

Incarceration Law Syllabus

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About your faculty



Prof. Andrea Armstrong



Prof. Shanita Farris



Prof. Rob Harrison

At Loyola I teach the following courses:

- Criminal Law
- Criminal Procedure
- Constitutional Law
- Race and the Law
- Incarceration Law and Policy
- Law and Poverty

[Check out](#) my faculty page for more professional background and publications!

Contact: armstrong@loyno.edu

Co-teacher & Staff Attorney at Promise of Justice Initiative

Shanita Farris started as a legal fellow in 2016 and is now a staff attorney. Her work includes challenging the conviction and death sentence of individuals sentenced to death in Louisiana on direct appeal and in state post conviction. She also represents clients who were sentenced to juvenile life without parole. Shanita is the co-author of the "Dying in East Baton Rouge Parish Prison" report that exposed circumstances surrounding the death of individuals in East Baton Rouge Parish Prison, and assisted on the petition for writ of certiorari to the U.S. Supreme Court in *Ramos v. Louisiana*. Shanita is an alumna of Spelman College and the University of California, Berkeley, School of Law.

Contact: shanita.farris@gmail.com

Session leader & Licensed Clinical Social Worker

Robert J. Harrison LCSW is a male clinical social worker with over 12 years of experience. He is licensed to practice by the state board in Louisiana. He has provided individual and group therapy to assess, diagnose, treat, and prevent mental illness, as well as emotional and behavioral disturbances. LCSWs have additional hours of training that qualify them to work in clinical settings. Though the role of social workers and clinical social workers differs, their goal is the same: to act as an advocate for and improve the lives of their clients.

Contact: robjharrison1@gmail.com

Text: 504-327-7621

Course Overview



Course Description



Course Objectives



Course Materials

Class times:

Wednesday, 8:30-10:20

Office hours (online):

Mondays 1-3pm

Tuesdays 10-12pm

This class provides an overview of incarceration in the U.S., with a focus on the operation of the U.S. constitution within prisons and jails. Specific topics include prison health care, involuntary labor, freedom of speech and religion. This is a practical class that involves student filing of public records requests, investigation of deaths in the New Orleans jail, and assessing the transparency of an assigned facility in Louisiana.

2 credits

The objectives of the course are to master these particular areas of constitutional doctrine, to situate the doctrine within a particular historical context, and to further refine each student's legal reasoning, investigative and critical thinking skills. Check out the [specific skills](#) you'll need to learn!

Required Casebook:

Materials and edited cases posted on Canvas

Optimal Materials: For additional reference, see *Prisoners' Self-Help Litigation Manual* 4th Edition by John Material: Boston & Daniel Marville (2010)(available in the library)



Office Hours

MONDAYS 1PM-3PM (Armstrong)

Join Zoom Meeting

<https://loyno.zoom.us/j/92058724757?pwd=MlthVlisyYlhCUzFJRzFGRmROS2c0dz09>

Meeting ID: 950 5601 6894; Passcode: 443053

TUESDAYS 10AM-12PM (Armstrong)

