

CRES 445/545: CONFLICTS OF INCARCERATION

UNIVERSITY OF OREGON

Spring Term 2020

Class Schedule: Mondays 4:00 PM – 6:50 PM

Instructor: Heather Marek, J.D., Ph.D.

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Virtual Office Hours: By Appointment

DISCLAIMER OF INSTRUCTOR

The views that I express in this class are entirely my own and in my capacity as an instructor. I am not speaking on behalf of any other individual or entity for whom or for which I may work. In addition, I cannot give legal advice due to a variety of ethical and legal reasons. Absolutely nothing I say should be considered legal advice. However, I can connect students with resources for assistance with legal issues, if needed.

COURSE OVERVIEW AND OBJECTIVES

This course is organized around the issues of crime, incarceration, and justice within the Western context. The central aim of the class is to foster critical reading and thinking about crime and incarceration, taking note of the impact of crime on victims, offenders, their respective families, and our communities. This course will also provide an introduction to the principles and practices of restorative justice including the needs and roles of those impacted by crime. Assumptions about victims, offenders, crime and justice will be examined. Students will be expected to critically engage in discussions as the class explores the role and impact of incarceration in our society.

Over the course of the term, students will cultivate the following competencies:

- Ability to identify the impact of corrections on individuals and communities
- Understanding of the goals of punishment and be familiar with the different forms of criminal sanctions
- Understand the experiences of, impact on, and needs of the victims, offenders, and communities
- Ability to articulate the reasons (personal and social) why some people commit crimes
- Ability to discuss the conflicts related to unjust punishments
- Ability to define community justice and show how it differs from criminal justice

REQUIRED MATERIALS (AVAILABLE AT THE DUCK STORE)

1. *American Corrections* Tenth Edition (2012)
Authors: Todd Clear, Michael Reisig, and George Cole

Students have reported that Cengage is offering a free electronic version of *American Corrections* at <https://www.cengage.com>. It is the eleventh edition. Students are welcome to use that edition, but are responsible for ensuring they cover the topics assigned for each class.
2. *Life Without Parole: Living and Dying in Prison Today* (2010)
Authors: Victor Hassine, Robert Johnson, and Sonia Tabriz
3. *Locking Up Our Own: Crime and Punishment in Black America* (2018)
Author: James Forman, Jr.
4. *Picking Cotton: Our Memoir of Injustice and Redemption* (2010)
Authors: Jennifer Thompson-Cannino, Ronald Cotton, and Erin Torneo
5. *The Little Book of Restorative Justice* (2015)
Author: Howard Zehr

Note: The Duck Store is offering free shipping to students for spring 2020.

TECHNOLOGY

Spring 2020 courses will occur remotely for the health and safety of the university and broader community. Accordingly, this course will occur entirely online via the platforms below. Students must have access to a reliable computer and internet connection to adequately participate.

Canvas

The course website is located on Canvas. To log on, students visit www.canvas.uoregon.edu and enter their UO Duck ID and corresponding password. Announcements and class materials will be available there. Students should check the course website frequently for updates. Students must configure their settings to ensure that they receive all messages and announcements.

Zoom

Live lecture and live discussion portions of the course will occur on Zoom. The instructor will send a meeting invite with the necessary information each week before class. When we convene on Zoom, it will always occur during class time. However, we will sometimes convene at odd times (e.g., we may begin 4:30 PM or 5:00 PM). We will rarely spend the entire class period on Zoom. Some of the material and activities—video clips, discussion boards, etc.—will take place on Canvas. Please pay close attention to the syllabus and class announcements for detailed instructions. All Zoom lectures and discussions will be recorded and made available to students.

Technology Assistance

Students can obtain assistance with these platforms and technology-related issues at the UO Technology Help Desk: <https://library.uoregon.edu/library-technology-services/help>

EVALUATION

Students will be evaluated based on the following activities:

Undergraduate and Graduate Students

- Participation (20%)
Students will receive up to 20 percentage points at the end of the term. To receive full credit for participation, students must do the following:
 - During live discussions on Zoom: Active participation is required. That means listening to, and reflecting upon, your peers' insights, as well as challenging yourself to say what you think, even when it is unpopular. For this experience to be the quality education opportunity it is meant to be, we each have to take responsibility for the direction and depth of the discussion. While listening is vitally important and necessary to this process, sitting back to just listen is not acceptable. Students must be respectful of one another, even and especially when we deal with controversial issues.

