# Civil and Criminal Justice Systems

<table>
<thead>
<tr>
<th>Course</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Correctional Services</td>
<td>Everything that happens in the criminal justice system ultimately impacts correctional services. The civil system also impacts correctional services in some situations. Sometimes the changes that occur in these systems change things in corrections for the better. However, many times these changes have negative impacts. Students need to be aware that these changes are affecting the correctional system.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit III</th>
<th>History of Crime and Corrections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Question</td>
<td></td>
</tr>
<tr>
<td></td>
<td>What changes in the criminal or civil justice system have impacted correctional services?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TEKS</th>
<th>§130.297(c)(6)(B)(C)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Objectives

- The student will be able to
  1. Explore the impact of the United States legal system on the correctional system
  2. Define Key terms
  3. Differentiate between the civil and criminal justice systems
  4. Explain how change impacts correctional services

## Engage

Read the *Freeman v. TDCJ* lawsuit at [http://www.gpo.gov/fdsys/pkg/USCOURTS-txnd-7_12-cv-00085/pdf/USCOURTS-txnd-7_12-cv-00085-0.pdf](http://www.gpo.gov/fdsys/pkg/USCOURTS-txnd-7_12-cv-00085/pdf/USCOURTS-txnd-7_12-cv-00085-0.pdf). Discuss the fundamental issues being addressed in this lawsuit. What was the outcome of the lawsuit and how did it impact the Texas Department of Criminal Justice (TDCJ)? Use the Discussion Rubric for assessment.

## Key Points

### I. National and International Policies

#### A. Drug Policies

1. The war on drugs – large scale operations to stop the flow and distribution of drugs
2. Increased arrests of drug offenders
3. Implementation of mandatory sentencing
4. Policies have created prison overcrowding
5. Leaves less space available for violent offenders

#### B. Sentencing Policies

1. Mandatory sentencing guidelines fill prison beds
2. More money has to be spent to build more prisons which takes away from budgets for other programs and services within the prisons
3. Advocates for alternatives to incarceration for nonviolent offenders, such as probation and drug treatment programs; community supervision is then financially responsible for these offenders

#### C. Globalization Policies

1. Include labor, capital, goods, and services across borders
2. Creating multinational criminal organizations
   a. Results in federal crimes, filling the Federal Bureau of Prisons

II. Lawsuits
      1. Longest running lawsuit in U.S. history, costing the state and prison system millions
      2. Class action lawsuit over dangerous and degrading living and working conditions
      3. Ruiz claimed cruel and unusual punishment, a violation of the 8th amendment
         a. Overcrowding – 2–3 inmates housed in a single cell
         b. Security – too few guards; the prison was run by offenders known as “building tenders”
         c. Inadequate health care – an insufficient number of professional healthcare workers, use of non-professionals to perform professional duties, and a lack of psychiatric care
         d. Unsafe working conditions – lax safety procedures
         e. Severe and arbitrary disciplinary procedures
      4. Court ruling
         a. Limited inmate population to 95 % capacity, thus creating a need for the construction of new prisons
         b. Separated hardcore offenders that require a higher level of supervision
         c. Hired more guards
         d. Improved medical conditions

III. Statutory Laws
   A. Executions
      1. Hanging
         a. The method of execution in Texas from 1819–1923
         b. Were carried out in or by the county in which the crime was committed
      2. Electric Chair
         a. Texas authorized use of the electric chair in 1923
         b. All executions were moved to Huntsville
         c. The state became responsible for execution
         d. The first 5 offenders were put to death on 2/8/1924
         e. The last electrocution completed 7/30/1964
         f. Electrocution was declared unconstitutional under the 8th amendment in 1972
         g. Offenders on death row received commuted sentences; now housing offenders for life
      3. Lethal Injection
a. Texas amended the Penal Code in 1973, reinstating the death penalty
b. The state adopted lethal injection as the method of execution in 1977
c. January 12, 1996 – close friends and relatives of victims are now allowed to witness executions