Join Zoom Meeting

<https://loyno.zoom.us/j/99217487524?pwd=bTFIL2oyRXI4bjFmSUJ1MVZkdMlVndz09>

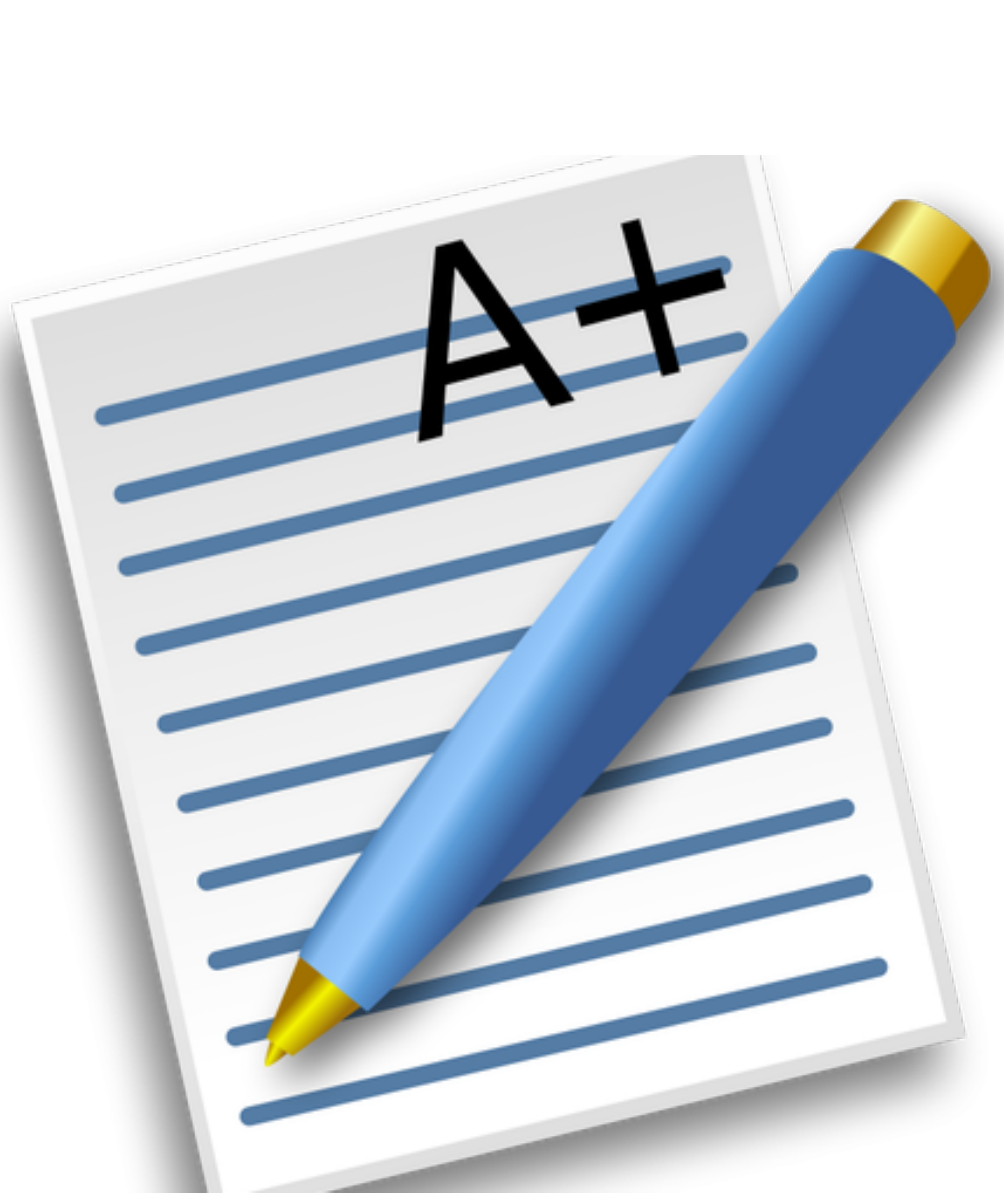
Meeting ID: 992 1748 7524; Passcode: 693914

THURSDAYS 10AM-11AM (Farris)

Join Zoom Meeting

<https://loyno.zoom.us/j/92058724757?pwd=SzB5dUJQdVQ4djI2bDIgaWhTdjl3dz09>

Meeting ID: 920 5872 4757; Passcode: 541430



Grading/Assessment

Your grade in this class is based on the following four components:

1. Public Records Requests: 25%
2. OPP Death Dossier: 25%
3. Pre-Litigation Memo: 40%
4. Class participation 10%

Assignment details, examples, and grading rubrics will be posted on Canvas class website!



Assignment #1

Public Records Requests (25%)

Each student will submit public record requests from a list of facilities assigned by the instructor.



Assignment #2

Narrative of OPP Decedent (25%)

Each student will compile a narrative dossier, with photos if available, about a person who died in the New Orleans jail, based on a list and criteria to be provided by the instructor.



Assignment #3

Pre-Litigation Memo (40%)

Each student will produce "Better Know a Louisiana Jail/Prison" project, which will include a memo about a specific carceral facility in Louisiana and a summary one page slide. Students will also be graded on their presentation to the class at the end of the semester.



Class Participation

(10%)

Participation is essential for an informed and thoughtful discussion. Class observations should be grounded in the assigned reading and related class work.

Active learning involves asking questions - either by raising your virtual hand for something being directly discussed or putting a question in chat for a related but distinct question.

