to better understand the subject matter by its totality. It is essential that we obtain an understanding and appreciation for historical ruptures and discontinuities as we try to bridge existing gaps. According to an African proverb, "Until lions have their own historians, histories of the hunt will glorify the hunter."

*Theory*—Theoretically, we must investigate which theories provide the best guidance in our search for "truth and reality."

*Law and Society*—In a society where most behavior is governed by some type of law, it is vital that we explore the relationship between law and society. To some scholars, laws are a measure of culture; crime, another element of all known cultures, is the violation of those laws. In essence, why do we have laws? Do we need laws? Does law make a difference?

*Philosophy*—While sociological and criminological theories might serve as "road maps" to everyday life, philosophy gives "meaning" to human existence. It enables us to better appreciate what matters most at the END of the day.

*Poetry*—Even though poetry is one of the oldest forms of dialogue, it is seldom mentioned in academic discussions. Yet, poetry allows us to transcend the unknown ... it allows us to dream the impossible ... to dream the impossible dream. "Invent the age, invent the metaphor. Without a credible structure of law a society is inconceivable. Without a workable poetry no society can conceive a [person]." --Archibald MacLeish, *Apologia*, 1972.

The final question has policy overtones. First, we must briefly look at the nature and process of human behavior, in the context of the US judicial system, with a focus on legal rights. Next, we turn to the more difficult task of linking jurisprudence, sociological, and criminological theory, particularly those we will review, to behavior, legal rights, research, and practices.

Overall, this course is designed to introduce you to the nature and dynamics of statutory and constitutional right of inmates within the context of the legal system and, by extension, social interactions and, ultimately, human behavior in the world. By introducing you to influential issues that provide the frameworks to studying a wide variety of phenomena, I intend this course to be a basis for further, more in-depth study in the areas that interest you.

**Course Context:** As an upper-level course, this class may include controversial, sensitive, and/or adult material. For instance, what should “we” do with foreign nationals who are currently detained in immigration facilities for no crime other than entering the country without documentation? Yet, they are not being released or deported because their country of origin will not take them back. Thus, students are expected to have the mentality and readiness for upper-level content and rigor.

**Course Structure:** This course will be presented in modules. Please note that the **ENTIRE** course will be taught online via Blackboard.

**Required Texts:**

Palmer, John W. (2010). *Constitutional rights of prisoners*, 9<sup>th</sup> edition. Cincinnati: Anderson Publishing Company.

[ISBN: 978-1593455033]

Urbina, Martin Guevara (2008). *A comprehensive study of female offenders: Life before, during, and after incarceration*. Springfield, IL: Charles C Thomas, Publisher Ltd.

[ISBN: 978-0-398-07812-6]

**Optional Readings:**

Aday, Ronald (2003). *Aging prisoners: Crisis in American corrections*. Westport, CT: Praeger.

Beckett, Katherine and Theodore Sasson (2003). *The politics of injustice: Crime and punishment in America*, 2<sup>nd</sup> edition. Thousand Oaks, CA: Sage Publications.

Bosworth, Mary (2007). “Identity, citizenship, and punishment.” In *Race, gender, and punishment: From colonialism to the war on terror*, edited by Mary Bosworth and Jeanne Flavin. Piscataway, NJ: Rutgers University Press.

Butler, Anne M. (1997). *Gendered justice in the American West: Women prisoners in men’s penitentiaries*. Chicago: University of Illinois Press.

Chambliss, William and Marjorie Zatz, eds. (1993). *Making law: The state, the law, and structural contradictions*. Bloomington: Indiana University Press.

Churchill, Ward and Jim Vander Wall, eds. (1992). *Cages of steel: The politics of imprisonment in the United States*. Washington, D.C.: Maisonneuve Press.

Davidson, R. Theodore (1974). *Chicano prisoners: The key to San Quentin*. New York: Holt, Rinehart & Winston.

Dershowitz, Alan M. (2004). *America on trial: Inside the legal battles that transformed our nation*. Warner Books: New York.

Ditton, Paula M. (1999). *Mental health and treatment of inmates and probationers*. Washington, D.C.: U.S. Department of Justice.

Fletcher, George (1988). *A crime of self defense: Bernhard Goetz and the law on trial*. Chicago: The University of Chicago Press.

