

Prison Law

Code: 100458
ECTS Credits: 6

| Degree | Type | Year | Semester |
|---------------------|------|------|----------|
| 2500257 Criminology | OB | 3 | 2 |

Contact

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Use of Languages

Principal working language: catalan (cat)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: No

Other comments on languages

If the course is attended by international students, the course will be in Spanish

Prerequisites

Do not apply.

Objectives and Contextualisation

The main objective of the course consists in providing the student with the basic knowledge to be able to draft any report aimed to the Prison's Administration or to the Judge responsible for the enforcement of judgments relating to the situation of incarcerated people and, especially, about their access to prison privileges; to prison day-release permits or permissions to leave the prison; the disciplinary procedure or about the penitentiary classification.

On the other hand, other important objectives pursued by the course are to offer the student the necessary skills to be able to inform any incarcerated person about his situation as well as to know the reality of our prisons.

Competences

- Ability to analyse and summarise.
- Clearly explaining and arguing a carried out analysis about a conflict or crime problem and its responses in front of specialised and non-specialised audiences.
- Drawing up an academic text.
- Identifying the most appropriate and effective penal intervention for each particular case.
- Properly using the legal, psychological, pedagogical and sociological language.
- Respectfully interacting with other people.
- Students must demonstrate they know the legal framework and operating model of the crime control agents.
- Students must demonstrate they know the legal/penal response framework to criminality (constitutional law, police law, procedural law and criminal law).

- Using non-discriminatory and respectful language when referring to the several parties involved in conflict and criminality.
- Verbally transmitting ideas to an audience.
- Working autonomously.

Learning Outcomes

1. Ability to analyse and summarise.
2. Applying effectiveness criteria when using law in the field of criminology.
3. Applying the constitutional law in the criminological field.
4. Arguing criminality arguments in a verbal and polite way and without bias.
5. Arguing with accuracy legal concepts at a forum.
6. Drawing up an academic text.
7. Effectively communicating by using specific law terms.
8. Respectfully interacting with other people.
9. Using the legislation and its means of implementation to the criminal act.
10. Verbally transmitting ideas to an audience.
11. Working autonomously.

Content

I: Spanish penitentiary law

1. Overview
2. Origin and evolution of the Spanish penitentiary law
3. The prison judge.

II. Evolution of the prison

1. The birth of the prison as a punishment
2. Penitentiary systems
3. The Spanish progressive model

III. Organization of the prison

1. Overview
2. Types of prisons
3. Main aspects: admission and transfers, rights and duties, security and control

IV Classification and treatment

1. General overview
2. Assessment and classification. Risk assessment (*Riscanvi*). Individual treatment plan.
3. Types of classification: closed regime, ordinary regime and open regime

V. Management of prisons

1. Distribution of functions
2. Prison director, rehabilitation board and disciplinary board

3. Rehabilitation and surveillance staff

4. Reports of the prison staff.

VI. Prisoners rights and duties

1. The status of prisoner

2. Rights

3. Duties

4. Responsibility of the Prison Administration

VII: Prison conditions

1. Overview

2. Hygiene and nutrition

3. Healthcare assistance

4. Instruction, education and recreational activities

VIII Work and training

1. Overview

2. Prison work

3. Vocational training

4. The Agency for prison training and job settlement

IX: Contacts with the outside world

1. Overview

2. Accompanied exits and leaves

3. Communications

4. Packages

XI Disciplinary measures

1. Overview

2. Disciplinary infractions

3. Disciplinary sanctions

4. Procedure

XI. Release from prison

1. Overview

2. Parole

3. Indult

4. Rewards

XII Women and foreigners in prison

1. Overview

2. The Spanish and the International Rules regarding the contacts between incarcerated parents and their children.

3. The exercise of motherhood in prison.

4. The rights of the children of incarcerated parents

5. The situation of foreigners in Spanish's prisons.

Methodology

Classes of the "Prison Law" will combine theory and practice. The first part of the class will be devoted mainly to the theoretical study of the Prison Law based on the professor's explanation. Previously, the student will need to study in detail the subject in question. Sometimes, when this theoretical part ended, the student will be tested in order to verify his knowledge of the subject.

The second part of the class will be dedicated to the correction and commentary of the works presented by the students as well as to doubts and questions about the topic raised by students. Finally, it will be possible to discuss the news appeared along the week into the media regarding the reality of our prisons.