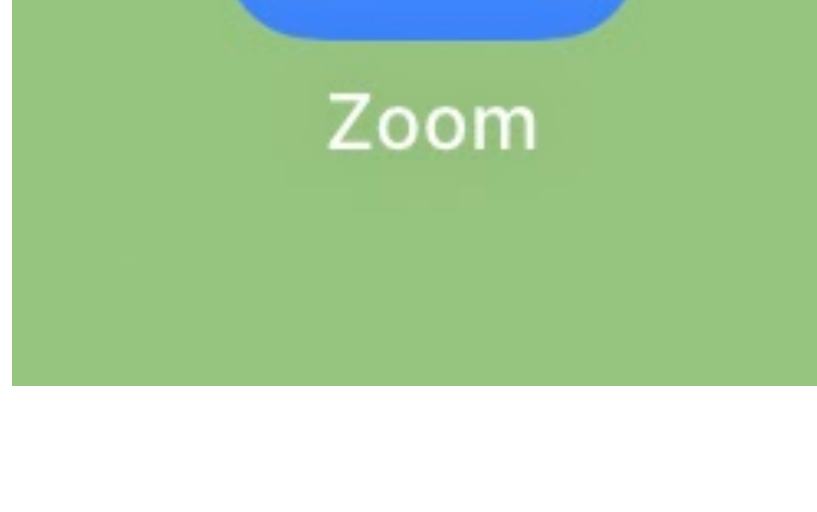
MANDATORY: Must attend one of three virtual coffee sessions with Prof. Rob Harrison to be held during the semester

Quality matters more than quantity!



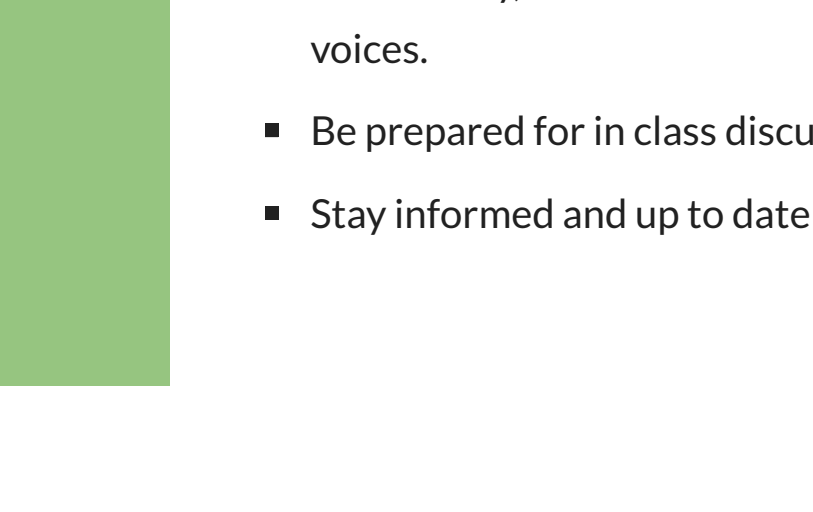
What to Expect in Class

- Classes are solely online and run synchronously.
- Active, thoughtful, and constructive participation is essential. I strongly encourage volunteers, but will also moderate discussion, including cold-calling if necessary, such that discussion is shared by all and not dominated by a few voices.
- Be prepared for in class discussions
- Stay informed and up to date via Canvas!



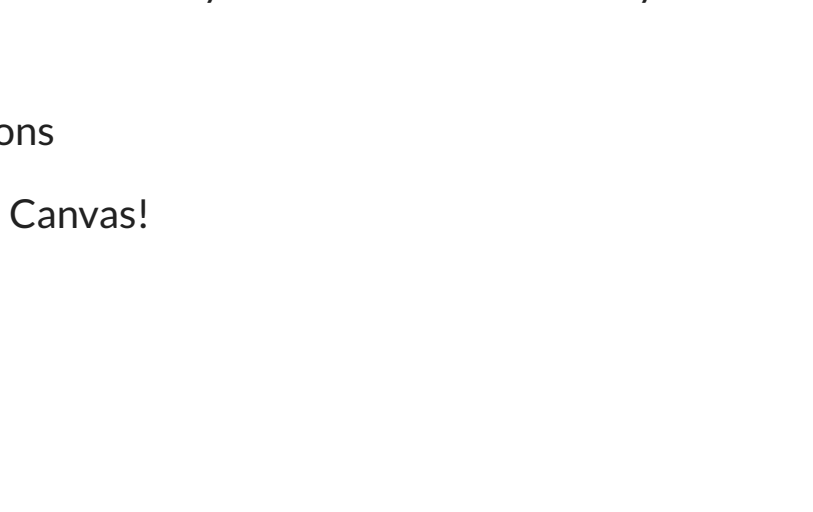
Online - Synchronous Class and Attendance

