No. 23-1197

IN THE
Supreme Court of the United States

DAMON LANDOR,
Petitioner,

v.

LOUISIANA DEPARTMENT OF CORRECTIONS
AND PUBLIC SAFETY, ET AL.,
Respondents.

On Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

BRIEF OF FORMER CORRECTIONAL OFFICIALS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

SCOTT H. ANGSTREICH
Counsel of Record
DAREN G. ZHANG
ABIGAIL E. DEHART
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK,
P.L.L.C.
1615 M Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 326-7900
(sangstreich@kellogghansen.com)

September 3, 2025

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CONSTITUTION, STATUTES, AND RULES

ADMINISTRATIVE MATERIALS

OTHER MATERIALS

INTEREST OF *AMICI CURIAE*[1]

Amici curiae are 11 high-ranking former corrections officials with more than four hundred years of combined experience working in some of the largest correctional systems in the country. Their experience spans at least nine jurisdictions, within which they worked at or oversaw numerous facilities that collectively housed thousands of prisoners. They have worked at all levels of the prison system, from entry-level staff to senior positions.

Amici have first-hand experience administering prisons while accommodating religious exercise under the First Amendment's Free Exercise Clause and Section 3 of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. § 2000cc-1. They have implemented RLUIPA's "least-restrictive-means standard" by fully considering religious accommodations, which they recognize is not only required by law but also sound penal policy. *See Holt v. Hobbs*, 574 U.S. 352, 364-65 (2015). As corrections professionals, *amici* have an interest in ensuring jails and prisons are managed consistently with evidence-based and effective penological standards.

In *amici*'s experience, granting reasonable requests for religious accommodations — in Landor's case, by permitting him to maintain long hair or to keep it under a "rastacap" — serves to enhance the prison environment and individual rehabilitation. Rejecting reasonable religious accommodation requests can have the opposite effect, which can negatively impact prison security. *Amici* are concerned about blatant religious

---

[1] Pursuant to Supreme Court Rule 37.6, counsel for *amici* represent that they authored this brief in its entirety and that none of the parties or their counsel, nor any other person or entity other than *amici* or their counsel, made a monetary contribution intended to fund the preparation or submission of this brief.

violations occurring across state correctional facilities and believe that allowing recovery of money damages against state officials and employees would further Congress's intent that RLUIPA "shall be construed in favor of a broad protection of religious exercise." 42 U.S.C. § 2000cc-3(g). In situations like Landor's, money damages are the only way to provide relief. *Amici* respectfully submit this brief to set forth the basis for their views.

Steve J. Martin is a former General Counsel/Chief of Staff of the Texas prison system (1981-1985) and has served in gubernatorial appointments in Texas on both a sentencing commission and a council for prisoners with mental impairments. He coauthored *Texas Prisons: The Walls Came Tumbling Down* (1987) and has written numerous articles on criminal justice issues. He also served as a federal court monitor for the New York City Department of Corrections, where he provided oversight of New York jails' compliance with the settlement agreement with federal prosecutors. He has more than 50 years of experience in the field of corrections, including decades of experience as a corrections expert for both the U.S. Departments of Justice and Homeland Security Civil Rights Divisions investigating conditions of confinement in facilities across the country and U.S. Territories.

Dr. Kathleen Dennehy is a former Commissioner and Chief Executive Officer for the Commonwealth of Massachusetts Department of Correction. Dr. Dennehy has worked in the criminal justice system for 48 years and has been a consultant for justice and correctional systems for more than 25 years. She earned a Ph.D. from Brandeis University and has taught courses on criminal justice at the undergraduate and graduate levels. Dr. Dennehy served for 6-1/2 years as an independent federal court monitor, and she now serves

as an expert witness in prison-based sexual-abuse cases nationwide.

Dan Pacholke served the Washington State Department of Corrections for 33 years, starting as a Correctional Officer and retiring as Secretary. He has served in a wide range of roles, including Correctional Officer, Emergency Operations Manager, Director of Prisons, and Superintendent of three separate facilities. Since leaving the Washington State Department of Corrections, he has served as an expert witness and consultant in a number of jurisdictions.