IV. Executive Intervention
   A. Governor
      1. Clemency – an act of mercy through the executive branch, lessening the punishment given to a defendant. It is not forgiveness of the crime
         a. Ex – death penalty cases are usually commuted to life
         b. Since 1976, 276 death row inmates have received clemency for “humanitarian reasons”
         c. Humanitarian includes doubts about a defendant’s guilt or conclusion of the governor regarding the death penalty process
      2. Commutation of Sentence – reduction of legal penalties, especially incarceration; often conditional
      3. Pardon – to release a person from punishment, exempt them from penalty
         a. Conditional pardon – imposes a lesser punishment or some other obligation
         b. Pardoning is an act of clemency
         c. Restores civil rights
   B. President – the constitution allows the president to commute sentences and issue reprieves
      1. Reprieve – establishes a temporary delay in enforcement of the sentence imposed by a court, without changing the sentence or forgiving the crime
   C. Courts
      1. Stay of Execution – a court order to temporarily suspend the execution of a court judgment or other court order

V. Key Terms
   A. Alternative Service – a method of delivering to an uncooperative defendant
   B. Answer – a defendant’s written reply to a plaintiff’s petition
   C. Applicant/respondent – the party making application to the court or petitioning for some action
   D. Citation – an official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; the citation commands the defendant to answer and appear in court at a specific time
   E. Contempt – proceedings held to determine whether a person has
violated a lawful court order and to set punishment if a violation is found
F. **Default judgment** – can result when there is failure to perform some action required by law within a specified time. In a civil lawsuit, judgment by default may be rendered against a party who has failed to answer or appear as directed
G. **Diligent effort** – persistent activity, prudence, or care. Diligent effort is what is properly expected from a reasonable and prudent person under the particular circumstances
H. **Judgment** – the final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ
I. **Orders** – directions from a court or judge. A mandate or command
J. **Petition** – a document filed by the plaintiff with the court clerk which outlines the basis of the complaint against the defendant and the relief being sought from the court
K. **Plaintiff** – a party in a civil suit, mainly the one who initiates the suit by filing a petition
L. **Process** – all writs and official documents issued by courts in conjunction with pending suits
M. **Respondent** – the defendant, the person against which the suit is being brought
N. **Service** – the delivery of a writ, notice, injunction, etc. by an authorized person to a person who is thereby officially notified of some proceeding concerning him
O. **Show cause** – a notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice
P. **Tort** – a civil wrong alleging the plaintiff failed to perform a duty required by the defendant

VI. Civil vs. Criminal Law
A. Criminal Law
   1. Laws for the purpose of preventing harm to society
      a. Let society know what conduct is prohibited
      b. Prescribe the punishment to be imposed for prohibited conduct
      c. Include the definitions of specific offenses and general principles of criminal responsibility
      d. Ex: murder, assault, and criminal trespass
   2. Laws to regulate the conduct of individuals through the threat of fines and imprisonment
   3. The state brings the action against the defendant
   4. The level of proof required in a criminal case is beyond a reasonable doubt
5. Judgments are guilty or not guilty
6. If guilty, a fine, community service, or a period of confinement will be assessed

B. Civil Law
1. The portion of the law which defines
   a. The personal and property rights of individuals
   b. The right of an individual to seek redress or to prevent a wrong
   c. Any action other than criminal proceedings
   d. Ex: divorce, child custody, injunctions, and personal damage
2. Actions by correctional staff can become civil liability actions commonly resulting in civil action:
   a. Improper use of force
   b. Wrongful death
   c. Civil rights violations
   d. Official misconduct
   e. Sexual harassment
   f. Discrimination
3. Civil law defines the legal significance of public and private acts and regulates conduct through injunctions and monetary damage awards
4. The level of proof required in a civil case is usually a preponderance of evidence
5. The level of proof also depends on what the injured party is asking for
6. The party found liable for a wrongful act must compensate the wronged party
7. Verdict rendered by
   a. Judge or
   b. Jurors (5 out of 6, or 10 out of 12)