- I will hold class (and office hours) solely online this semester on a synchronous schedule.
- Classes will be recorded, but viewing the videos after the fact is not counted as "attending class." The videos are solely to support your learning if in fact you do have to miss a class.
- You must attend class at the scheduled times and I adhere to [law schools attendance policy](#).
- Under this policy, you allowed up to 2 absences. After the 3rd absence, you will not receive a final grade unless your appeal is granted by the Petitions Committee.



Class Preparation Tips

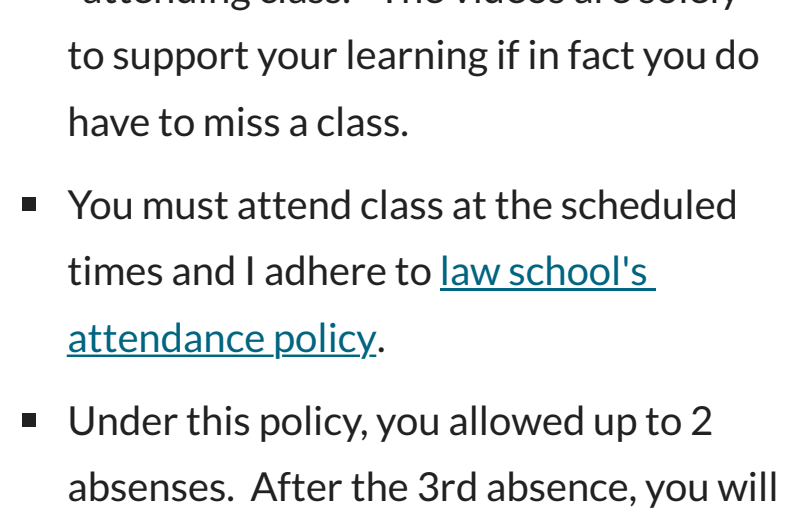
- This class is different than your standard doctrinal class. In this class, we are developing your capacity as a future leader.
- For assigned cases, brief each case with particular attention on the incarcerated person's rights/outcome.
- For assigned articles/pleadings/policy piecemeal jot down notes on central arguments and rationale, as well as key facts presented.
- For all readings, think about how you would have decided or argued differently, if at all. What is missing? What could have been said, but wasn't?
- After you have completed the readings, step back and look at the readings as a whole - what is the theme across all of the cases? what does this mean for the treatment of people incarcerated?



Canvas

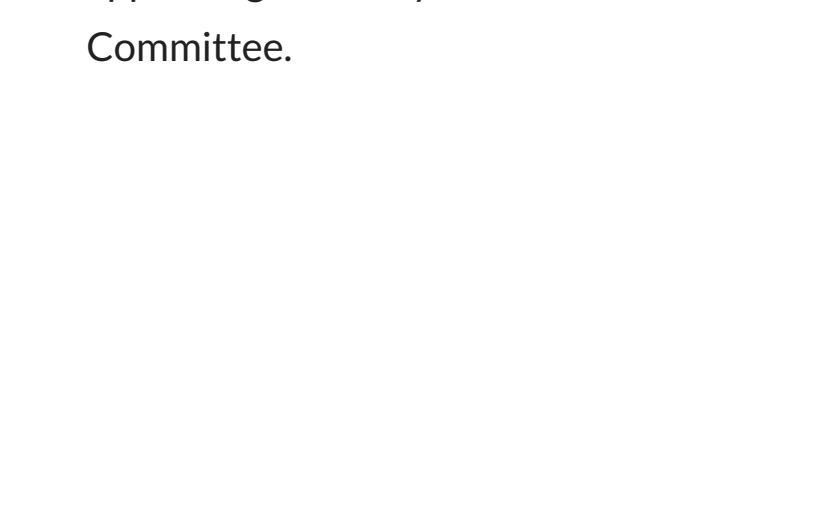
EVERYTHING IS ON CANVAS!

