

The Issues and Constitutional Rights in Corrections

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Corrections

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Constitutional Rights of Incarcerated Persons

Establishing and administering prisons as well as inmate rights is primarily governed by federal and state laws. Though inmates do not fully exercise their constitutional rights, they are at least protected by the 8th amendment, which prohibits harsh and inhumane punishment (Hylton, 2017). Further, the bill also ensures that prisoners are provided with minimum living standards. This is evident in the case of *Brown v. Plata*, where an issue of overpopulation was raised and whether deficiencies in medical care was against the prisoners' 8th amendment rights. The Supreme Court held that the court had set a population limit to address the issue of overpopulation and to remedy the violation of prisoners' constitutional rights in California prisons (Rogan, 2012). Though they are stripped off some constitutional rights, prisoners still retain some rights including a right to receive a comprehensive process in administrative appeals and to be involved in the parole process. Also, prisoners are protected by the equal protection of the 14th amendment, which supports fair treatment of all inmates regardless of their sex, race, or creed. Furthermore, the law also protects prison inmates from discrimination based on their origin, sex, race, or religion. Moreover, inmates are also given the rights to religion and speech provided that these rights do not affect their status.

How Constitutional Rights of Incarcerated Persons Have Been Addressed by the U.S Supreme Court

In the case of *Brown, Governor of California, et al. V. Plata, et al.*, the supreme ruled out that population limit was essential to obtain redress from the abuse of inmates' constitutional rights. In a case where prison denies inmates of their rights, such as basic sustenance and the necessary medical care, the court has the mandate to recover from the resulting violation of the 8th amendment. However, for this to be operational, various options must be considered, including appointing a special master or receiver, the likelihood of consent decrees, and an order setting the limit for the prison population. At the time the Supreme Court was giving a ruling on the case, the prison population was approximately 160,000 which was twice the figure that the prison was designed to hold (Newman & Scott, 2012). The high population, therefore, raised the issue of overcrowding, which was the basis for the majority decision. The severe budgetary reductions and economic peril hindered the California prison from finding its way out of the crisis. They were therefore given a maximum of two years to address the issue and reduce the population to the court-mandated population limit.

Cultural Sensitivity and Diversity Issues in Corrections

Exercising fairness is crucial in the criminal justice system to instill faith among Americans. Though it can at times, work against the idea of a fair and unbiased criminal justice system, cultural diversity is essential in a diverse nation like America. The criminal justice system is composed of various elements, including courts, prisons, and law enforcement officers. Further cultural diversity in the U.S means that the nation consists of people from different cultures, values, and beliefs. Diversity is vital in many ways, including developing new ideas and problem-solving abilities (Ross, 2016). However, it may also be a problem in the practice of racial profiling, where police use stereotypes as opposed to facts to make a judgment. Cultural sensitivity, on the other hand, entails skills that enable individuals to learn and understand other

people from different cultures. A culturally sensitive system enhances cooperation and understanding among the corrections staff and the inmates. This makes it easy to prevent issues such as sexual harassment that may arise.

In conclusion, has highlighted the constitutional rights of incarcerated persons and how they are addressed as well as cultural sensitivity and diversity issues in corrections. Though inmates do not fully exercise their constitutional rights, they are at least protected by the 8th amendment, which prohibits harsh and inhumane punishment. Prisoners should be provided minimum standards of living. Further, cultural sensitivity and diversity are vital in correctional systems as they ensure a fair and unbiased criminal justice system.

References

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