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**CJUS320 Mini Paper**

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### **CJUS320 Mini Paper**

In the United States, prisoner rights are grounded on four legal foundations; the American constitution, state statutes, federal statutes, and the state constitution. The American constitution is absolute and takes priority over any other legal decree as it is regarded as the nation's supreme law. Nonetheless, the constitution does not explicitly address issues to do with prisoner rights. Federal statutes are by-laws enacted by the United States Congress and can impose certain limits on inmates' rights incarcerated in federal prisons. In addition to that, state constitutions are created to mirror the country's constitution and may have more precise details touching on each state's corrections. However, these state constitutions cannot and do not give incarcerated individuals more rights than the United States of America (Kumor, 2020).

On the other hand, state statutes sanction individual states to retain their police units, hence granting the states the capacity to enact laws that go beyond state constitutions to safeguard their residents' health, security, and well-being. In addition to that, the legal foundations of inmate's rights play a crucial role in ensuring that all incarcerated persons in the American criminal justice system are accorded fair treatment and their rights are upheld. Failure to adhere to these legal principles may see an accused person or secure inmate freedom after a successful appeal. After all, Leviticus 19:5 pronounces, never pervert justice and not show partiality to less fortunate or favoritism to well to do people but judge everyone fairly (Bible, n.d).

Moreover, the first, fourth, eighth, and fourteenth amendments uphold prisoners' rights from the American constitution perspective. The first amendment touches on freedom of expression and speech. Its major association with prisoner's rights is that it leans towards expression, hence allowing certain elements like prison visitations and access to mail services.

Also, the first amendment protects a prisoner's right to practice religion or associate with others. In addition to that, the fourth amendment does not protect prisoners' rights regarding unwarranted searches and confiscation. In this regard, prison officers are allowed to watch prisoners in their cells and conduct periodic searches in these facilities. The fourth amendment no longer accords incarcerated individuals the right to privacy because there is a need for prison authorities to access prisoner's belongings and their living areas for security purposes. Likewise, the eighth amendment forbids harsh and unfamiliar punishment of prisoners. Such acts might result in lawsuits claims by incarcerated persons. For instance, prison officials use force against inmates or officers failed to protect inmates from attacks by fellow prisoners or punish prisoners by confining them in improper areas. Where these acts are committed, an inmate can sue the correctional officials. The courts can determine the offense by scrutinizing injuries to the prisoners or the force used against the inmates. The fourteenth amendment assures every American citizen equal protection under the constitution (Voros, 2017). Essentially, this means that regardless of whether one is in prison or not, they are protected under the American constitution. For instance, inmates are protected against discrimination based on their gender, race, or religion.

Pre-trial detention is the confinement of a suspect before the commencement of their criminal proceedings in a court (Nagy, 2016). Pre-trial detention happens when an accused cannot post bail or denial of release, citing a pre-trial custody decree. Sadly, pre-trial detention violates the first, fourth, eighth, and fourteenth Amendments on prisoner rights. Nagy (2016) argues that pre-trial detention rights are abused and overlooked because a pre-trial detainee has not been convicted of any wrongdoing, hence not considered guilty like convicted prisoners. In

this regard, pre-trial detainees' rights must be protected until they are proven guilty or otherwise by a court of law.

In conclusion, if an offender believes they are a victim of rights violation, they can take mechanisms and measures. For instance, inmates can file a complaint in court through their lawyer. However, before seeking the courts' interventions, prisoners must exhaust the internal prison mechanisms that deal with inmate grievances, which works to their disadvantage in most cases. Also, being in prison means a majority of inmates are unable to raise attorney fees. However, where inmates manage to do so, pursuing the courts' intervention has resulted in prison facilities incurring huge fines. Also, inmates enjoy these rights to the extent that applying these fundamental rights does not impede their position as prisoners; where inmates exercise these rights in a manner that interferes with the prison order, security, or discipline, these rights may be curtailed by the prison officers.

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