- All course updates, assignments, class notifications, zoom links will be available through our online classroom on Canvas.
- Check Canvas regularly every week - Canvas will be the sole means of notifications of changes, cancellations, due dates, & assignments.
- For Canvas help, you can chat with Canvas Support (Student) or call Canvas Support Hotline (866-932-6945) by clicking Help on the global navigation menu in your Canvas account.
- You can also visit [Canvas Student Guide page](#), or [Canvas video tutorials](#) for students, or contact Loyola's Online Learning Team (OLT) by sending an email to onlineed@loyno.edu.



Additional Resources

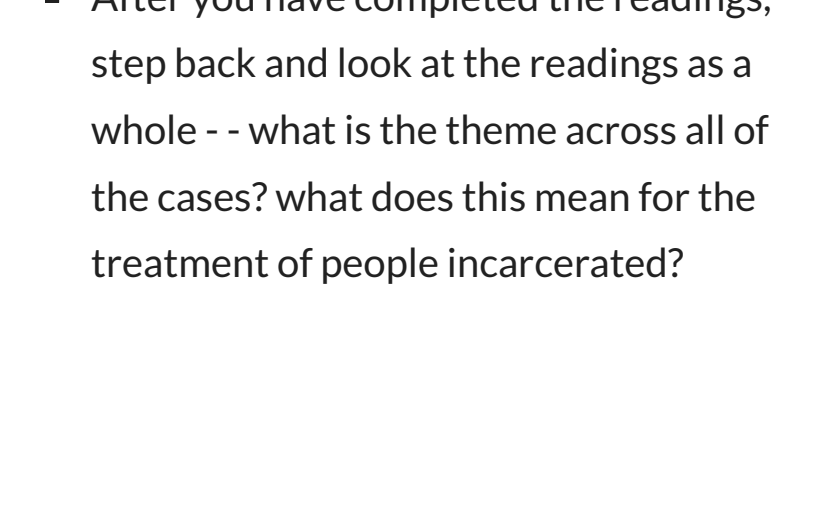
Find additional resources below to help support you during this class and beyond.



Support

Law school presents unique challenges sometimes requiring special assistance. For academic support: contact Marie Tufts, Director of Academic Success, for further information at mdtufts@loyno.edu or at (504) 861-5689.

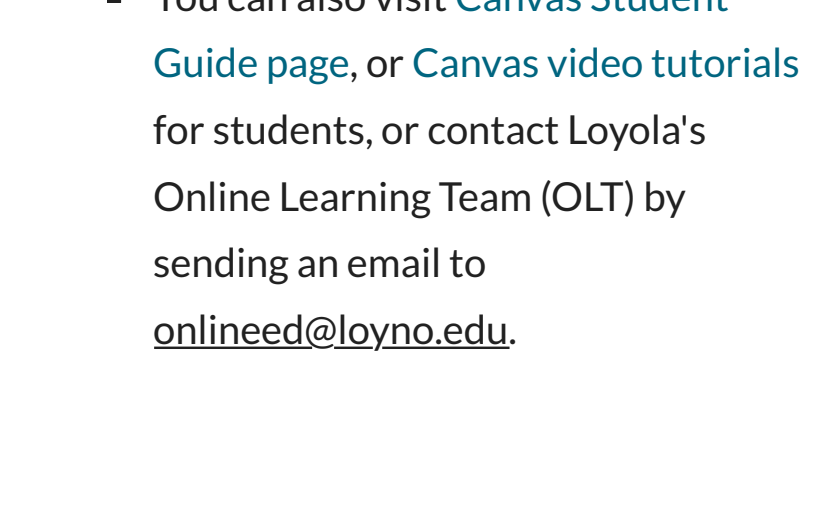
For mental health support: contact University Counseling services @ 504.865.3835 to schedule a remote consult or speak to a counselor over the phone. The counselor on-call is available 24/7, 365 by calling 504.865.3854.



Accommodations

If you have special needs (alternative testing, etc.) please contact the Loyola Office of Disability Services (504-865-2990) for information and assistance. You may also find more information at the [ODS website](#).

NOTE: to ensure student privacy, professors are not informed of a student's disability status.



