

Criminal Justice: An Overview of the System

Module 6: Prisons, Jails, and Community Corrections

Section 6.3: Prisoner's Rights

Estelle v. Gamble (1976): A ruling by the SCOTUS that deliberate indifference to an inmate's serious medical needs could result in a successful Section 1983 lawsuit, but medical malpractice did not rise to that standard.

Hudson v. Palmer (1984): A landmark SCOTUS decision in which the Court determined that inmates do not have a reasonable expectation of privacy in their living quarters, thus suspicionless searches are not unreasonable.

Johnson v. Avery (1969): A landmark SCOTUS decision that articulated the right of access to the courts.

Political Right: The right to participate in the selection and operation of government, such as the right to vote; these rights are severely curtailed when a person is convicted of a crime and sent to prison.

Right to Access to the Courts: A right of inmates that is not specifically described in the Constitution; articulated by the Supreme Court based on several provisions of the Bill of Rights.

Right to Assemble: The First Amendment guarantees the right of the people to gather together, so long as they do so peacefully.

Right to be Free from Cruel and Unusual Punishment: A right guaranteed by the Eighth Amendment; what constitutes cruel and unusual punishment tends to evolve over time.

Right to Free Speech: The First Amendment guarantees the right of the people to share their ideas with others; often referred to as the freedom of expression.

Right to the Free Exercise of Religion: A right guaranteed by the First Amendment, so long as the practice does not run afoul of a "public morals" or a "compelling" governmental interest.

Right to Vote: As a general rule, all Americans have the right to vote in government elections; the voting rights of persons convicted of crimes vary from state to state.

Shakedown: A thorough search of a prisoner's person or cell.

Wolff v. McDonnell (1974): A SCOTUS decision in which the court held that prisoners have specific due process rights in prison disciplinary proceedings, such as written notice of charges, a written statement of evidence, and the right to present evidence and call witnesses.