VII. Changes Affecting Corrections
A. Civil lawsuits
   1. Offenders allege violation of civil rights or constitutional rights
   2. The lawsuit is reviewed by the court and a judgment is rendered
   3. Action is taken to remedy the situation if necessary
   5. *Ruiz v. Estelle*

B. Case Law
   1. *Ruffin v. Commonwealth*, VA 1962 – an 1871 Virginia state court declared that “a convicted felon had ‘as a consequence of his crime, not only forfeited his liberty but also his personal rights; except those which the law in its humanity affords him.”
2. 1900s – incarcerated offenders were denied access to courts on any matter concerning treatment or incarceration
3. 1960s – courts interpreted the constitutional protections as extending to inmates
4. The Supreme Court rejected the “hands-off” approach

C. Legislation
1. Changes all aspects of services, programs, or treatment of offenders when laws are changed, added, or deleted
2. The federal Insanity Defense Reform Act of 1984, codified at 18 U.S.C. § 17, provides: “It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality of the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.”
3. Mandatory sentencing guidelines
4. New laws enacted

D. Societal Views
1. 1950s – scholars and the public understood that social influences play an important role in crime causation
2. Public scrutiny, along with state and national watchdog groups, affect sentencing, findings, and legislation

E. Prison Policies
1. Incidents within the prison dictate the need for change in policy to regulate such events for the future
2. Handling of incidents such as hostage situations, emergency disasters, and riots cause policy to be added or reformed based on previous performance
3. Policies change as a result of new trends. Ex: search procedures changed as a result of a large influx of cell phones into the correctional setting
4. Unethical behavior by staff members causes change in the prison. Staff members who are involved in inappropriate behavior or criminal offenses create a need for stricter guidelines and even legislation. It also changes staffing requirements which can be dangerous

F. Financial Impact
1. Current trends indicate that an economic recession tends to increase the number of property crimes committed, which ultimately creates a greater need in the prison
2. Federal, state, and local budget cuts and increases have a huge impact on the programs and services offered within the prison. The funding also impacts staffing, construction of new facilities, and modernization of older ones
3. Lawsuits cost the government millions of dollars, which takes
away from other services, programs, etc. Example: *Ruiz v. Estelle* lasted over a decade and major changes had to be implemented in the Texas prison system. This lawsuit overhauled the entire Texas prison system.

G. Special Prison Populations

1. Offenders with special needs create a need to change the way offenders are treated and the programs and services that are made available to them. Special prison populations driving these changes include:
   a. Young offenders
   b. Violent offenders
   c. Gang members
   d. The elderly
   e. Mentally ill/handicapped
   f. Serious medical conditions
   g. Substance abusers
   h. Homosexuals

**Activities**

Justice Systems Scramble. Divide the students into teams of four. Students will need enough paper to record all steps of each system, preferably all the same paper color per team. Students will research the steps of a civil trial and a criminal trial. Students will need to record the steps of each system onto the sheets of colored paper, listing two steps per sheet. Students will then fold the paper in half and cut the two steps apart. Once the students have made flash cards for each system, have them mix up the cards (paper). Students then will race to see who can categorize their cards the fastest. You may use several options for this portion and do not have to do this as a race.

**Option 1:** students will separate cards into civil steps and criminal steps

**Option 2:** Students will separate civil from criminal and then put them in the correct order under each system

Use the Individual Work Rubric for assessment.