- Fogel, David (1979). "... we are the living proof": *The justice model of corrections*. Cincinnati: Anderson.
- Gilroy, Paul (1993). *The black atlantic: Modernity and double consciousness*. Cambridge, MA: Harvard University Press.
- Girshick, Lori B. (1999). *No safe haven: Stories of women in prison*. Boston: Northeastern University Press.
- Hariman, Robert (1990). *Popular trials: Rhetoric, mass media, and the law*. Tuscaloosa: University of Alabama Press.
- Kairys, David (1990). *The politics of law: A progressive critique*, 2<sup>nd</sup> edition. New York: Pantheon Books.
- Low, Peter W., John C. Jeffries, and Richard J. Bonnie (1986). *The trial of John W. Hinckley, Jr.: A case study in the insanity defense*. Mineola, New York: The Foundation Press.
- Mumola, Christopher J. (2005). *Suicide and homicide in state prisons and local jails*. Washington D.C.: U.S. Department of Justice.
- Murphy, Daniel S. (2005). "Health care in the Federal Bureau of Prisons: Fact or fiction." *Californian Journal of Health Promotion*, 3: 23-37.
- Reiman, Jeffrey and Paul Leighton (2009). *The rich get richer and the poor get prison: Ideology, class, and criminal justice*, 9th Edition. Upper Saddle River, NJ: Prentice Hall.
- Ruddell, Rick (2004). *America behind bars: Trends in imprisonment, 1950 to 2000*. New York: LFB Scholarly Publishing.
- Santos, Michael G. (2007). *Inside: Life behind bars in America*. New York: St. Martin's Griffin.
- Schlanger, Margo (2003). "Inmate litigation." *Harvard Law Review*, 116: 1555-1706.
- Welch, Michael (2007). "Immigration lockdown before and after 9/11: Ethnic constructions and their consequences." In *Race, gender, and punishment: From colonialism to the war on terror*, edited by Mary Bosworth and Jeanne Flavin. Piscataway, NJ: Rutgers University Press.
- Welch, Michael (2002). *Detained: Immigration laws and the expanding I.N.S. jail complex*. Philadelphia: Temple University Press.

## **Recommended Readings**

### **Books:**

- Alvarez, Sofia Espinoza and Martin Guevara Urbina, eds. (2018). *Immigration and the law: Race, citizenship, and social control*. Tucson, AZ: University of Arizona Press.
- Urbina, Martin Guevara and Sofia Espinoza Alvarez, eds. (2018). *Hispanics in the U.S. criminal justice system: Ethnicity, ideology, and social control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.

- Urbina, Martin Guevara and Sofia Espinoza Alvarez (2017). *Ethnicity and criminal justice in the era of mass incarceration: A critical reader on the Latino experience*. Springfield, IL: Charles C Thomas.
- Urbina, Martin Guevara and Claudia Rodriguez Wright (2016). *Latino access to higher education: Ethnic realities and new directions for the twenty-first century*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara and Sofia Espinoza Alvarez, eds. (2015). *Latino police officers in the United States: An examination of emerging trends and issues*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara, ed. (2014). *Twenty-first century dynamics of multiculturalism: Beyond post-racial America*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara, Joel E. Vela, and Juan O. Sanchez (2014). *Ethnic realities of Mexican Americans: From colonialism to 21<sup>st</sup> century globalization*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). *Capital punishment in America: Race and the death penalty over time*. El Paso, TX: LFB Scholarly Publishing.
- Urbina, Martin Guevara, ed. (2012). *Hispanics in the U.S. criminal justice system: The new American demography*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2008). *A comprehensive study of female offenders: Life before, during, and after incarceration*. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2003/2011). *Capital punishment and Latino offenders: Racial and ethnic differences in death sentences*. New York: LFB Scholarly Publishing.

#### **Book Chapters:**

- Urbina, Martin Guevara and Ilse Aglaé Peña (2018). "Policing borders: Immigration, criminalization, and militarization in the era of social control profitability." In *Spatial policing: The influence of time, space, and geography on law enforcement practices*, edited by Charles Crawford. Durham, NC: Carolina Academic Press.
- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2018). "U.S. immigration laws: The changing dynamics of immigration through time." In *Immigration and the law: Race, citizenship, and social*, edited by Sofia Espinoza Alvarez and Martin Guevara Urbina. Tucson, AZ: University of Arizona Press.
- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2018). "Immigration, criminalization, and militarization in the age of globalization." In *Immigration and the law: Race, citizenship, and social control*, edited by Sofia Espinoza Alvarez and Martin Guevara Urbina. Tucson, AZ: University of Arizona Press.

