

Supreme Court Cases for AJ 104

FIRST AMENDMENT: SPEECH

Procunier v. Martinez (1974)

Several California prison inmates brought a class-action suit against the California Department of Corrections alleging unreasonable mail censorship, specifically censorship of mail containing inmate complaints, grievances, and inflammatory views or beliefs. *The Supreme Court agreed with the inmates and ruled that the mail censorship provisions used by the California Department of Corrections were unconstitutional, although any mail that is potentially disruptive of inmate discipline may be censored. Further, any censorship policy must demonstrate that such censorship furthers a particular government interest unrelated to such suppression. Thus authorities may not censor mail simply because it contains unflattering opinions about them or their staff.*

Turner v. Safley (1987)

Prison inmates filed a class-action suit against the Missouri Division of Corrections, alleging that prison regulations forbidding or restricting mail between family members who are inmates at other institutions are unconstitutional. Further, the inmates alleged that a rule was unconstitutional that permitted inmates to marry only when there were compelling circumstances, such as pregnancy or the birth of an illegitimate child. *The Supreme Court declared that the regulations prohibiting inmate marriages are unconstitutional. However, regulations regarding mail exchanges between related inmates in different prisons, as well as other inmate rights, should be determined as follows: such regulations are valid as long as they are related reasonably to legitimate penological interests, such as prison security, rehabilitation, security, and the orderly running of the institution. Thus, this case sets specific standards that declare the difference between inmate and institutional rights. Institutional regulations will prevail under the conditions specified above. One example of why prisons would not want to permit certain types of mail exchanges between prisoners in different institutions is the potential for institutional disruption and the perpetuation of inmate gang activities. Gang members of different institutions would be in a better position to establish regular mail networks between other gang members elsewhere. This is a legitimate concern and penological interest that would suffice to prohibit such prisoner information exchanges.*

Thornburgh v. Abbott (1989)

Several federal prisoners filed suit against the Federal Bureau of Prisons (FBP) to contest the regulations pertaining to the receipt of publications from different publishers. The FBP policy disallowed inmates to receive publications that were deemed detrimental to institutional order or discipline. *The Supreme Court agreed with the FBP and its policy, saying that the government, in disallowing certain publications, must show (1) That there is a rational connection between the policy and the government interest put forward to justify it; (2) that there is a potential impact of the policy on correctional staff and inmates alike; (3) whether there are alternative means of asserting rights available to prisoners; and (4) the existence of available alternatives to the regulation.*

FIRST AMENDMENT: RELIGION

Fulwood v. Clemmer (1962)

Muslim faith recognized as a religion

Gittlemacker v. Prasse (1970)

The defendant must be permitted to practice faith but it is not required that clergy be provided for them.

Kahane v. Carlson (1975)

It is permissible for Orthodox Jews to diet according to their religion.

Therriault v. Carlson (1977)

It is not permissible for fictitious religions to be practiced while incarcerated.

O'Lone v. Estate of Shabazz (1987)

Several Muslim prisoners in a New Jersey penitentiary filed suit alleging their First Amendment rights to religious freedom were being violated. Specifically, they objected to work assignments that interfered with their returning, during daytime hours, to buildings on prison grounds where religious services were observed. This was a prison policy based on security reasons. *The Supreme Court disagreed with the inmates, saying that to accommodate the particular religious idiosyncrasies of inmates would jeopardize prison security in an unreasonable way. Thus, prison policies geared to maintain security of prisons, even though they prevent inmates from exercising their right to worship, are constitutional policies.*

Cruz v. Beto (1972)

Cruz, a Buddhist, was a prisoner in the Texas Department of Corrections. He was prohibited from using the prison chapel, from communicating with his prison inmate Buddhist representative, and from reading newspapers or obtaining news from any other sources. He was placed in solitary confinement on a diet of bread and water for two weeks as a punishment for sharing some magazines about Buddhism with other inmates. He filed suit against the Texas Department of Corrections for violating his First Amendment freedom of religion rights. *The Supreme court ruled that inmates with unconventional religious beliefs must be given a reasonable opportunity to exercise these beliefs, comparable to the opportunities of other inmates to exercise their own religious beliefs.*

FOURTH AMENDMENT

Lee v. Downs (1981)

The facilities must make an effort to provide same sex officers in toilet and bathing areas.

Hudson v. Palmer (1984)

Palmer was an inmate at Bland Correctional Center in Virginia, serving sentences for forgery and bank robbery. During a cell shakedown, where officers searched his cell, they discovered a torn pillow. They broke a few of Palmer's personal effects in the process of their search. Palmer sued the officers, alleging his Fourth Amendment right against an illegal search and seizure had been violated. He claimed that the officers needed probable cause and a search warrant to enter his cell and search it. *The Supreme Court disagreed, saying that prisoners have no reasonable expectation of privacy; further, correctional officers do not need probable cause of a warrant to search inmate cells from time to time for illegal contraband. If personal items are broken, intentionally or unintentionally, this is not a violation of the inmate's due-process rights in violation of the Fourteenth Amendment.*

U.S. v. Hitchcock (1972)

The warrantless search of a cell is permissible. An inmate's cell does not carry the same rights as one's private property or auto.