**Assessments**

Civil and Criminal Justice Systems Exam and Key
Civil and Criminal Justice Systems Quiz and Key
Civil Law Key Terms Quiz and Key
Discussion Rubric
Individual Work Rubric
Presentation Rubric
Research Rubric
Materials
Civil and Criminal Justice Systems computer-based presentation
Civil and Criminal Justice Systems Key Terms
Construction paper or copy paper (color is preferred)
Markers
Internet

Resources
Texas Department of Criminal Justice
[http://www.tdcj.state.tx.us/death_row/dr_facts.html](http://www.tdcj.state.tx.us/death_row/dr_facts.html)

Do an Internet search for the following:
- Ehow 6593493 policies impact criminal justice system
- Comprehensive crime control act of 1984
- US courts and prison reform Ruiz Estelle Helen Clark Molanphy
- Answers topic stay of execution 2
- Criminal law uslegal federal insanity defense reform act

Accommodations for Learning Differences
For reinforcement, the student will research lawsuits and criminal court cases that have impacted the Texas Prison System. Remember, lawsuits are civil and will address a wrong that has been done, usually addressing civil rights violations. A criminal case will be based on a crime that has been committed. Use the Research Rubric for assessment.

For enrichment, students will work in teams to create new legislation that will impact the Texas Prison System. The new law may be to change a practice that already exists or to enact something that is new to the standard practices. Students will create a proposal for their new law to share with the class. Involve the class by dividing them into two groups: The House and The Senate. Each group gets to discuss the new law and decide if changes need to be made. The two parties (House and Senate) will need to mediate with the writer of the law to make it agreeable to all. Use the Presentation Rubric and the Discussion Rubric for assessment.

State Education Standards
*Texas Essential Knowledge and Skills for Career and Technical Education*
§130.297. Correctional Services (One to Two Credits).
(6) The student recognizes constitutional laws and laws of correctional systems. The student is expected to:
(B) explore the impact of the United States legal system on the correctional system;
(C) differentiae between the civil and criminal justice systems and explain how change impacts correctional services;

College and Career Readiness Standards
English/Language Arts Standards
V. Research
   A. Formulate topic and questions.
      2. Explore a research topic.

Cross-Disciplinary Standards
I. Key Cognitive Skills
   E. Work habits
      2. Work collaboratively.
Civil and Criminal Justice Systems Key Terms

1. **Alternative Service**: a method of delivering to an uncooperative defendant

2. **Answer**: a defendant’s written reply to a plaintiff’s petition

3. **Applicant/respondent**: a party making application to the court or petitioning for some action

4. **Citation**: an official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; the citation commands the defendant to answer and appear in court at a specific time

5. **Contempt**: proceedings held to determine whether a person has violated a lawful court order and to set punishment if a violation is found

6. **Default judgment**: can result when there is a failure to perform some action required by law within a specified time. In a civil lawsuit, judgment by default may be rendered against a party who has failed to answer or appear as directed

7. **Diligent effort**: persistent activity, prudence, or care. Diligent effort is what is properly expected from a reasonable and prudent person under the particular circumstances

8. **Judgment**: the final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ

9. **Orders**: directions from a court or judge. A mandate or command

10. **Petition**: a document filed by the plaintiff with the clerk of the court which outlines the basis of the complaint against the defendant and the relief being sought from the court

11. **Plaintiff**: a party in a civil suit, mainly the one who initiates the suit by filing a petition

12. **Process**: all writs and official documents issued by courts in conjunction with pending suits

13. **Respondent**: the defendant, the person against which the suit is being brought

14. **Service**: the delivery of a writ, notice, injunction, etc. by an authorized person to a person who is thereby officially notified of some proceeding concerning him

15. **Show cause**: a notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice

16. **Tort**: a civil wrong alleging the plaintiff failed to perform a duty required by the defendant.
Civil and Criminal Justice Systems Exam

1. _____ A method of delivering to an uncooperative defendant
   a) Alternative service
   b) Answer
   c) Diligent effort
   d) Service

2. _____ A defendant’s written reply to a plaintiff’s petition
   a) Citation
   b) Answer
   c) Order
   d) Show cause

3. _____ The party making application to the court or petitioning for some action
   a) Citation
   b) Defendant
   c) Applicant
   d) Plaintiff