COVID-19 @ Loyola

If you have been exposed or tested positive, please call Loyola Health Services @ 504-865-3326.

[Loyola Student Code of Conduct - Addendum: COVID](#)
[COVID @ Loyola Notices/Data Tracker](#)



Readings to be updated and linked to Incarceration Law casebook for Fall 2021

Class	Date	Topic	Reading Assignment
1	8/26/2020	Introduction: Prison Deaths; Public Records Requests	1. Margaret E. Noonan, <i>Mortality in Local Jails, 2000-2014 - Statistical Tables</i> , December 2016 2. Margaret E. Noonan, <i>Mortality in State Prisons, 2000-2014 - Statistical Tables</i> , December 2016
2	9/2/2020	Workshop: Primary and Secondary Trauma DUE: proof of sending PRA	DUE ASSIGNMENT #1: proof of sending PRAS
3	9/9/2020	Eighth Amendment: Use of Force; Overcrowding	1. <i>Hudson v. McMillian</i> , 503 U.S. 1 (1992) 2. <i>Wilkins v. Gaddy</i> , 559 U.S. 34 (2010) 3. <i>Brown v. Plata</i> , 563 U.S. 493 (2011)
4	9/16/2020	Eighth Amendment: Medical and Mental Health Care	1. <i>Estelle v. Gamble</i> , 429 U.S. 97 (1976) 2. <i>Farmer v. Brennan</i> , 511 U.S. 825 (1994) 3. <i>Lewis v. Cain</i> , 3:15-cv-00318-SDD-R, Doc. 557, Plaintiff's Proposed Findings of Fact and Conclusions of Law (04/17/2019)
5	9/23/2020	Workshop: Interviewing/Research + PRA checkin	None
6	9/30/2020	First Amendment: Religion	1. <i>Ray v. Comm'r, Alabama Dep't of Corr.</i> , 915 F.3d 689 (11th Cir. 2019) 2. <i>Dunn v. Ray</i> , 139 S.Ct. 661 (2019) 3. <i>Holt v. Hobbs</i> , 135 S.Ct. 853 (2015) 4. <i>Tucker v. Collier</i> , 906 F.3d 295 (5th Cir. 2018)
7	10/7/2020	First Amendment: Speech/Protest	1. <i>Turner v. Cain</i> , 647 F. App'x 357 (5th Cir. 2016) 2. <i>Turner v. Cain</i> , No. CV 12-598-BAJ-EWD, 2018 WL 1547863 (M. D. La. Feb. 28, 2018) 3. Andrea C. Armstrong, <i>The Racial Origins of Doctrines Limiting Prisoner Protest</i> , 60 HOWARD L. J. 221 (2016).
8	10/14/2020	Workshop: PRAs and OPP Dossier research	
9	10/21/2020	Thirteenth Amendment and Labor	1. Andrea C. Armstrong, <i>Slavery Revisited in Penal Plantation Labor</i> , 35 Seattle U. L. Rev. 869 (2012) 2. Wendy Sawyer, <i>How much do incarcerated people earn in each state?</i> , Prison Policy Initiative (04/10/2017)
10	10/28/2020	Workshop: Guest Speaker (Calvin Duncan), PRAs - OR SOME INSPIRING SPEAKER - THEY TURN IN DEATH DOSSIERS THIS DAY OR presentations on their narratives submitted.	
11	11/4/2020	Workshop II: Trauma/Assignment #3 Jail Memos	
12	11/11/2020	Constitutionality of Prison Rules/Discipline	1. Andrea C. Armstrong, <i>Race, Prison Discipline, and the Law</i> , 5 UC Irvine L. Rev. 759 (2015) 2. <i>Sandin v. Conner</i> , 515 U.S. 472 (1995)
13	11/18/2020	Solitary Confinement: Guest Speaker Kiana Calloway	1. David Cloud et. al, <i>The Safe Alternatives to Segregation Initiative: Findings and Recommendations for the Louisiana Department of Public Safety and Corrections, and Progress Toward Implementation</i> , Vera Institute (May 2019) 2. Jennifer Wedekind, <i>Fact Sheet: Solitary Confinement and the Law</i> , Solitary Watch (2011)
14	12/2/2020	Final Discussion; Presentation of facility	DUE ASSIGNMENT #3: Jail memo and 1 pg summary slide