EIGHTH AMENDMENT

Bell v. Wolfish (1979)

This case involved the minimum-security Metropolitan Correctional Center in New York City, a facility operated by the United States Bureau of Prisons and designed to accommodate 449 federal prisoners, including many pretrial detainees. It had been constructed in 1975 and was considered architecturally progressive and modern, generally a comfortable facility. Originally, the facility was designed to house inmates in individual cells. But soon, the capacity of the facility was exceeded by inmate overpopulation. Inmates were obliged to share their cells with other inmates. This double-bunking and other issues related to overcrowding eventually led to a class-action suit against the facility by several of the pretrial detainees and prisoners, including Bell. A lower court ruled in favor of the prisoners, holding that "compelling necessity" had not been demonstrated by prison officials in their handling of the overcrowding situation. *But the Supreme Court overturned the lower court and said that the "intent" of prison officials should decide whether double-bunking was intended as "punishment" or a simple deprivation because of necessity. Since no "intent" to punish pretrial detainees could be demonstrated, there was no punishment. Hence, the Eighth Amendment was not violated.*

Ruiz v. Estelle (1975)

It was ruled that the conditions of Texas prisons were unconstitutional.

Estelle v. Gamble (1976)

Gamble was an inmate in a Texas prison. He was injured while performing an inmate work assignment. During the next several months, he saw medical personnel on at least 17 occasions and subsequently was declared fit to work. He continued to refuse work assignments and eventually filed a Title 42 action alleging cruel and unusual punishment. Gamble alleged that personnel had not X-rayed his back and other body areas to determine whether bones were broken. *The Supreme Court said that whenever prison authorities ignore a prisoner's medical ailments or complaints, this would constitute cruel and unusual punishment arising from deliberate indifference to inmate medical needs. But in Gamble's case, it was clear that officials had not expressed deliberate indifference to Gamble's medical complaints; they had not acted negligently.*

Rhodes v. Chapman (1981)

Kelly Chapman and Richard Jaworski, two inmates of the Southern Ohio Correctional Facility, were housed in the same cell. They objected, contending that double-celling violated their constitutional rights. Furthermore, in support of their claim, they cited the facts that their confinement was long-term and not short-term as it was in *Bell v. Wolfish (1979)*, that physical

and mental injury would be sustained through such close contact and limited space for movement, and that the Ohio facility was housing 38 percent more inmates than its design capacity specified. *The Supreme Court ruled that double-celling in this long-term prison facility was neither cruel and unusual punishment nor unconstitutional per se. The court based its holding on the "totality of circumstances" associated with Chapman's and Jaworski's confinement. The "cruel and unusual" provisions of the Eighth Amendment must be construed in a "flexible and dynamic" manner. Thus, when all factors were considered, no evidence existed that Ohio authorities were wantonly inflicting pain on these or other inmates. These conditions, considered in their totality, did not constitute serious deprivation. Double-celling, made necessary by the unanticipated increase in prisoners in the facility, had not resulted in food deprivations, a decrease in the quality of medical care, or a decrease in sanitation standards.*

Whitley v. Albers (1986)

During a riot in the Oregon penitentiary, a corrections officer was taken hostage. After officials conferred about what to do in the situation, it was agreed that force should be used to effect the rescue of the officer; therefore, other correctional officers were armed and entered the riot area. They were instructed to "shoot low" in the event that they saw any prisoner who might pose a risk to them. As they entered the riot area, they saw a prisoner on a stairwell, and they fired, wounding the prisoner in the knee. The correctional officer was rescued and the riot was quelled. Afterwards, the wounded prisoner filed a Title 42 action against the prison staff participating in the shooting. *The Supreme Court decided in favor of the prison staff and their forceful methods, indicating that the infliction of pain in the course of prison security measures does not violate the Eighth Amendment protecting persons from cruel and unusual punishment. Thus prison officials may use forceful means to quell prison riots, and any resultant injuries to prisoners are neither "cruel and unusual" nor unconstitutional.*

Wilson v. Seiter (1991)

Wilson was a felon incarcerated in the Hocking, Ohio, Correctional Facility. Filing a Title 42 civil-rights claim against prison officials, he alleged that the conditions of his confinement violated his constitutional rights under the Eighth and Fourteenth Amendments. These conditions were improper ventilation, inadequate heating and cooling, excessive noise, unclean and inadequate restrooms, unsanitary dining facilities and food preparation, and housing with mentally and physically abusive inmates. *The suit was rejected by the Supreme Court, which declared that the prison officials must exhibit deliberate indifference to prisoner needs and living conditions before inmates will successfully prevail in their suits. Further, a culpable state of mind must be demonstrated on the part of prison officials. These difficult criteria mean that suits by prisoners alleging poor prison conditions will be difficult to sustain.*