4. _____ An official notice from a court of competent jurisdiction, issued to a defendant after
   a plaintiff’s petition is filed; commands the defendant to answer and appear in
   court at a specific time
   a) Default judgment
   b) Order
   c) Judgment
   d) Citation

5. _____ Proceedings held to determine if a person has violated a lawful court order and to
   set punishment if a violation is found
   a) Contempt
   b) Petition
   c) Service
   d) Tort

6. _____ Can result when there is failure to perform some action required by law within a
   specified time. In a civil lawsuit, this decision may be rendered against a party who
   has failed to answer or appear as directed.
   a) Alternative service
   b) Default judgment
   c) Show cause
   d) Judgment

7. _____ Persistent activity, prudence, or care that is properly expected from a reasonable
   and prudent person under the particular circumstances
   a) Alternative service
   b) Process
   c) Diligent effort
   d) Petition
8. The final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ.
   a) Default judgment
   b) Orders
   c) Answer
   d) Judgment

9. Directions from a court or judge; a mandate or command
   a) Orders
   b) Judgment
   c) Process
   d) Contempt

10. A document filed by the plaintiff with the clerk of the court which outlines the basis of the complaint against a defendant and the relief being sought from the court
    a) Citation
    b) Petition
    c) Default judgment
    d) Tort

11. All writs and official documents issued by courts in conjunction with pending suits
    a) Orders
    b) Petition
    c) Citation
    d) Process

12. The person against whom the suit is being brought
    a) Plaintiff
    b) Applicant
    c) Defender
    d) Respondent

13. The delivery of a writ, notice, injunction, etc. by an authorized person, to a person who is thereby officially notified of some proceedings concerning him
    a) Service
    b) Alternative service
    c) Show cause
    d) Process

14. A notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice.
    a) Citation
    b) Petition
    c) Order
    d) Show cause
15. _____ A civil wrong alleging the plaintiff failed to perform a duty required by the defendant.
   a) Tort
   b) Citation
   c) Answer
   d) Default judgment

16. _____ The United States legal system impacts the correctional system in many different ways. Which is not a way the correctional system is impacted?
   a) National and International policies
   b) Lawsuits
   c) Default judgment
   d) Statutory law

17. _____ What impact have drug policies had on the correctional system?
   a) Policies have created prison overcrowding
   b) Increase in federal crimes
   c) Takes away from budgets for other programs and services
   d) Limits inmate population to 95%

18. _____ Sentencing policies create mandatory sentencing, which in turn, fills prison beds. What options to incarceration have been considered?
   a) Probation
   b) Drug treatment programs
   c) Community supervision
   d) All are valid options to reduce overcrowding

19. _____ Globalization policies include labor, capital, goods, and services across borders. The result is creation of multinational criminal organizations.
   a) True
   b) False

20. _____ The longest running lawsuit in U.S. history was _____________________.
   a) Freeman v. TDCJ
   b) Ruiz v. Estelle
   c) Ruffin v. Commonwealth
   d) Civil rights act of 1983

21. _____ Which amendment did Ruiz allege had been violated by the prison system in his lawsuit?
   a) 4th amendment
   b) 5th amendment
   c) 8th amendment
   d) 6th amendment

22. _____ Which area was not addressed in Ruiz v. Estelle?
   a) Overcrowding
   b) Inadequate healthcare
   c) Safe working conditions
   d) Security
23. _____ The court’s decision in *Ruiz v. Estelle* included which items?
   a) Limits population of prison to 95%
   b) Separated different levels of offenders
   c) Improved healthcare
   d) All of the above

24. _____ Statutory laws affecting the correctional system include what laws?
   a) Method of execution
   b) Location of execution
   c) Supervision of execution
   d) All of the above

25. _____ Prior to 1923, Texas used which method of execution?
   a) Hangings
   b) Electric Chair
   c) Lethal injection
   d) None, capital punishment was deemed unconstitutional

26. _____ Prior to the electric chair, who was responsible for carrying out executions?
   a) Huntsville
   b) The state of Texas
   c) The county where the crime occurred
   d) The prison system