- Urbina, Martin Guevara and Sofia Espinoza Alvarez (2018). "Immigration laws and social control movements: Situating the realities of immigration in the twenty-first century." In *Immigration and the law: Race, citizenship, and social control*, edited by Sofia Espinoza Alvarez and Martin Guevara Urbina. Tucson, AZ: University of Arizona Press.
- Urbina, Martin Guevara and Sofia Espinoza Álvarez (2018). "The Latino Condition in the Age of Mass Incarceration: Ethnicity, Diversity, Change, and Social Control." In *Hispanics in the U.S. Criminal Justice System: Ethnicity, Ideology, and Social Control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.
- Peña, Ilse Aglaé and Martin Guevara Urbina (2018). "The Legacy of Capital Punishment: Executing Mexicans and Other Latinos." In *Hispanics in the U.S. Criminal Justice System: Ethnicity, Ideology, and Social Control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.
- Álvarez, Sofia Espinoza and Martin Guevara Urbina (2018). "Life After Prison: Recommendations for Overcoming Legal Barriers, Community Reentry, and Steps for Making It Outside." In *Hispanics in the U.S. Criminal Justice System: Ethnicity, Ideology, and Social Control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.
- Urbina, Martin Guevara and Sofia Espinoza Álvarez (2018). "The New Frontier: Globalization, Latinos, and Criminal Justice." In *Hispanics in the U.S. Criminal Justice System: Ethnicity, Ideology, and Social Control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.
- Álvarez, Sofia Espinoza and Martin Guevara Urbina (2018). "The Future of Latinos and the U.S. Criminal Justice System." In *Hispanics in the U.S. Criminal Justice System: Ethnicity, Ideology, and Social Control* (2<sup>nd</sup> ed.). Springfield, IL: Charles C Thomas.
- Urbina, Martin Guevara (2016). "Life after prison for Hispanics." In *The new Latino studies reader: A twenty-first-century perspective*, edited by Ramon A. Gutierrez and Tomas Almaguer. Berkeley: University of California Press.
- Urbina, Martin Guevara and Sofia Espinoza Alvarez (2015). "Situating the current state of research on Latino police and ethnic community in twenty-first century America." In *Latino police officers in the United States: An examination of emerging trends and issues*, edited by Martin Guevara Urbina and Sofia Espinoza Alvarez. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2015). "Bridging the gaps and future research: Thinking ahead." In *Latino police officers in the United States: An examination of emerging trends and issues*, edited by Martin Guevara Urbina and Sofia Espinoza Alvarez. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara, Ferris Roger Byxbe, and Sofia Espinoza Alvarez (2015). "Policy recommendations: Toward a new police force." In *Latino police officers in the United States: An examination of emerging trends and issues*, edited by Martin Guevara Urbina and Sofia Espinoza Alvarez. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2015). "The future of Latino officers in the American police." In *Latino police officers in the United States: An examination of emerging trends and issues*, edited by Martin Guevara Urbina and Sofia Espinoza Alvarez. Springfield, IL: Charles C Thomas, Publisher Ltd.

- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2014). "From the shadows of the past: Revolutionizing multiculturalism in the midst of globalization—A twenty-first century challenge." In *Twenty-first century dynamics of multiculturalism: Beyond post-racial America*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2014). "It's a new world: The changing dynamics of multiculturalism." In *Twenty-first century dynamics of multiculturalism: Beyond post-racial America*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2014). "The future of U.S. multiculturalism: Si se puede." In *Twenty-first century dynamics of multiculturalism: Beyond post-racial America*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Peña, Ilse Aglaé and Martin Guevara Urbina (2012). "The legacy of capital punishment: Executing Latinas and Latinos." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). "The dynamics of education and globalization in the new millennium: The unspoken realities." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). "Ethnic constructions: The making of the upcoming majority, Latinas and Latinos." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). "Indigent defendants and the barriers they face in the U.S. court system." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). "Life after prison: Ethnic, racial, and gender realities." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara (2012). "The American criminal justice system and the future of Latinos and Latinas." In *Hispanics in the U.S. criminal justice system: The new American demography*, edited by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Nieling, Sara and Martin Guevara Urbina (2008). "Epilogue: Thoughts for the future." In *A comprehensive study of female offenders: Life before, during, and after incarceration*, by Martin Guevara Urbina. Springfield, IL: Charles C Thomas, Publisher Ltd.
- Urbina, Martin Guevara and Leslie Smith (2007). "Colonialism and its impact on Mexicans' experience of punishment in the United States." In *Race, gender, and punishment: From colonialism to the war on terror*, edited by Mary Bosworth and Jeanne Flavin. Piscataway, NJ: Rutgers University Press.