Martin Horn is a former Commissioner of the New York City Department of Corrections and former Secretary of Corrections for the Commonwealth of Pennsylvania. He has worked in the criminal justice system for more than 45 years and retired in 2020 as the Distinguished Lecturer in Corrections at the City University of New York.

Phil Stanley is a long-time corrections administrator serving both the New Hampshire Department of Corrections and the Washington State Department of Corrections. He was the Commissioner of Corrections in New Hampshire, and, in Washington, his roles have included director of a regional justice center, probation officer, regional administrator, and superintendent. He has more than 50 years' experience in the field of corrections. He is currently a consultant for jail operations.

Gary Mohr has more than 51 years of correctional experience, including as the director of the Ohio Department of Rehabilitation and Correction ("ODRC"), the deputy director and superintendent of the Ohio Department of Youth Services, the deputy director of administration for ODRC, and the deputy director for the ODRC Office of Prisons. He also served as the

warden for 12-1/2 years across four different prisons and has served as a federal court-appointed prison monitor for the Georgia Department of Corrections. He served as the President of the American Correctional Association, the largest corrections accrediting body in the United States.

Patrick Hurley is a former prison warden in Ohio. He has more than 35 years of experience in adult and juvenile corrections, during which he held line and supervisory positions in the Ohio corrections system. Since leaving the ODRC, Mr. Hurley has served as an expert corrections consultant and as a subject-matter expert for the court-appointed monitor in the New York City Department of Corrections and the Juvenile Detention System in Puerto Rico. He testifies regularly in state and federal court.

Brian Fischer was the Commissioner of the New York State Department of Correctional Services, appointed in 2007 and retired in 2013. Before that, he served as the superintendent of a prison.

Stephen Huffman is a former assistant director, regional director, and warden in the ODRC. He was appointed to serve as assistant director after more than 30 years of serving in correctional facilities in Ohio. Mr. Huffman currently serves as a corrections expert and testifies regularly as an expert witness in state and federal court.

Eldon Vail is a former Secretary of the Washington State Department of Corrections. He has 35 years of experience serving at all levels in the Washington State corrections system, including as superintendent of three adult institutions, including two facilities with maximum-security inmates. For the last 10 years, Mr. Vail has served as an expert witness and correctional consultant and has been retained more than 60 times in 24 States.

Roger Werholtz served the Kansas Department of Corrections for 33 years — eight of those years as the Secretary of Corrections. During that time, he supervised all three divisions of the Kansas Department of Corrections: Community and Field Services; Programs and Staff Development; and Facilities Management. He has served as interim executive director of the Colorado Department of Corrections as well, and is an expert witness for the U.S. Department of Justice Civil Rights Division. He also has experience in community mental health, child protective services, and substance abuse treatment and prevention, and has served as a graduate-level instructor in the University of Kansas School of Social Welfare.

INTRODUCTION AND SUMMARY OF ARGUMENT

In *amici*'s experience — backed up by research — accommodating individual religious practices can have a demonstrably positive effect on individual adjustment and rehabilitation and, as a result, on the prison environment as a whole. In well-run prisons, existing procedures protect prisoners, ensuring that their religious rights are not invaded. When such procedures are violated or flagrantly ignored, prison officials should be held liable for their actions.

What happened to Landor was improper and unnecessary. As a practicing Rastafarian, with only three weeks left in his sentence, Landor requested a simple and commonly allowed accommodation: to maintain long hair in accordance with his religious beliefs. The Louisiana correctional officers forcibly shaved Landor's hair, disregarding his proof of past religious accommodations and case law support. These violations of Landor's religious rights were unjustified and unrelated to any security concerns. And the fact that injunctive relief was unavailable to

Landor once his head was shaved shows why money damages should be available under RLUIPA within the state correctional system. In Landor's case and too many others, money damages are the only meaningful relief that exists when injunctive relief can simply be mooted when prisoners are transferred to a different facility or released.