FOURTEENTH AMENDMENT: Procedural Due Process

Due Process in Prison Discipline

Wolff v. McDonnell (1974)

Basic elements of a procedural due process must be present when decisions are made concerning the discipline of a prison inmate. In this Nebraska case, *the Supreme Court ruled that in procedures resulting in loss of good time or in solitary confinement, due process requires the following: advance written notice of the violation, written statement of fact findings, the prisoner's right to call witnesses and present evidence where it will not be hazardous to the operation of the institution, mail from attorneys to be opened and inspected in the presence of inmates, and prison records to be expunged if not in accord with required procedures.* (This case also dealt with the question of whether letters determined to be from attorneys may be opened by prison authorities in the presence of the inmate or whether such mail must be delivered unopened if normal detection techniques fail to indicate contraband. *The Supreme Court did not add a great deal of clarity to this issue in their decision. It indicated that attorneys must clearly identify themselves by placing their names and addresses in plain view on envelopes and that the letters should show that they came from lawyers. In any event, prison authorities may inspect and read any document leaving and entering the institution in an effort to determine whether inmates are abusing their rights by communicating about "restricted matters."*)

Baxter v. Palmigiano (1976)

In a Rhode Island prison, a convicted murderer, Palmigiano was serving a life sentence. During his confinement he allegedly incited other prisoners to riot, and he was summoned before the prison disciplinary board. He was advised that he might be prosecuted independently by the state for inciting other prisoners to riot, but for the time being, the board would hear and determine the factual nature of the charges against him. He was advised that his attorney could not be present during this hearing but that he himself could consult counsel substitutes. Palmigiano was forbidden to cross-examine persons giving testimony against him. He was also advised that he could remain silent but that his silence could lead the board to regard him unfavorably. He remained silent, evidence was presented, and the board placed him in punitive segregation for thirty days. He filed a Title 42 contending that the disciplinary hearing had violated his due process rights. *The Supreme Court upheld the*

decision of the board declaring that prison inmates do not have a right to court appointed or private counsel in disciplinary hearings. Also, they cannot confront and cross-examine witnesses at all times. Although criminal defendants usually have the right to remain silent without incurring negative inference, in an inmate's case, silence is incriminating.

Vitek v. Jones (1980)

Jones was a Nebraska inmate transferred from a prison cell to the penitentiary hospital for mental illness. This transfer was made without a hearing. Jones later was placed in solitary confinement and set his mattress on fire, suffering burns. Subsequently, he was transferred, again, without a hearing, to a state mental hospital for commitment for an indefinite period. Jones sued under Title 42, alleging that his due process rights had been violated when he was transferred to a mental hospital without a hearing. *The Supreme Court agreed with Jones and held that before prisoners may be transferred to a mental institution from a prison, they are entitled to a hearing on the transfer. This is to ensure that their due process rights are observed.*

Sandin v. Conner (1995)

A Hawaiian prisoner, Conner, was placed in solitary confinement following a disciplinary hearing pertaining to a charge to misconduct. Conner wanted to call certain prisoners as witnesses on his behalf during the adjustment committee hearing, but the authorities denied his request. He appealed, arguing that his due process rights had been violated because of the committee actions. *The Supreme Court determined that Connor did not have a liberty interest in committee proceedings. Further, it determined that the committee action had not affected his parole eligibility date or sentence length. The Supreme Court said that in Conner's case, discipline in segregated confinement did not present the type of atypical, significant deprivation in which a state might conceivably create a liberty interest. Additionally, his confinement did not present a case where the state's action would inevitably affect the duration of his sentence, because the chance that the misconduct finding would affect his parole status was simply too attenuated to evoke the due process clauses procedural guarantee.*

Concept of "deliberate indifference"

Daniels v. Williams (1986)

Daniels was an inmate at the Richmond, Virginia, jail. He slipped on a pillow left on some stairs and injured his back. He filed a lawsuit Title 42 against Williams, a sheriff's deputy who worked at the jail and had left the pillow on the stairs. Daniels alleged that Williams' negligence had deprived him of his liberty interest and due process according to the fourteenth amendment. *The Supreme Court disagreed, saying the due process is not violated merely because of an official's negligent act that causes an unintentional loss of life, liberty, or property.*

Wilson v. Seiter (1991)

Wilson was a felon incarcerated in the Hocking, Ohio, correctional facility. Filing a Title 42 claim against prison officials, he alleged that the conditions of his confinement violated his constitutional rights under the eighth and fourteenth amendments. These conditions were improper ventilation, inadequate heating and cooling, excessive noise, unclean and inadequate restrooms, unsanitary dining facilities and food preparation, and housing with mentally and physically abusive inmates. *The suit was rejected by the Supreme Court which declared that prison officials must exhibit deliberate indifference to prisoner needs and living conditions before inmates will successfully prevail in their suits. Further, a culpable state of mind must be demonstrated on the part of prison officials. These difficult criteria mean that suits by prisoners alleging poor prison conditions will be difficult to sustain.*