Students who miss live portions of the course due to technological issues may be required to submit make-up participation assignments to receive full credit.

See Appendix 1 for the live-participation grading guidelines.
 - When we have guest speakers: All students will submit (before class) three well-thought-out questions to pose to EACH speaker on a given day, even if the student cannot make the live class.

See Appendix 5 for a detailed schedule of guest speakers.
 - Every week, students will thoughtfully contribute to the discussion board on the [shared CRES 445/545 Canvas page](#). The instructor will provide prompts, and students answer all of them by Monday at 11:59 PM. Students must also reply to their fellow students a certain number of times by Tuesday at 11:59 PM. Students will frequently be asked to pose their own prompts in addition.

See Appendix 4 for discussion board requirements.
- Reading Response Papers (30%)
There are three reading response papers, each worth ten percentage points, based on the course texts. See Appendix 2 for the writing requirements.

Undergraduate Students Only

- Reading Quizzes (50%)
Reading quizzes will check for general comprehension, stimulate critical thinking, and ensure students keep up with reading. They will cover only the readings for the textbook American Corrections. Students can use their books and notes while taking the quiz. Quizzes will be multiple choice, true/false, and fill in the blanks. Points will be awarded for correct answers. Quizzes are located on Canvas under the “Quizzes” tab. Students will have two attempts per quiz, with the highest grade standing. No late submissions.

Graduate Students Only

- Research Paper (40%)
Graduate students will write a 20-page double-spaced research paper investigating a topic related to incarceration, combining scholarly literature, the students’ perspective, and course material. The paper must discuss at least five scholarly sources (peer reviewed books, journal articles, or law review articles). Students must receive approval for their final paper topics from the course instructor. See Appendix 2 for writing requirements.

Research papers are due Monday of finals week by 11:59 PM (but note, graduate students will be expected to present expertly on them the preceding week).

- Research Paper Presentation (10%)
Graduate students will give a 30-minute class presentation on their term paper during class in week 10. See Appendix 3 for a grading rubric.

Extra Credit

Students may earn up to five percentage points of extra credit. Students will receive up to one point for each instance in which they do the following:

- Watch a film and then write a reflection paper. Other films may also qualify, upon instructor approval.
- Attend an instructor-approved event and write a reflection paper.
- Research an issue raised in class, write a response paper, and present about it to the class.
- Other instructor-approved ideas from students.

See Appendix 2 for writing requirements. See Appendix 6 for approved films. Extra credit papers must be submitted on Canvas, and are all due by the start of class in week 10.

Grading Flexibility For Spring 2020

The UO Academic Council voted to provide students with greater flexibility in grading this term. In particular, students will have until July 16, 2020 to change the variable grading option to pass/no pass. The option to change from graded to pass/no pass will be available for all courses that are currently designated as graded only. Departments will be encouraged to allow pass/no

pass courses to count as prerequisites and requirements for the major, but students should speak directly with their department administrators and/or advisors about how this will affect their course planning.

Inclusivity

I am committed to making this class inclusive. If the design of the class and its assessments – or any other aspect of the instructional environment – may prevent you from succeeding, please let me know so that I can figure out a fair accommodation. We will cover a wide range of topics in the class that some may implicate issues that many find difficult, including racism, sexism, and violence. Students are encouraged to take advantage of the opportunity to engage with viewpoints that they find confusing, unpleasant, or offensive (this is, after all, a class on *controversies*). If there is a particular issue that you need to bring to my attention, please do.

The law school community values inclusion. We are committed to equal opportunities for all faculty, staff, and students to develop individually, professionally, and academically regardless of ethnicity, heritage, gender, sexual orientation, ability, socio-economic standing, cultural beliefs and traditions. We are dedicated to an environment that is inclusive and fosters awareness, understanding, and respect for diversity.