As recognized by correctional officials across the nation and by Congress when it enacted RLUIPA, religious liberty in prisons is worth protecting. When drafting RLUIPA, Congress was well aware of unique security issues in prisons. Yet Congress also recognized that prison officials sometimes impose rules that unnecessarily restrict religious liberty. This case is precisely the type of case Congress was concerned about when it enacted RLUIPA — where vaguely articulated reasons, including security, are used to justify unwarranted acts depriving inmates of their religious rights. Congress intended RLUIPA to provide not only greater protection for religious exercise than the First Amendment, but also the right to vindicate those protections through a broad set of remedies. RLUIPA requires more than empty condemnations when violations occur — money damages are necessary to provide incentives to put in place processes to prevent clear violations of prisoners' religious rights.

Respondents' concerns that allowing monetary damages for individual liability under RLUIPA will create practical problems in prisons, such as staffing shortages, are speculative, doubtful, and inconsistent with *amici*'s experience. Correctional officers, as part of the state government, know and expect to be liable when they violate a prisoner's clearly established civil rights. Providing monetary relief under RLUIPA will

not make prisons worse; nor will it lead to staffing shortages. Indeed, state officials have long been subject to monetary liability under 42 U.S.C. § 1983. Instead, the Court should bridge the remedy gap between RLUIPA and its sister statute, the Religious Freedom Restoration Act of 1993 ("RFRA") (which applies to federal prisons), so that when religious rights are trampled in state prisons — as in Landor's case and too many others — meaningful relief exists.

ARGUMENT

I. The Assault On Landor Was Unjustified And Unrelated To Security Concerns

Amici strongly condemn the treatment Landor endured. Based on their centuries of combined experience, *amici* know that most religious accommodations — like hair length, reading religious texts, or kosher meals — do not raise safety concerns in prisons. In particular, hair length does not pose a security concern in prisons. Over time, the vast majority of prison systems have acknowledged that exceptionless bans on unshorn hair are not the least restrictive means of promoting safety or security. *See Ware v. Louisiana Dep't of Corr.*, 866 F.3d 263, 273 (5th Cir. 2017) (noting "the grooming policies of the prisons of 39 other jurisdictions" would allow dreadlocks or afford an "opportunity to apply for a religious accommodation that would allow dreadlocks"). In *amici*'s experience, allowing religious accommodations for hair length has never once caused security issues. Long hair is a common accommodation made for many religions, and well-managed prisons routinely grant such accommodations.[2]

---

[2] Any security issues due to long hair are also mitigated by the wide range of technology available today that can help prisons

What happened to Landor was particularly egregious. Landor had a devout and documented religious practice, and he requested a safe accommodation: retain the locks of the hair on his head and let them continue to grow. There was no reason for prison officials to think that Landor's long hair posed a security concern — especially given his peaceful four months in two other Louisiana facilities, both of which accommodated Landor's religious beliefs. In addition, clearly established Fifth Circuit law fully supported Landor and his religiously grounded desire to maintain his dreadlocks. *See id.* at 266 (finding DOC did not meet its burden to show its hair-length policy was justified under RLUIPA). Despite all of this, the corrections officials at Raymond Laborde Correctional Center in Louisiana knowingly violated Landor's rights by using force to pin him down and shave his head, after throwing a copy of the Fifth Circuit's decision in the trash.

The events of Landor's case display an unnecessary exercise of dominance and an arbitrary enforcement of prison policy. Unpredictable and arbitrary behavior from prison officials is detrimental to prison security. Arbitrary policies will exacerbate prisoner perceptions of arbitrary rulemaking and compromise institutional order. Prison policy about whether someone deserves a reasonable and safe religious accommodation also should not vary from facility to facility and guard to

---

detect metal or contraband concealed in someone's hair. *See*, *e.g.*, Point Security Inc., *B.O.S.S. II* (technology that can detect metal even hidden in a body cavity), https://pointsecurityinc.com/b-o-s-s-ii/ (last visited Sept. 1, 2025); Tek84, Inc., *Tek84 Product Suite* (body scanner technology), https://www.tek84.com/ (last visited Sept. 1, 2025); Rapiscan Systems, *MobileTrace® Narcotics* (portable drug detection devices), https://www.rapiscansystems.com/en/products/mobiletrace-narcotics (last visited Sept. 1, 2025).

guard. Congress intended RLUIPA to set a "rigorous standard" that applies uniformly across the nation, *Holt v. Hobbs*, 574 U.S. 352, 364 (2015), and it shores up the consistency prisoners are entitled to while practicing their religions. When officers or prison officials blatantly disregard a prisoner's religious liberty, monetary damages can act as both relief for the prisoner and a deterrent from violating that right in the first place.