Activities

| Title | Hours | ECTS | Learning Outcomes |
|---|-------|------|-------------------|
| Type: Directed | | | |
| Discussion and resolution of cases studies | 15 | 0.6 | 5, 4, 7, 8, 10 |
| Lectures | 15 | 0.6 | 2, 3, 5, 1 |
| Practical cases in classroom | 4.5 | 0.18 | 5, 4, 7, 6, 1, 11 |
| Resolution of doubts, discussions and conferences | 4.5 | 0.18 | 5, 4, 7, 8, 1, 10 |
| Type: Supervised | | | |
| Assessment | 5 | 0.2 | 3, 5, 7 |
| Type: Autonomous | | | |
| Study of the subject | 106 | 4.24 | 2, 3, 7, 6, 11, 9 |

Assessment

There is only one evaluation model: the "continuous evaluation", that requires the attendance of the 100 of the classes. Non attendance is only justifiable in case of illness or similar reasons. Documentary evidence will be provided in case of non attendance.

The final grade for the course will be the average grade of the different works that the student has to present along the course (50%) as well as of the grades of two multiple choice exams that the student will do (50%). The average mark for the two exams must be, at least, a 5 in order to pass the course.

A minimum mark of 5 in the two items of assessment is required. In the case of failure of one of the two items of assessment (works and exams) with at least a mark of 3, a second chance will be given.

The student that cheat or attempt to cheat in the exam will fail it and will lose the right to a second chance. Plagiarism will conduct to a fail the essay. In the case of recidivism, the student will receive a fail mark.

Assessment Activities

| Title | Weighting | Hours | ECTS | Learning Outcomes |
|----------------------|-----------|-------|------|----------------------------|
| Assessments | 50% | 0 | 0 | 2, 3, 7, 6, 1, 11, 9 |
| Individual practices | 25% | 0 | 0 | 2, 3, 5, 7, 6, 8, 1, 10, 9 |
| Working groups | 25% | 0 | 0 | 2, 3, 5, 4, 7, 8, 10, 11 |

Bibliography

Compulsory readings:

* Coyle, A (2009). *La Administración Penitenciaria en el contexto de los derechos humanos. Manual para el personal penitenciario*. Londres: Centro Internacional del Estudios Penitenciarios, pp 11 a 33.

* Cutiño, S. (2015), Algunos datos sobre la realidad del tratamiento en las prisiones españolas. *Revista electrónica de Ciencia Penal y Criminología*, 17-11 (retrieved from: <http://criminet.ugr.es/recpc/17/recpc17-11.pdf>)

* Navarro, Carmen (2018). *El encarcelamiento femenino*. Barcelona: Atelier, pp. 69 a 102.

* Navarro, Carmen (2017). Las recientes reformas de la ejecución de la pena privativa de libertad. *Justicia*. 2, 275-318.

* Roca de Agapito, L (2017). La masificación de las cárceles: breve reflexión a propósito del caso de Estados Unidos. *Revista electrónica de Ciencia Penal y Criminología*, 19-07 (retrieved from: <http://criminet.ugr.es/recpc/19/recpc19-07.pdf>)

* Rovira M.;Larrauri Elena & Alarcón,P. (2018). La concesión de permisos. *Revista electrónica de Ciencia Penal y Criminología*, 20 (02), 1-26 (retrieved from: <http://criminet.ugr.es/recpc/20recpc20-02.pdf>)

Other recommended handbooks:

* Cervelló, Vicenta (2015). *Derecho penitenciario*. València: Tirant lo Blanch.

* Jewkes, Yvonne & Johnston, Helen (2006). *Prison readings: a critical introduction to prisons and imprisonment*. Devon: Willan Cullompton.

* Juanatey, Carmen (2016). *Manual de derecho penitenciario*. Madrid: lustel.

* Mir, C (2012). *Derecho Penitenciario; el cumplimiento de la pena privativa de libertad*. Barcelona: Atelier.

* Navarro, Carmen (2002). *Suspension y modificación del título ejecutivo*. Barcelona: J.M. Bosch editor.

* Navarro, Carmen (2002). *La ejecución de la pena privativa de libertad. Garantías procesales*. Barcelona: J.M. Bosch editor.

* Navarro, Carmen (2018). *El encarcelamiento femenino*. Barcelona: Atelier.

* Nistal, J. (2016). *El sistema penitenciario español "de un vistazo"*. Madrid: Grupo Criminología y Justicia.

* Tamarit, J. M (coord) (2005). *Curso de derecho penitenciario*. València: Tirant lo blanch.