If you feel excluded or threatened, please contact Associate Dean of Students Jennifer Espinola at espinola@uoregon.edu or 541-346-1557.

There are also resources on campus that provide support for people experiencing situations that inhibit full participation in class. Notably:

- Accessible Education Center for those with disabilities. Contact: <http://aec.uoregon.edu>.
- UO Counseling Center for those with mental health concerns or emergencies. Contact: <http://counseling.uoregon.edu> or via 24-hour phone service at 541-346-3227.
- Center for Multicultural Academic Excellence for students from historically under-represented and under-served backgrounds experiencing barriers to academic success, as well as immigration-specific issues. Contact: <https://inclusion.uoregon.edu/content/center-multicultural-academic-excellence-cmae>.
- Crisis Intervention and Sexual Violence Support Services for support for survivors and victims of sexual harassment and violence. Contact: <http://safe.uoregon.edu> or via confidential phone service at 541-346-SAFE (7233).
- Bias Response Team can assist with reports of bias and discrimination. Contact: <http://bias.uoregon.edu> or 541-346-2037.
- Safe Ride is an assault-prevention shuttle that works to provide free, inclusive, and accessible alternatives to traveling alone at night for UO students, faculty, and staff. The reservation line is (541) 346-7433 extension 2. Their policies are available on their website <https://pages.uoregon.edu/saferide/>.

While not trained to provide support in these areas, I can facilitate your efforts to access services.

Academic Integrity

All University of Oregon policies relating to academic integrity will be in effect in this class:

<https://policies.uoregon.edu/vol-3-administration-student-affairs/ch-1-conduct/student-conduct-code>

Plagiarism is the most likely problem to arise. Typically, students do it inadvertently by either (1) failing to properly cite references, or (2) collaborating with other students without also completing the written assignments independently. Another common form of academic misconduct is “resubmitting assignments for more than one class.”

Written assignments will be submitted via Vericite on Canvas. To submit an assignment, go to the main course Canvas page, click on “Assignments,” click on the appropriate assignment, click on the “click to upload” area of the page, scroll to the bottom, click the submit paper button, and you should see the notification that “you have successfully submitted your paper” accompanied by a time stamp and confirmation number.

Instructor Role

This is what students can expect of the instructor:

- Plan and facilitate learning opportunities that will help you meet the course goals and objectives
- Provide constructive feedback on student performance
- Be open to constructive feedback on instruction performance
- Bring teaching expertise and experience into the classroom
- Be open-minded in responding to student ideas and suggestions
- Allow students to wrestle with ideas to shape their own conclusions

TENTATIVE COURSE SCHEDULE

This schedule is subject to change. Any revisions will be announced on Canvas and, if possible, in class. Students are responsible for being aware of any changes, even if they missed class. Please see Appendix 5 for a detailed schedule of guest speakers.

*AC = American Corrections LWP = Life Without Parole LUOO = Locking up Our Own
PC = Picking Cotton LBRJ = Little Book of Restorative Justice*

DATE	TOPIC	READING CHAPTERS	QUIZ CLOSES	ASSIGNMENTS DUE
3/30	Class Overview & Introduction			
4/6	History, Thoughts and Practices of Corrections <i>Guest: Carrie Paul</i>	AC 1, 2, 3 LWP 1-8	4/13 4PM	
4/13	Punishment, Law, Correctional Clients	AC 4, 5, 6 LWP 9-15	4/20 4PM	
4/20	Jails, Probation, Intermediate Sanctions <i>Guests: Jason Jones, Kimberly Menjou</i>	AC 7, 8, 9 LUOO 1-3	4/27 4PM	
4/27	Incarceration, Prison Experience, Women in Prison <i>Guest: Trevor Walraven</i>	AC 10, 11, 12 LUOO 4-6	5.4 4PM	LWP reading response paper
5/4	Institutional Management, Programs, Release <i>Guest: Paul Soloman</i>	AC 13, 14, 15	5/11 4PM	
5/11	Supervision, Corrections for Juveniles <i>Guest: Caitlyn Jackson</i>	AC 16, 17 PC 1-9	5/18 4PM	LUOO reading response paper
5/18	Trends & Race, Ethnicity, and Corrections <i>Guest: Hon. Ilisa Rooke-Ley</i>	AC 18, 19 PC 10-19	5/25 4PM	
5/25	Death Penalty & Community/Restorative Justice <i>MEMORIAL DAY NO CLASS</i>	AC 20, 21 LBRJ (all)	6/1 4PM	
6/1	The Future of Incarceration <i>Graduate student presentations</i>	AC 22	No Quiz	Graduate research presentations PC reading response paper Extra credit papers