**Refereed (Peer-Reviewed) Journal Articles:**

- Urbina, Martin Guevara and Ilse Aglaé Peña (2018). "Crimmigration and Militarization: Policing Borders in the Era of Social Control Profitability." *Sociology Compass*, December, 1-16.
- Urbina, Martin Guevara and Sofia Espinoza Alvarez (2016). "Neoliberalism, criminal justice, and Latinos: The contours of neoliberal economic thought and policy on criminalization." *Latino Studies*, 14: 33-58.
- Alvarez, Sofia Espinoza and Martin Guevara Urbina (2014). "Capital punishment on trial: Who lives, who dies, who decides—A question of justice?" *Criminal Law Bulletin*, 50: 263-298.
- Byxbe, Ferris Roger and Martin Guevara Urbina (2014). "The global epidemic of prescription drug abuse: The American experience." *International Journal of Liberal Arts and Social Science*, 2: 208-216.
- Byxbe, Ferris Roger and Martin Guevara Urbina (2013). "The globalization of crime in American schools: An assessment of emerging trends in the twenty-first century." *International Journal of Humanities and Social Science*, 2: 1-13.
- Byxbe, Ferris Roger and Martin Guevara Urbina (2013). "*In loco parentis*: The contours of the Fourth Amendment in American public schools." *International Journal of Arts and Commerce*, 2: 11-26.
- Urbina, Martin Guevara and Ferris Roger Byxbe (2012). "Capital punishment in America: Ethnicity, crime, and social justice." *International Journal of Humanities and Social Science*, 2: 13-29.
- Urbina, Martin Guevara and Ferris Roger Byxbe (2011). "Interacting forces in the judicial system: A case study in American criminal law." *International Journal of Humanities and Social Science*, 1: 141-154.
- Byxbe, Ferris and Martin Guevara Urbina (2011). "Sexual harassment: Crossing the lines within the ranks." *Police Forum*, 20: 4-12.
- Byxbe, Ferris, Martin Guevara Urbina, and Patricia Nicosia (2011). "Community oriented policing and partnerships: A recipe for success!" *Police Forum*, 20: 4-16.
- Urbina, Martin Guevara and William Sakamoto White (2009). "Waiving juveniles to criminal court: Court officials express their thoughts." *Social Justice: A Journal of Crime, Conflict & World Order*, 36: 122-139.
- Urbina, Martin Guevara (2007). "Latinas/os in the criminal and juvenile justice systems." *Critical Criminology: An International Journal*, 15: 41-99.
- Ruddell, Rick and Martin Guevara Urbina (2007). "Weak nations, political repression, and punishment." *International Criminal Justice Review*, 17: 84-107.
- Urbina, Martin Guevara (2005). "Transferring juveniles to adult court in Wisconsin: Practitioners voice their views." *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, 18: 147-172.

- Urbina, Martin Guevara (2004). "Language barriers in the Wisconsin court system: The Latino/a experience." *Journal of Ethnicity in Criminal Justice*, 2: 91-118.
- Urbina, Martin Guevara (2004). "A qualitative analysis of Latinos executed in the United States between 1975 and 1995: Who were they?" *Social Justice: A Journal of Crime, Conflict & World Order*, 31: 242-267.
- Urbina, Martin Guevara and Sara Kreitzer (2004). "The practical utility and ramifications of RICO: Thirty-two years after its implementation." *Criminal Justice Policy Review*, 15: 294-323.
- Ruddell, Rick and Martin Guevara Urbina (2004). "Minority threat and punishment: A cross-national analysis." *Justice Quarterly*, 21: 903-931.
- Urbina, Martin Guevara (2003). "Race and ethnic differences in punishment and death sentence outcomes: Empirical analysis of data on California, Florida and Texas, 1975-1995." *Journal of Ethnicity in Criminal Justice*, 1: 5-35.
- Urbina, Martin Guevara (2003). "The quest and application of historical knowledge in modern times: A critical view." *Criminal Justice Studies: A Critical Journal of Crime, Law and Society*, 16: 113-129.
- Urbina, Martin Guevara (2002). "Furman and Gregg exist death row?: Un-weaving an old controversy." *The Justice Professional*, 15: 105-125.

#### **Encyclopedia, Magazine, and Other Publications:**

- Urbina, Martin Guevara and Ilse Aglaé Peña (2019). "Capital Punishment in the U.S.: Doing Justice or an Illusion of Justice, Legitimated Oppression, and Reinforcement of Structural Hierarchies." *UCLA Law Review*, 66: 1762-1816.
- Byxbe, Ferris and Martin Guevara Urbina (2017). "The New Face of Capital Punishment: Nitrogen Asphyxiation." *LAE Journal*, 45-48.
- Byxbe, Ferris Roger, Donna Byxbe, Martin Guevara Urbina, and Patricia Nicosia (2011). "Prescription drugs: Generation Rx in crisis." *LAE Journal*, 34-36.
- Byxbe, Ferris, Martin Guevara Urbina, and Patricia Nicosia (2010). "Community oriented policing and partnerships: A recipe for success!" *LAE Journal*, 22-25. (A reprint.)
- Urbina, Martin Guevara (2005). "Puerto Rican nationalists." *Encyclopedia of Prisons & Correctional Facilities*, Vol. 2: 796-798. Edited by Mary Bosworth. Thousand Oaks, CA: Sage Publications.
- Urbina, Martin Guevara (2003). "Good teachers never die." *Hispanic Outlook in Higher Education Magazine*, 13: 31-32.
- Urbina, Martin Guevara (2002). "Death sentence outcomes." *Encyclopedia of Crime and Punishment*, Vol 2: 482-485. Edited by David Levinson. Thousand Oaks, CA: Sage Publications.