27. _____ Which statement does not apply to the use of the electric chair?
   a) All executions were moved to Huntsville
   b) State was now responsible for executions
   c) Five offenders were put to death on 2/8/24
   d) Texas amended the Penal Code in 1973, reinstating the death penalty

28. _____ In what year did Texas adopt lethal injections as its method of execution?
   a) 1977
   b) 1973
   c) 1972
   d) 1996

29. _____ An executive intervention can be a result of intervention by all but which of the following:
   a) President
   b) Warden
   c) Courts
   d) Governor

30. _____ The governor of Texas may issue all but which of the following types of intervention?
   a) Clemency
   b) Reprieve
   c) Commutation of sentence
   d) Pardon
An act of mercy through the executive branch, lessening the punishment given to a defendant. It is not forgiveness of the crime.

a) Commutation of sentence
b) Pardon
c) Clemency
d) Conditional pardon

31. Clemency may be issued to an offender on death row for any reason the governor determines is worthy.
   a) True
   b) False

32. Reduction of legal penalties, especially incarceration, often conditional
   a) Pardon
   b) Commutation of sentence
c) Clemency
d) Conditional pardon

33. To release a person from punishment, exempt them from penalty
   a) Pardon
   b) Conditional pardon
c) Commutation of sentence
d) Clemency

34. The president may impose which type of intervention?
   a) Reprieve
   b) Clemency
c) Pardon
d) Commutation of sentence

35. Establishes a temporary delay in enforcement of the sentence imposed by the court without changing the sentence or forgiving the crime
   a) Clemency
   b) Commutation of sentence
c) Reprieve
d) Pardon

36. A court order to temporarily suspend the execution of a court judgment or other court order
   a) Clemency
   b) Commutation of sentence
c) Stay of execution
d) Pardon

37. Which offenses are examples of criminal law cases?
   a) Murder
   b) Assault
c) Criminal trespass
d) All are laws under criminal law
38. _____ Criminal law is designed to prevent harm to society. What other statement is also true of criminal law?  
   a) Regulates the conduct of individuals through the threat of fines and imprisonment  
   b) Level of proof is preponderance of evidence  
   c) Protects the rights of an individual  
   d) All of the above are characteristic of criminal law

39. _____ The level of proof required in a criminal case is beyond a reasonable doubt.  
   a) True  
   b) False

40. _____ Who brings action against the defendant in a criminal case?  
   a) Plaintiff  
   b) Respondent  
   c) The state  
   d) Defendant

41. _____ The portion of the law which defines the personal and property rights of individuals, the right of an individual to seek redress or to prevent a wrong, and any action other than criminal proceedings.  
   a) Criminal law  
   b) Civil law  
   c) Case law  
   d) Statutory law

42. _____ Which of the following is an example of civil law?  
   a) Divorce  
   b) Child Custody  
   c) Personal damage  
   d) All of the above are examples

43. _____ Which is not an action that may result in civil action?  
   a) Improper use of force  
   b) Official misconduct  
   c) Assaulting an inmate  
   d) Civil rights violations

44. _____ In civil cases, conduct is regulated through which two functions?  
   a) Fines and imprisonment  
   b) Monetary damage and injunctions  
   c) Injunction and imprisonment  
   d) Monetary damage and personal damage

45. _____ The level of proof required in a civil case is preponderance of evidence.  
   a) True  
   b) False

46. _____ In a civil case, the verdict rendered by the court must be unanimous.  
   a) True  
   b) False
47. _____ Changes affecting corrections include all but which of the following:
   a) Civil lawsuits
   b) Increase in death rate
   c) Case law
   d) Legislation

48. _____ The Civil Rights Act of 1983 was enacted to address the number of complaints in the prison system.
   a) True
   b) False

49. _____ The Supreme Court case Ruffin v. Commonwealth, VA concluded
   a) Offenders have forfeited liberty and personal rights
   b) Offenders can not be denied access to courts on matters of treatment
   c) Constitutional rights are not afforded to inmates
   d) The state needed to maintain a “hands-on” approach