APPENDIX 1: LIVE PARTICIPATION RUBRIC

	Far Below Standards	Satisfactory	Good	Excellent
Grade	D and below	C	B	A
Peer Interaction	Virtually no interaction with peers	Limited interaction with peers	Makes a sincere effort to interact with peers (ongoing)	Actively Supports, engages and listens to peers throughout term
Participation	Comments vague if given at all; frequently demonstrates a lack of interest	Sometimes participates constructively in group work and class discussions, sometimes goes on auto-pilot	Participates constructively in group work and class discussion throughout the term	Plays an active, dynamic role in discussions and group work throughout the term
Contributions to Class	Demonstrates a noticeable lack of interest on occasion	Comments are sometimes irrelevant and do not advance level and depth of class dialogue	Comments in class discussions are relevant and based on assigned material, and generally help the dialogue along	Comments consistently advance level and depth of dialogue in class discussions
Group Dynamics	Group dynamic and level of discussion are often notably disrupted by student's presence	Group dynamic and level of discussion are sometimes disrupted by student's presence	Group dynamic and level of discussion are often enhanced, but never made less effective because of student's presence and contributions	Group dynamic and productivity are always enhanced by student's presence and contributions

APPENDIX 2: GENERAL REQUIREMENTS FOT ALL WRITTEN ASSIGNMENTS

Papers must be double-spaced, in 12-point Times New Roman font, and with one-inch margins. Information such as the student’s name, paper title, course information, and date should be on a separate cover page, and will not be included as part of the paper’s text (i.e., it does not count towards the page-requirement). Papers will be submitted via Canvas.

The following is the grading rubric for evaluating written assignments.

	Far Below Standards	Satisfactory	Good	Excellent
Grade	D and below	C	B	A
Clarity	Confusing, many errors in spelling and grammar	Understandable, but some errors in spelling and grammar	Clear points; no errors in spelling or grammar.	Clear argument with points to support it; well-organized; no errors in spelling or grammar.
Substance	Does not address prompts; fails to incorporate readings or other course content; unsubstantiated or hyperbolic arguments (exaggerated, inflammatory, not well-supported); does not demonstrate understanding of material; plagiarism or merely copying and pasting block quotes from the readings.	Does not address prompt entirely; includes less course content, strays off topic; some unsubstantiated or hyperbolic arguments; loose understanding of course material.	Follows instructions of prompts; clear analysis, but not particularly insightful; appropriate and accurate use of course concepts; supported arguments.	Follows instructions; demonstrated understanding of the material, including by discussing it in own words; thoughtful, insightful analysis connecting course material to other classes, current events, or own experiences; well-supported arguments.

APPENDIX 3: TERM GRADUTE RESEARCH PAPER PRESENTATION RUBRIC

	Far Below Standards	Satisfactory	Good	Excellent
Grade	D and below	C	B	A
Content <i>Did the presentation have valuable material?</i>	Presentation contained little to no valuable material.	Presentation had moments where valuable material was present but as a whole content was lacking.	Presentation had a good amount of material and benefited the class.	Presentation had an exceptional amount of valuable material and was extremely beneficial to the class.
Organization <i>Was the presentation well organized and easy to follow?</i>	The presentation lacked organization and had little evidence of preparation.	There were minimal signs of organization or preparation.	The presentation had organizing ideas but could have been much stronger with better preparation.	The presentation was well organized, well prepared, and easy to follow.
Presentation <i>Did the presenters speak clearly? Did they engage the audience? Was it obvious the material had been rehearsed?</i>	Presenters were unconfident and demonstrated little evidence of planning prior to presentation.	Presenters were not consistent with the level of confidence/preparedness they showed the classroom but had some strong moments.	Presenters were occasionally confident with their presentation however the presentation was not as engaging as it could have been for the class.	Presenters were all very confident in delivery and they did an excellent job of engaging the class. Preparation is very evident.