**Weekly Assignments:**

There will be ten (10) *Weekly Assignments*, each worth 10 points for a total of 100 points. The “Weekly Assignments” will be discussed further the first week of class. Please do NOT panic! Handouts will be posted to assist you as you prepare your weekly assignments.

**Activities/Participation:**

Please complete the **reading** assignments as assigned to avoid falling behind, and, more fundamentally, to capture the essence of the class. During the semester, I will be posting a question or a statement for you to **respond** (100 points) and post for ALL students to read. Again, please do NOT panic! If you do the reading, you should be fine. Participation in these “exercises” will be equated into your final grade.

**Reviews (Book, Article, Movie):****Required**

**Book Review** (50 points): For your *Book Reviews* you are asked to read and make critical judgment about **one** book (50 points). Here is the complete citation for the required book review:

- Urbina, M. G. & S. E. Alvarez, eds. (2015). *Latino police officers in the United States: An examination of emerging trends and issues*. Springfield, IL: Charles C Thomas, Publisher Ltd.

The Book Review is limited to 3 to 5 typed pages. The logistics of the Book Reviews will be discussed in class and handouts will be provided to assist you with the writing assignments.

**Article Review** (50 points): An article will be provided (or posted online) your review and assessment.

**Movie Review** (50 points): A movie title will be provided (or posted online) for your review and assessment.

**Major Project:**

The logistics of the project, which will be submitted as a formal paper, will be discussed in detailed during the first part of the class. Illustration: some agencies (law enforcement and penal system) allow citizens to go in and observe. Some law enforcement agencies, for instance, allow “ride alongs.” Hence, you could arrange to participate in a series of “field” activities. At the end of the shift/session, write down what you observed. Describe how it compares with what you have learned in class (like, deviant behavior, constitutional rights for prisoners and detainees, policy implications and consequences). For instance, based on your observations, what are the links between constitutional right for defendants, media, age, gender, race, ethnicity, research, and practice?

Your project, which is **required** (100 points), **will be shared with the rest of the class at the end of the semester**, allowing other students to provide feedback (vis-à-vis a short reaction comments), if time allows. Papers (approximately 8 to 12 pages in length) must be typed. Late papers will **not** be accepted. Do not

submit (post) your only copy of any paper without **saving** your essay in case assignments are lost or destroyed. In effect, make sure that you have a backup copy of the latest version. Note: The project will be discussed further in class.

**Mini-project:**

This should be a fun exercise that allows you to explore (critically) some aspect of human behavior as it pertains to **constitutional issue in corrections** in greater depth with less evaluation anxiety than you would have in a full-length paper assignment. I would like you to try to and choose a project that you will enjoy, and that will stimulate your thinking about the concepts covered in this course.

Mini-projects are **optional**. You will receive “extra credit” points for completing mini-projects. If your mini-project is **adequate**, you will receive one percentage point. This point(s) will be added on to your final grade at the end of the semester.

You may turn in your mini-projects any time during the semester. The projects will be of greater value if they are done thoughtfully. Thus, you may not submit more than three (3) mini-projects.

There is no minimum or maximum length requirement. Typically you will submit a three to five page typed paper as the final product of each mini-project. Some projects, however, may require longer (or shorter) write-ups. Your analysis should illustrate or explore some phenomenon relevant to the course, while knowledgeably using concepts, principles, and language in the context of **constitutional issue in corrections**.

Attached to the end of the syllabus are descriptions of some mini-project options. Some of them will make more sense to you as we progress through the course. If you think of an **alternative** you would like to do as a mini-project, please feel free to ask me about it. Again, I am looking for you to implement class material—especially critical issues/perspectives—when describing the phenomena you choose to explore.

**Make-up Work:**

A **tentative** schedule of assignment will be provided (posted) at the beginning of the semester. However, it is possible that the schedule will be **modified** during the semester. Hence, if you fail to log on as discussed herein, it is the student’s responsibility to check with the Professor (or the Professor’s website) regularly to determine the deadlines for weekly readings, assignments, and activities. To this end, as noted above, make-up exercises will NOT be given, unless otherwise specified. For missed readings, weekly assignments and activities (i.e., “special circumstances”), it is the student’s responsibilities to find out what make-up work is required. If you have any difficulties getting the assignments or making the deadlines, please contact me right way.