50. _____ The Insanity Defense Reform Act of 1984 ruled the following:
   a) The state needed to be involved in all aspects of corrections
   b) It is an affirmative defense if the defendant suffered from severe mental illness and was unable to understand the wrongfulness of his actions
   c) Mandatory sentencing guidelines must be established at the federal level
   d) Constitutional protections were extended to inmates

51. _____ Prison policy impacts the correctional system tremendously. One of the ways it does so is by
   a) Changing policy to meet new trends, such as intensified searches in response to introduction of contraband
   b) Public scrutiny, along with state and national watchdog groups effect sentencing
   c) Ethical behavior by staff
   d) Examining offenders' civil rights

52. _____ Which of the following is not a justification for change in the correctional system?
   a) Finances
   b) Prison policies
   c) Special prison populations
   d) All of the above are factors

53. _____ Offenders with special needs create a need for change in the treatment, services and programs in the correctional setting. Which is not a special prison population?
   a) Young offenders
   b) Mentally ill or handicapped
   c) Gang affiliations
   d) General population offenders

54. _____ A party in a civil suit, mainly the one who initiates the suit by filing a petition.
   a) Applicant
   b) Respondent
   c) Plaintiff
   d) Answer
Civil and Criminal Justice Systems Exam Key

1. A
2. B
3. C
4. D
5. A
6. B
7. C
8. D
9. A
10. B
11. D
12. D
13. A
14. D
15. A
16. C
17. A
18. D
19. A
20. B
21. C
22. C
23. D
24. D
25. A
26. C
27. D
28. A
29. B
30. B
31. C
32. B
33. B
34. A
35. A
36. C
37. C
38. D
39. A
40. A
41. C
42. B
43. D
44. C
45. B
46. A
47. B
48. B
49. B
50. A
51. B
52. A
53. D
54. D
55. C
Civil and Criminal Justice Systems Quiz

1. Civil action against a police officer is not dependent upon a _________________ action.

2. A civil action is most commonly referred to as a _________________.

3. _____ Which of the following alleged actions of a correctional officer often results in civil suits against the officer and his or her employer?
   a. Improper use of force
   b. Official misconduct
   c. Disorderly conduct
   d. Both a and c
   e. Both a and b

4. A _________________ is any of the various, legally recognized private injuries or wrongs. A civil action.

5. The portion of laws which are not passed by the legislature but are decided in the courts is called _______________ law.

6. List three examples of civil lawsuits.
   a. _______________________
   b. _______________________
   c. _______________________

7. List three examples of criminal lawsuits.
   a. _______________________
   b. _______________________
   c. _______________________

8. Criminal law regulates the conduct of individuals through threat of _________________ and ________________.

9. In a civil lawsuit, the person seeking some sort of redress for an injury is called the _________________.

10. Civil law is regulated through __________________________ and ___________________ damage awards.

11. In a civil lawsuit, the person being sued is called the __________________________.

12. The standard of proof in a criminal case that the State must prove is __________________________

13. _____ A civil judgment must be by a judge or a unanimous verdict by the jury.
   a. True
   b. False

14. _____ A jury in a criminal trial will always be composed of twelve members.
   a. True
   b. False
Civil and Criminal Justice Systems Quiz Key

1. Criminal
2. Lawsuit
3. E
4. Tort
5. Case
6. a. Divorce  
   b. Child custody  
   c. Personal damage
7. a. Murder  
   b. Assault  
   c. Criminal trespass
8. Fines, imprisonment
9. Plaintiff
10. Injunctions, monetary
11. Defendant
12. Beyond a reasonable doubt
13. B
14. B
Civil Law Key Terms Quiz

Match the correct term with the appropriate definition.