APPENDIX 4: DISCUSSION BOARD GUIDELINES

Every week, students will thoughtfully contribute to the discussion board. Late and early contributions will not be permitted.

This activity has two parts, both required:

1. New blog post(s) (DUE EACH MONDAY BY 11:59 PM)

A 'new blog post' involves responding to each prompt(s) provided by the instructor. Each new blog post should be 200-250 words per prompt. The blog post should incorporate the reading and other materials assigned for that day.

Often, a prompt will ask you to create a discussion question of your own that allows you and your peers to engage with the readings and other materials. If you are required to create your own prompt, please pose it as an open-ended question that you and others can then answer. Hint: An open-ended question generally begins with "why," "how," or "explain," and elicits a long answer (in contrast, a closed-ended question will usually requires just a short yes/no answer, which makes for boring discussion!).

2. At least five (5) reply posts (DUE EACH TUESDAY BY 11:59 PM)

A 'reply post' involves responding to another student's new blog post thread. Each reply post should be between 100-150 words and engage the ideas or questions in your classmate's post. Continue the conversation in a forward, depersonalized way. You may disagree, critique, or celebrate your classmate's post, but keep your tone professional, curious, thoughtful, and empathetic.

Note: These requirements are a MINIMUM. Students are encouraged to participate more, and, in particular, to respond when other students have commented on their new blog posts and reply posts to keep the discussion going.

Students will likely need to visit the discussion board early and multiple times to see what others have said and respond. Students should submit their reply posts later in the day, to ensure there are new blog posts up to which they can respond.

APPENDIX 5: GUEST SPEAKERS SCHEDULE

April 6, 2020

Carrie Paul
Volunteer Coordinator & Restitution Advocate
Lane County District Attorney's Office

April 13, 2020

April 20, 2020

Jason Jones
Parole/Probation Creative Leader
Lane County Field Office, Oregon Youth Authority

Kimberly Menjou
Supervisor
Lane County Probation and Parole

April 27, 2020

Trevor Walraven
Director of Public Education and Outreach
Oregon Justice Resource Center

May 4, 2020

Paul Soloman
Executive Director
Sponsors, Inc.

May 11, 2020

Caitlyn Jackson
Program Supervisor
Lane County Youth Services

May 18, 2020

Hon. Ilisa Rooke-Ley
Judge
Lane County Circuit Court/Lane County Drug Court

APPENDIX 6: FILMS APPROVED FOR EXTRA CREDIT

A Hard Straight (74 minutes)

A gang member, a mother, and a small-time dealer. They served their sentences, they're on parole. Now they're about to discover that walking out the prison gates is just the beginning. A Hard Straight is a documentary about doing time on the outside. A Hard Straight tells the story of what it is really like for a person to make the radical transition from prison life to society. The film interweaves the stories of two men and one woman as they begin to construct new lives on the outside. We see them from the ecstatic moment of their first taste of freedom, to the inevitable frustrations, joys, and banality of life outside of prison. And finally, we see the people in either a successfully established life on the outside or a return to prison.

Central Park Five (2 hours)

Filmmakers Ken Burns, Sarah Burns and David McMahon examine a 1989 case of five teenagers who were wrongfully convicted of raping a woman. After they had spent from six to 13 years in prison, a serial rapist confessed to the crime.

Cruel and Unusual (65 minutes)

A documentary about transgender women convicted and incarcerated in men's prisons in the United States. Interviews with lawyers and prison custodians reveal the level of violence these women have to face from the inmates, as well as from the authorities which do not recognize their condition as a medical disorder.