In well-run prisons, policies and procedures exist to protect prisoners like Landor, to ensure that their religious rights are not trampled on with a changing of the guard. When — as in Landor's case and in others — those rights are impinged, it is imperative that meaningful relief exists. And in Landor's case and others, money damages are the only meaningful relief that can exist for RLUIPA violations.[3] *See Tanzin v. Tanvir*, 592 U.S. 43, 51 (2020) (damages are often "the *only* form of relief that can remedy" RFRA violations, because "[f]or certain injuries . . . effective relief consists of damages, not an injunction"). Prison officials must ensure lawful policies and due process protections, and, when individual officers transgress those protections and policies, Congress established "appropriate relief" available to prisoners under statutes like Section 1983 and RLUIPA. 42 U.S.C. § 2000cc-2(a). "Appropriate relief" cannot mean "nothing."

---

[3] *See*, *e.g.*, *Loving v. Morton*, 2022 WL 2971989, at *11 (S.D.N.Y. July 27, 2022) (injunctive relief was moot because prisoner transferred to different facility); *Fuqua v. Ryan*, 2024 WL 4648078, at *1 (9th Cir. Nov. 1, 2024) (same); *Fuqua v. Raak*, 120 F.4th 1346, 1357 (9th Cir. 2024) (injunctive relief was moot because prisoner subsequently granted accommodation for kosher-for-Passover diet).

II. Religious Practices Are Worth Protecting Under RLUIPA Because Of The Positive Influence On Safety In Prisons And Jails

There is no question that jails and prisons present significant security concerns. However, prison officials must address these concerns while also considering other important interests, including the religious rights of inmates. Allowing prisoners to practice their faith in accordance with their beliefs can play a crucial role in facilitating their adjustment to the new environment in which they find themselves. Religious teachings often recognize human dignity and potential regardless of a person's past behaviors, and can provide meaning in prison. Ample research shows that allowing such accommodations promotes rehabilitation, increases prison safety, moderates the likelihood of recidivism, and provides community both within and outside of prisons. *See*, *e.g.*, Prof. Byron R. Johnson Cert-Stage *Amicus* Br. 8-15 (compiling research); U.S. Comm'n on Civil Rights, *Enforcing Religious Freedoms in Prison* 28-42 (Apr. 2025) (same), https://www.usccr.gov/files/2025-04/enforcing-religious-freedoms-in-prison.pdf.

Amici's experience confirms the conclusions in the research: allowing prisoners to exercise their religious beliefs can help moderate the harsh impact of prison life and promote a safer prison environment. For instance, *amici* have witnessed on numerous occasions how "involvement in faith-based activities has inspired people to want to change who they are." "Inmates who have deeply held beliefs and are able to practice their religious beliefs" "are able to find some level of peace or ability to accept others." Religious practice provided a means for inmates "to connect to their culture and family." And it can get them

involved "in other prison programs and helps them serve as a role model for positive behavior." *Amici* have also seen violence in two particular facilities drop dramatically after the warden allowed various religious programming. In short, all *amici* view the fostering of legitimate religious practices as a wholly positive influence on the day-to-day living conditions in prisons or jails.

III. Allowing Money Damages Under RLUIPA Provides An Important Remedy For, And Deterrent Against, Religious Liberty Violations In State Correctional Facilities

To foster the benefits of religious practice in prisons, the Court should interpret RLUIPA as Congress intended, allowing prisoners to seek "appropriate relief," 42 U.S.C. § 2000cc-2(a), when prison officials violate their religious rights, which includes money damages. Providing damages under RLUIPA is a crucial step toward protecting religious freedom in prisons because, as happened to Landor and too many others, without it, prison officials and officers will be able to violate free exercise rights without consequence.