**Note:**

Unless otherwise specified, all assignments and activities are due on the scheduled due date. **No late assignments will be accepted.**

**Grades:** There are a total of 450 points available in this course. Grades will be based on the total points for the semester. Specifically, grades will be assigned by comparing your performance to the best possible score (450) as follows:

Weekly Assignments:	100 points*
Reviews:	150 points
Required Project:	100 points
Activities/Participation:	100 points**
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<b>Total.....</b>	<b>450 points</b>

\*Tentatively, Weekly Assignments will count for 100 points. However, it is possible that the total possible points (i.e., 100) will be increased, or reduced. If increased, the TOTAL POSSIBLE points discussed herein (i.e., 450) will add to more than 450 points. If reduced, the TOTAL POSSIBLE points discussed herein (i.e., 450) will add to less than 450 points.

\*\*Similarly, if the 100 Activities and Participation points are either increased or reduced, only the total possible points for Activities/Participation that are utilized will be equated in the final grade distribution. In such case, the TOTAL POSSIBLE points discussed herein (i.e., 450) will add to less (or more) than 450 points. **Note:** Mini-project points will be added to your point total at the end of the course.

**Grade Distribution:**

90-100%	= A (Excellent)
80-89%	= B (Better than Average)
70-79%	= C (Average)
60-69%	= D (Below Average)
Below 60%	= Failing

Please be aware of **class expectations, rules, and University/College Policies**, which follow:

**Attendance Policy:**

This course is “**Web**” based. Students are expected to log-on regularly, check the calendar for due dates and respond to all emails. Thus, it is to your advantage to log-on regularly. For instance, if you do not participate, you cannot learn the discussed material. Additionally, you will not be able to discuss the assigned readings. Much of the learning in class is through discussion with other students. In the process, feel free to ask questions and/or make comments that might enhance our understanding of **constitutional issues in corrections** and related issues. Also, do not hesitate to share experiences that may help to enhance our understanding of the nature and significance of deviant behavior within the context of the criminal justice system. (Please reference Sul Ross State University Catalog for additional information.)

**Punctuality:** It is of extreme importance that you complete the readings and writing assignments on time to avoid falling beyond. I understand that it is not possible at times, but please do not make it a routine.

**Classroom etiquette:** Above all, always **respect** yourself and others; be **patient**; be willing to explore new ideas (perspectives); and restrict questions and comments to the topic being discussed.

**American with Disabilities Act:**

SRSU Disability Services. Sul Ross State University (SRSU) is committed to equal access in compliance with Americans with Disabilities Act of 1973. It is SRSU policy to provide reasonable accommodations to students with documented disabilities. It is the student's responsibility to initiate a request each semester for each class. RGC students seeking accessibility services should contact Paulette Harris, Executive Assistant to the Vice President and Dean, at 830-279-3023 or email [pharris@sulross.edu](mailto:pharris@sulross.edu). Ms. Harris's office is at 2623 Garner Field Road, Uvalde, TX 78801 (this is the mailing address, too).

**Remote/Online Courses Only - SRSU Distance Education Statement:**

Students enrolled in distance education courses have equal access to the university's academic support services, such as library resources, online databases, and instructional technology support. For more information about accessing these resources, visit the SRSU website. Students should correspond using Sul Ross email accounts and submit online assignments through Blackboard, which requires secure login. Students enrolled in distance education courses at Sul Ross are expected to adhere to all policies pertaining to academic honesty and appropriate student conduct, as described in the student handbook. Students in web-based courses must maintain appropriate equipment and software, according to the needs and requirements of the course, as outlined on the SRSU website. Directions for filing a student complaint are located in the student handbook.

**Core Curriculum Courses:**

- Critical Thinking. Students will develop critical thinking skills to include creative thinking, innovation, inquiry, and analysis, evaluation and synthesis of information.
- Empirical & Quantitative Skills. Students will develop empirical and quantitative skills to include the manipulation and analysis of numerical data or observable facts resulting in informed conclusion.

**Libraries:**

The Bryan Wildenthal Memorial Library in Alpine. Offers FREE resources and services to the entire SRSU community. Access and borrow books, articles, and more by visiting the library's website, [library.sulross.edu](http://library.sulross.edu). Off-campus access requires logging in with your LoboID and password. Librarians are a tremendous resource for your coursework and can be reached in person, by email ([srsulibrary@sulross.edu](mailto:srsulibrary@sulross.edu)), or phone (432-837-8123).

The Southwest Texas Junior College (SWTJC) Libraries at Uvalde, Del Rio, and Eagle Pass. Offer additional access to library spaces and resources. Del Rio, Eagle Pass, and Uvalde students may also use online resources available through SWTJC website, [library.swtjc.edu](http://library.swtjc.edu). The SWTJC Libraries serve as pick-up locations for InterLibrary Loan (ILL) and Document Delivery from the Alpine campus.