1) _____Contempt
2) _____Show cause
3) _____Orders
4) _____Respondent
5) _____Plaintiff
6) _____Diligent effort
7) _____Alternative Service
8) _____Judgment
9) _____Default judgment
10) _____Petition
11) _____Process
12) _____Tort
13) _____Service
14) _____Answer
15) _____Application/respondent
16) _____Citation

a) The delivery of a writ, notice, injunction, etc. by an authorized person to a person who is thereby officially notified of some proceedings concerning him or her
b) Proceedings held to determine whether a person has violated a lawful court order and to set punishment if a violation is found
c) A party making application to the court or petitioning for some action
d) A method of delivering to an uncooperative defendant
e) A civil wrong alleging the plaintiff failed to perform a duty. Required by the defendant.
f) A party in a civil suit, mainly the one who initiates the suit by filing a petition
g) Directions from a court or judge. A mandate or command
h) The final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ
i) A defendant's written reply to a plaintiff's petition
j) Persistent activity, prudence, or care. It is properly expected from a reasonable and prudent person under the particular circumstances
k) All writs and official documents issued by courts in conjunction with pending suits
l) A notice to the defendant to either appear in court, prepare a written answer, or show cause for failing to respond to a previous order of the court. It may also be known as a notice
m) The defendant, the person against which the suit was being brought
n) An official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff's petition is filed; commands the defendant to answer and appear in court at a specific time
o) This can result when there is failure to perform some action required by law within a specified time. In a civil lawsuit, this may be rendered against a party who has failed to answer or appear as directed
p) A document filed by the plaintiff with the clerk of the court which outlines the basis of the complaint against the defendant and the relief being sought from the court
Civil Law Key Terms Quiz Key

1) B
2) L
3) G
4) M
5) F
6) J
7) D
8) H
9) O
10) P
11) K
12) E
13) A
14) I
15) C
16) N
# Discussion Rubric

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Participates in group discussion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encourages others to join the conversation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keeps the discussion progressing to achieve goals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shares thoughts actively while offering helpful recommendations to others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gives credit to others for their ideas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Respects the opinions of others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Involves others by asking questions or requesting input</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expresses thoughts and ideas clearly and effectively</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Points (32 pts.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Comments:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Individual Work Rubric

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Follows directions</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student completed the work as directed,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>following the directions given, in order</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and to the level of quality indicated</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Time management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student used time wisely and remained on</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>task 100% of the time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Organization</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student kept notes and materials in a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>neat, legible, and organized manner.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information was readily retrieved</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Evidence of learning</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student documented information in his or</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>her own words and can accurately answer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>questions related to the information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>retrieved</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Research/Gathering information (if</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>relevant)**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student used a variety of methods and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>sources to gather information. Student</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>took notes while gathering information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Points (20 pts.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:
## Presentation Rubric

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Topic/Content</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Topic discussed completely and in-depth</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Includes properly cited sources (if used)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Creativity/Neatness</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Integrates a variety of multimedia effects to create a professional presentation (transition and graphics) or appropriate visual aid used</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Title slide, table of contents, bibliography are included, using acceptable format</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Mechanics</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Grammar, spelling, punctuation, and capitalization are correct</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Image and font size are legible to the entire audience</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Oral Presentation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Communicates with enthusiasm and eye contact</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Voice delivery and projection are dynamic and audible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Audience Interaction</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Presentation holds audience’s attention and relates a clear message</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Clearly and effectively communicates the content throughout the presentation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Points** (20 pts.)

**Comments:**
## Research Rubric

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question/goal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student identified and communicated a question</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>or goal of the research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Research/Gathering information (if relevant)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student used a variety of methods and sources</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>to gather information. Student took notes while</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>gathering information</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Conclusion/Summary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student drew insightful conclusions and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>observations from the information gathered.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information is organized in a logical manner</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communication</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student communicated the information gathered</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and summary or conclusions persuasively.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student demonstrated skill in the use of media</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>used to communicate the results of research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Reflection</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student reflected on the importance of the</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>research and its potential application</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Points (20 pts.)**

**Comments:**