Dead Man Walking (2 hours, 2 minutes)

As death row inmate Matthew Poncelet (Sean Penn) nears his execution date, he calls upon Sister Helen Prejean (Susan Sarandon) to help him with one last appeal, maintaining that he is innocent of the murders of a young couple. Poncelet begins to form a bond with Prejean, and she visits both his family and the relatives of the victims, hoping to learn more about the case. As things begin to look bleak for Poncelet, Prejean does all that she can to comfort and console the hardened convict.

Guilty Except for Insanity (85 minutes)

In Guilty Except for Insanity, Director and Professor of Psychology Jan Haaken goes behind the walls of the Oregon State Hospital, the location of One Flew Over the Cuckoo's Nest, and recounts the stories of real patients who enter this famous hospital for the "criminally insane." Their stories reveal the craziness of an American System where one must commit a crime to receive psychiatric help. The documentary probes this maddening world and uncovers deeper psychological truths about the human need for care and connection, as well as for freedom.

Life of David Gale (2 hours, 10 minutes)

David Gale (Kevin Spacey) is a man who has tried hard to live by his principles but in a bizarre twist of fate, this devoted father, popular professor and respected death penalty opponent finds himself on Death Row for the rape and murder of fellow activist Constance Hallaway (Laura Linney). With only three days before his scheduled execution, Gale agrees to give reporter Bitsey Bloom (Kate Winslet) the exclusive interview she's been chasing

Sin by Silence (49 minutes)

Women incarcerated in the California Institution for Women advocate for a future free of domestic violence.

The Farm: Life Inside Angola Prison (1 hour, 28 minutes)

Liz Garbus and Jonathan Stack co-directed this documentary, which explores life behind the bars of Louisiana's notorious maximum-security prison, Angola. Stationed on an old slave plantation, Angola is populated overwhelmingly by black inmates, and staffed by a white administration. The stories of various inmates convey the injustice and futility but also the hope that is part of prison life. A prisoner puts forth exonerating evidence to the parole board, and another speaks prior to execution.

The House I Live In (110 minutes)

Directed with heart by Eugene Jarecki, the movie is an insistently personal and political look at the war on drugs and its thousands of casualties, including those serving hard time for minor offenses. It is, Mr. Jarecki asserts — as he sifts through the data, weighs the evidence and checks in with those on both sides of the law — a war that has led to mass incarcerations characterized by profound racial disparities and that has created another front in the civil rights movement.

Sentence for Two (58 minutes)

Christina, Trisha, and Kristin are pregnant, and are facing years behind bars. Their newborns will face an uncertain future. The three women share the personal details of their pregnancies, incarceration and deliveries as they struggle with the agonizing search for safe and healthy homes for their babies — and as one plan after another falls apart. A fourth inmate, Tangerine, adds the perspective of someone who has already been through it.

Concrete Steel and Paint (55 minutes)

Tells the complex story of men in prison, victims of crime, and an artistic partnership that helps break down barriers between them. As prisoners, victims, and victim advocates collaborate on a mural about healing from crime, their views on punishment, remorse and forgiveness collide, sometimes harshly. But as the project progresses, mistrust begins to give way to surprising moments of human contact and common purpose. The project challenges both sides to recognize and respect each other's essential humanity and worth — a small, but significant step toward a more healing and restorative form of justice. In telling this story, the film raises important questions about crime, justice and reconciliation — and dramatically illustrates the power of art as a catalyst to facilitate dialogue about these difficult issues.

Beyond Conviction (victim offender mediation) (97 minutes)

Follows three pairs of survivors and perpetrators as they go through this emotionally intense program. This powerful documentary provides a rare glimpse into the lingering pain, questions and regrets for both sides and reveals the bold and difficult path to redemption and reconciliation.

13th (100 minutes)

Filmmaker Ava DuVernay explores the history of racial inequality in the United States, focusing on the fact that the nation's prisons are disproportionately filled with African-Americans.