**Academic Integrity:**

Students in this class are expected to demonstrate scholarly behavior and academic honesty in the use of intellectual property. A scholar is expected to be punctual, prepared, and focused; meaningful and pertinent participation is appreciated. Examples of academic dishonesty include but are not limited to: Turning in work as original that was used in whole or part for another course and/or professor; turning in another person's work as one's own; copying from professional works or internet sites without citation; collaborating on a course assignment, examination, or quiz when collaboration is forbidden.

**Classroom Climate of Respect:**

Importantly, this class will foster free expression, critical investigation, and the open discussion of ideas. This means that all of us must help create and sustain an atmosphere of tolerance, civility, and respect for the viewpoints of others. Similarly, we must all learn how to probe, oppose and disagree without resorting to tactics of intimidation, harassment, or personal attack. No one is entitled to harass, belittle, or discriminate against another on the basis of race, religion, ethnicity, age, gender, national origin, or sexual preference. Still we will not be silenced by the difficulty of fruitfully discussing politically sensitive issues.

**Diversity Statement:**

"I aim to create a learning environment for my students that supports a diversity of thoughts, perspectives and experiences, and honors your identities (including race, gender, class, sexuality, religion, ability, socioeconomic class, age, nationality, etc.). I also understand that the crisis of COVID, economic disparity, and health concerns, or even unexpected life events could impact the conditions necessary for you to succeed. My commitment is to be there for you and help you meet the learning objectives of this course. I do this to demonstrate my commitment to you and to the mission of Sul Ross State University to create an inclusive environment and care for the whole student as part of the Sul Ross Familia. If you feel like your performance in the class is being impacted by your experiences outside of class, please don't hesitate to come and talk with me. I want to be a resource for you."

**Incomplete Grades:**

PLEASE AVOID INCOMPLETE GRADES. ALL ASSIGNMENTS ARE DUE ON THE DATES OUTLINED IN THE SYLLABUS. It is the responsibility of students to notify the Professor if they cannot make an assignment or will not be able to log-on to the class. Please call me at 830/758-5017 if you do not plan to participate in a class discussion question or feel you will be missing an assignment. If I do not hear from you in regards to missed assignments, I will NOT allow an excuse for the missed work.

**Drop Policy:**

If you discover that you need to drop this class, you must contact the Records Office and ask for the necessary paperwork. Professors cannot drop students; this is always the responsibility of the student. The Record's Office will give a deadline for which the paperwork and form, if required, must be returned, complete and signed. If you discover that you are still enrolled, FOLLOW-UP with the Records Office immediately. You are to attend class until the procedure is complete to avoid penalty for absence. Should you miss the deadline or fail to follow the procedure, you will receive an **F** in the course.

**The Sul Ross State University Quality Enhancement Plan (QEP):**

Sul Ross State University is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS). As part of the reaffirmation process, SACS requires every institution to develop a Quality Enhancement Plan (QEP) that enhances student learning. Sul Ross has developed a QEP called *Putting Your Words to Work* that requires students to write different kinds of papers and deliver oral presentations for courses in all departments. Sul Ross is committed to enhancing students' written and oral communication skills which means that students should be writing and speaking significantly more in courses across all departments.

To prepare for the increased number of written assignments, students should make every effort to enroll in English 3312 in their first semester at SRSU. Students should expect to write and speak professionally in all courses, not just English classes. In this course, **Constitutional Issues in Corrections**, students will write various papers and present student work to other students and the Professor, as discussed herein.

Again, I want this class to be useful to you in your future careers. And, if I can assist you in any way, please stop by and see me or call/e-mail me. If a problem is to arise during the semester, please contact me immediately so that we can work out a solution. Do not wait until it is too late to remedy the problem