Landor's case is particularly egregious, but not unique. As explained below, religious violations can and do happen in state facilities without remedy or consequence. Based on *amici*'s experience working in, overseeing, and supervising correctional facilities, officials should expect to be liable when someone blatantly violates the civil rights of an inmate. At times, monetary fines serve as the only deterrent and ensure that correctional officials and officers take prisoners' religious liberties seriously. *Amici* agree there must be some relief for prisoners like Landor. And even though some States have a version of RFRA and RLUIPA, one's freedom of religion should not depend

on the State in which one is incarcerated. Having a uniform standard through RLUIPA will benefit the state corrections community as a whole.

RLUIPA provides more protections for religious liberty than Section 1983, which is why Congress enacted RLUIPA. As opposed to traditional First Amendment jurisprudence under Section 1983 claims, where prisoners' free exercise claims are analyzed under the deferential rational-basis standard, *see Turner v. Safley*, 482 U.S. 78 (1987), RLUIPA requires the government to meet a much higher burden of proof. Through RFRA and RLUIPA, Congress reinstated the strict-scrutiny standard for the Free Exercise Clause of the First Amendment. If RLUIPA is treated differently (despite materially identical language as RFRA), however, then only federal prisoners receive the full protections intended by Congress. A right without a remedy is meaningless, and, unlike in federal prisons governed by RFRA, prisoners in state facilities will continue to suffer infringements on their religious rights due to the lack of equivalent protections.

Courts across the country have repeatedly found that state prisons and jails imposed substantial burdens on religious exercise, but concluded that there was no remedy available to prisoners because RLUIPA does not allow for damages: Like Landor, Rastafarian inmates in Illinois and Kansas were needlessly forced to shave their dreadlocks. *See Walker v. Baldwin*, 74 F.4th 878, 879 (7th Cir. 2023); *Stewart v. Beach*, 701 F.3d 1322, 1326 (10th Cir. 2012). In Maryland and Texas, prison officials refused Jewish inmates' requests for a kosher diet. *See Rendelman v. Rouse*, 569 F.3d 182, 184-85 (4th Cir. 2009); *Mitchell v. Denton Cnty. Sheriff's Off.*, 2021 WL 4025800, at *8 (Aug. 6, 2021), *report and recommendation adopted*,

2021 WL 3931116 (E.D. Tex. Sept. 1, 2021). In Arizona, prison officials refused to give a Muslim prisoner halal meals. *See Al Saud v. Lamb*, 2020 WL 1904619, at *5 (D. Ariz. Apr. 17, 2020). And in a Missouri jail, an inmate was prevented from reading the Bible. *See Barnett v. Short*, 2022 WL 17338086, at *1-2 (E.D. Mo. Nov. 30, 2022), *aff'd in part, rev'd in part, and remanded*, 129 F.4th 534 (8th Cir. 2025). There are many more examples. *See*, *e.g.*, 33 Religious Organizations Cert-Stage *Amicus* Br. 10-16. And the number of violations of religious liberty in state prisons appears to be growing: A recent analysis of RLUIPA cases found almost 1,500 more RLUIPA claims than two decades ago. *See Enforcing Religious Freedom in Prisons* at 143.

Too often in these cases, any hope for injunctive relief is mooted by prisoners transferring facilities, being released from custody, or, as in Landor's case, where an injunction cannot remedy the past harm. In *amici*'s opinion, the conduct of corrections officers and officials described in the RLUIPA cases would be less likely to occur in the federal prison system, where RFRA authorizes monetary damages. This Court should resolve the inequity of religious freedom that arbitrarily depends on whether an individual is confined in a state or federal correctional facility.

IV. Correctional Officers Expect To Be Liable For Monetary Damages For Violating An Incarcerated Person's Religious Liberty

Officers are trained on the law and to follow policy, and they expect to be personally liable in certain situations. When officers receive training, they are informed about prisoners' civil rights and relevant law, and are told that, under certain circumstances, they may be liable for monetary damages. *See*, *e.g.*,

Washington Dep't of Corr., *Training & Development* (describing mandatory core training topics including "Rights of Incarcerated Individuals"), https://doc.wa.gov/jobs/benefits/training-development (last visited Aug. 27, 2025); California Bd. of State & Cmty. Corr., *Adult Corrections Officer Core Course Manual* 21 (rev. Jan. 2022) (outlining a four-hour course on legal foundations and liability including "the major areas of officer liability and the possible consequences associated with each"), https://www.bscc.ca.gov/wp-content/uploads/Adult-Corrections-Officer-Core-Training-Course-Manual-January-2022.pdf.

