

**Prison Law**

Code: 100458  
ECTS Credits: 6

Degree	Type	Year	Semester
2500257 Criminology	OB	3	2

## Contact

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## Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

## Teachers

Jose Luis Rodriguez Torres

Carlos de Miranda Vazquez

## 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.
- 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. Arguing criminality arguments in a verbal and polite way and without bias.
4. Arguing with accuracy legal concepts at a forum.
5. Drawing up an academic text.
6. Effectively communicating by using specific law terms.
7. Respectfully interacting with other people.
8. Using the legislation and its means of implementation to the criminal act.
9. Verbally transmitting ideas to an audience.
10. 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 Work and training

1. Overview
2. Prison work
3. Vocational training
4. The Agency for prison training and job settlement

## VIII: Prison conditions

1. Overview
2. Hygiene and nutrition
3. Healthcare assistance
4. Instruction, education and recreational activities

## IX: Contacts with the outside world

1. Overview
2. Accompanied exits and prison leave
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 seminars 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. Different practical works will be carried out by the students under the supervision of the professor in this seminars. As far as possible, videos about prisons will be projected and commented as well as conferences given by the professionals of the Penitentiary Administration. Finally, it will be possible to organise at the seminars voluntary activities to be carried out by the students in a Catalan prison.

Classes start on time. Except for justifiable reasons, late arrival and leaving the class before the end is not admitted.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Discussion and resolution of cases studies	9	0.36	4, 3, 6, 7, 9
Lectures	15	0.6	2, 4, 1
Practical cases in classroom	6	0.24	4, 3, 6, 5, 1, 10
Resolution of doubts, discussions and conferences	6	0.24	4, 3, 6, 7, 1, 9
Type: Supervised			

Assessment	5	0.2	4, 6
Type: Autonomous			
Study of the subject	109	4.36	2, 6, 5, 10, 8

## Assessment

### A) Continuous evaluation model

The continuous evaluation model- which is the recommended model- requires the attendance of the classes. No attendance is only justifiable in case of illness or similar reasons. Documentary evidence will be provided in case of no 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 mark of the exams must be, at least, a 4 in order to pass the course, provided that the average grade of both is a 5.

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) 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.

### B) Single evaluation model

Students will be assessed on the basis of a unique evaluation. This evaluation will include three types of activities:

a) Theoretical exam (50%). The format will be multiple choice. Duration: 60 minutes

b) Oral presentation (25%) before a University Tribunal: Two sections or subsections of the programme will be offered and the student must select one to present it orally. The student will be given a maximum of 10 minutes to prepare the presentation; next, the student will make the oral defense (5 minutes), and, finally, the student will answer the questions arisen by teaching staff.

c) Case paper (25%): The question(s) formulated in the case paper will have to be answered. The student can use the Ley Orgánica General Penitenciaria and the Reglamento Penitenciario in this activity. Duration: 60 minutes

To pass the course, the student needs a minimum score of 2,5 points in the exam, 1,25 points in the oral presentation and 1,25 points in the case paper. Only failed activity will be subject to re-evaluation.

### B) Single evaluation model

Students who follow this model of evaluation will have to take a final assessment in which they will demonstrate the acquisition of the subject's skills.

The final assessment included three different activities with a different value: a) a test about the whole subject; b) the resolution of a prison law case; c) an oral presentation of a written work before a court of three professors. These activities will be carried out on the same day.

In the case of failure of the final assessment a second chance will be given.

## Assessment Activities

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

## Bibliography

### Compulsory readings:

- Coyle, A. (2009). *La Administración Penitenciaria en el contexto de los derechos humanos. Manual para el personal penitenciario* (pp. 11-23). Centro Internacional de Estudios Penitenciarios.  
[https://www.prisonstudies.org/sites/default/files/resources/downloads/spanish\\_handbook.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/spanish_handbook.pdf)
- Cutiño, S. (2015). Algunos datos sobre la realidad del tratamiento en las prisiones españolas. *Revista electrónica de Ciencia Penal y Criminología*, 17, 1-41.
- García-Valdés C., (2019). Recuerdos de memoria: cómo se elaboró la Ley Orgánica General Penitenciaria. *Revista de Estudios Penitenciarios, Extra 2019*, 25-35.
- Güerri, Cristina, & Larrauri Elena (2022). ¿De qué se quejan las personas presas? Estudio del sistema de peticiones y quejas ante la administración penitenciaria en España. *Revista Electrónica de Ciencia Penal y Criminología*, 24, 1-26.
- Navarro, Carmen (2018). *El encarcelamiento femenino*. Atelier, 6-101.
- Navarro, Carmen (2017). Las recientes reformas de la ejecución de la pena privativa de libertad. *Justicia*, 2, 275-318.
- Rovira M., Larrauri, Elena & Alarcón, P. (2018) La concesión de permisos. *Revista electrónica de Ciencia Penal y Criminología*, 20, 1-26.

### Recommended bibliography

- Cervelló, Vicenta (2022). *Derecho penitenciario*. Tirant lo Blanch (disponible en la biblioteca digital UAB).
- Cid J., Pedrosa A., Navarro Carmen (2021). La experiencia del encarcelamiento en España, *Revista de Derecho Penal y Criminología*, 24, 161-192.
- Jewkes, Yvonne; Johnston, Helen (2006). *Prison readings: a critical introduction to prisons and imprisonment*. Willan.
- Juanatey, Carmen (2016). *Manual de derecho penitenciario*. Iustel.
- Mir, C. (2015). *Derecho Penitenciario. El cumplimiento de la pena privativa de libertad*. Atelier.
- Navarro, Carmen (2019). *Ejecución de la pena privativa de libertad*. Juruá (digital book available at the UAB library)
- Navarro, Carmen (2002). *La ejecución de la pena privativa de libertad. Garantías procesales*. J.M. Bosch editor.
- Nistal, J. (2016). *El sistema penitenciario español "de un vistazo"*. Grupo Criminología y Justicia.
- Tamarit, J. M. et al. (2005). *Curso de derecho penitenciario*. Tirant lo Blanch.

## **Software**

The subject does not require any specific software.