**Tentative\***  
**Schedule of Classes and Assignments**

<b>Week</b>	<b>Topic</b>	<b>Reading</b>
<b>Week 1</b>	<b>Focus:</b> Detail class expectations; provide a foundation for the study of statutory, constitutional, and international rights; & provide an introduction & broad overview of the subject matter: constitutional rights of prisoners and detainees.	
<b>Week 2</b>	Female prisoners: A 21 <sup>st</sup> Century profile  <b>Focus:</b> Explore the characteristics of female prisoners in the US, paying particular attention as to how and why female criminality has shifted over the years.	Urbina: Preface,  Chapters 1 & 2
<b>Week 3</b>	Life before prison; the road to prison  <b>Focus:</b> Detail the realities that women experience before their arrest and subsequent incarceration; and examine the intertwining forces that “pave” the road to jail or prison.	Urbina: Chapters 3 & 4
<b>Week 4</b>	Life behind bars . . . cages of steel  <b>Focus:</b> Examine the everyday realities of living behind prison bars, as people who broke the law, but, nonetheless, as people trying to cope with the challenges they confront, like not being able to see their young children.	Urbina: Chapter 5
<b>Week 5</b>	Health care in prison: A question of justice  <b>Focus:</b> With inmates’ health care being a critical element for their rehabilitation, how they serve their time in prison, and the prospect of “survival” once released from prison, health care service delivery will be analyzed.	Urbina: Chapter 6
<b>Week 6</b>	Living under the same roof; critical issues: 21 <sup>st</sup> Century challenges  <b>Focus:</b> With the American penal system already being the largest in the developed world, the multiple challenges currently confronting both inmates and the correctional system will be examine.	Urbina: Chapters 7 & 8
<b>Week 7</b>	<b>“Reflection Week”:</b>  <b>Focus:</b> “Reflection Week” is designed to give students the opportunity to reflect (think and act) on what has transpired during the first half of the semester, and, more fundamentally, how things “fits” into their broader academic career, professional life, and personal life.	
<b>Week 8</b>	<b>Movie:</b> <i>12 Angry Men</i>  <b>Mid-Term Exam</b>  <b>Focus:</b> The selected movie gives students a vivid illustration as to how various historical and legal elements are tied, and, more importantly, how they influence judicial proceedings in American jurisprudence, including final outcomes.	
<b>Week 9</b>	Life after prison . . . the shadow of the night . . .  <b>Focus:</b> Detail the experience of prisoners once they are released from prison; how they integrate with society; challenges they face upon release; and prospects for staying out of prison.	Urbina: Chapters 9 & 10

<b>Week 10</b>	<p>Use of force; corporal punishment; visitation; searchers</p> <p><b>Focus:</b> Detail the major forces defining and shaping the nature of crime and punishment: historical, theoretical, cultural, financial, political, philosophical, ideological, etc.</p>	Palmer & Palmer: Chapters 1-3
<b>Week 11</b>	<p>Use of mail/telephone; isolated confinement; religion</p> <p><b>Focus:</b> Explore the prison experience, life behind bars, focusing on various issues that while sensitive and often polemic, are essential as to how inmates do their time in prison.</p>	Palmer & Palmer: Chapters 4-6
<b>Week 12</b>	<p>Legal service; disciplinary proceedings; parole</p> <p><b>Focus:</b> From a judicial standpoint, analyze services and proceedings for inmates while incarcerated and in preparation for their release, vital elements for life after prison.</p>	Palmer & Palmer: Chapters 7-9
<b>Week 13</b>	<p>Rehabilitation; civil &amp; criminal litigation</p> <p><b>Projects are due</b></p> <p><b>Focus:</b> Detail the evolution, objectives, and dynamics of inmate rehabilitation; and examine the logistics of civil and criminal litigation, which is crucial for both inmates and correctional staff.</p>	Palmer & Palmer: Chapters 10-12
<b>Week 14</b>	<p>Litigation reform; human rights</p> <p><b>Focus:</b> Examine past and current legislative reform as it pertains to prisoners and detainees; and explore the prison experience within the context of human rights.</p>	Palmer & Palmer: Chapters 13-14
<b>Week 15</b>	<p>Conclusion: Reflections and thoughts for the future</p> <p><b>Focus:</b> As the final week of regular class, the various topics discussed during the semester will tied together, placing them within a broader framework; that is, globalization, to include the globalization of knowledge. Concluding with recommendations for the future, as we continue the discourse on constitutional rights for prisoners and detainees.</p>	Nieling & Urbina: Epilogue
<b>Week 16</b>	<b>Final Exam: TBA</b>	

\*The syllabus is likely to be **amended** during the semester at the discretion of the Professor!

**Note:** Projects will be due at the beginning of the class, and no late assignments will be accepted.

### Mini-Project Suggestions

1. With fellow students, family members, or friends, discuss the issue of whether undocumented people should be entitled to the same statutory and constitutional rights as their counterparts; that is, US citizens and legal residents. WHY? Or, WHY NOT?
2. With fellow students, family members, boy-friends, or girl-friends, discuss the issue of whether the US criminal justice system is honoring international treaties, like Article 36 of the Vienna Convention, regarding prisoners and detainees.
3. Visit different courtrooms in the area (local, state or federal) during the prosecution of criminal defendants. Compare what you see with the descriptions in this class. Keep a diary of your experience.
4. Find interesting stories in newspapers and magazines pertaining to the constitutional rights of prisoners and detainees, like the prosecution, detention, and incarceration of Puerto Rican *Nationalists* (you might want to read Urbina's article on Puerto Rican Nationalists), and report on them in class. Another topic could be the execution of foreign nationals, like Latinas and Latinos, in the US (you might want to read Urbina's publications on the execution of Latinos). Explain what you find interesting about the stories.
5. Watch a documentary, video, or movie on the September 11, 2001 attacks on the US and examine the influence of post 9/11 anti-terrorism legislation, like Patriot Act 1 & 2, on prisoners and detainees.