Officers expect liability, including monetary penalties, when they blatantly disregard a clearly established right. For example, prison training manuals routinely explain that officers may be individually liable for clearly established civil rights violations. And procedures are put in place to ensure adequate process before any risk of violating such rights. It makes little sense to continue the disparity between federal officers under RFRA and state officers under RLUIPA. Congress intended the same high standard and same remedies to apply to federal government officials and to the States.

The Louisiana Department of Public Safety & Corrections contends that allowing monetary damages for individual liability under RLUIPA will worsen the correctional facility staffing issues "by driving down staffing levels and dissuading job applicants." Br. in Opp. 23. Recruiting and adequate staffing are high priorities for the correctional community, and there are many factors contributing to correctional staffing shortages — such as compensation, hours, location of prisons, and entrance requirements. But in *amici*'s experience, heightening the standard for respecting

prisoners' religious freedom would not have an impact on recruiting or staffing. *See* Daniel E. Hall *et al.*, *Suing cops and corrections officers: Officer attitudes and experiences about civil liability*, 26 Policing: An Int'l J. Police Strategies & Mgmt. 529, 545 (Dec. 2003) (surveying sheriff's deputies, corrections officers, and municipal police officers in a southern State and concluding that "most public safety officers are not impacted on a day-to-day basis by the threat of civil liability").

Moreover, allowing individual damages under RLUPA is unlikely to cause staffing shortages because, even when qualified immunity does not apply, officers rarely cover the costs of damages in a civil lawsuit. *See* Joshua J. Fougère, *Paying for Prisoner Suits: How the Source of Damages Impacts State Correctional Agencies' Behavior*, 43 Colum. J.L. & Soc. Probs. 283, 294-95 (2010); Margo Schlanger, *Inmate Litigation*, 116 Harv. L. Rev. 1555, 1671 (2003) ("in nearly all inmate litigation, it is the correctional agency [not officers] that pays both litigation costs and any judgments or settlements"). *Amici*'s experience includes officials who made recommendations to the attorney general about which officers are entitled to indemnification by the State, and, in most cases, officers receive indemnity. Yet even if individual officers are rarely on the hook for money damages, the penalty can still have a deterrent effect on those officers who may be subject to additional training, disciplinary action, or other such corrective measures by their department. And because the correctional agency often pays, the prospect of monetary damages will incentivize prisons to enhance job training and supervision to prevent violations of religious liberty in the first place.

States can and do contract with individual officers to indemnify them. Many States, by law, will defend their employees, even in suits for money damages, at the expense of the State. *See*, *e.g.*, Wash. Rev. Code §§ 4.92.060-4.92.075 (specifying that the State will defend an employee in suits for money damages and will satisfy the judgment when the employee was "acting within the scope of his or her official duties"); La. Stat. Ann. § 13:5108.1(A) (indemnifying employees in damages suits when an employee was "engaged in the performance of the duties of the individual's office"). Prison union contracts with States also broadly indemnify their officers on the job. *See* Agreement Between the State of New York and the New York State Correctional Officers and Police Benevolent Association, Inc. (2023-2026), art. 21, at 56-58 (Mar. 28, 2024) (indemnifying officers from any judgment that an inmate could bring while the officer is "acting within the scope of their public employment or duties" unless "the injury or damage resulted from intentional wrongdoing on the part of the employee"), https://oer.ny.gov/system/files/documents/2024/09/2023-2026-security-services-unit-contract-agreement.pdf. Officers have long been subject to monetary liability under Section 1983, and, although RLUIPA will not have an impact on recruitment, it will have an impact on ensuring the religious freedoms guaranteed by our Constitution are shared by all.

CONCLUSION

The court of appeals' judgment should be reversed.

Respectfully submitted,

SCOTT H. ANGSTREICH
Counsel of Record
DAREN G. ZHANG
ABIGAIL E. DEHART
KELLOGG, HANSEN, TODD,
FIGEL & FREDERICK,
P.L.L.C.
1615 M Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 326-7900
(sangstreich@kellogghansen.com)

September 3, 2025