



**HUMAN
RIGHTS
DEFENSE
CENTER**

2017 Annual Report

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NOTABLE DEVELOPMENTS

The Human Rights Defense Center, a non-profit 501(c)(3) organization founded in 1990, is the parent organization of *Prison Legal News (PLN)* – our award-winning monthly publication that covers criminal justice-related news and court rulings – and *Criminal Legal News (CLN)*, our monthly publication focused on policing and criminal law, which launched in December 2017 with the hire of *CLN* managing editor Richard Resch.

During the past year, HRDC continued to lead the [Stop Prison Profiteering campaign](#) and [Campaign for Prison Phone Justice](#), two national projects that seek to stop the financial exploitation of prisoners and their families, as well as the [Prison Ecology Project](#). Among other successes, after years of building a grassroots campaign in Letcher County, Kentucky, the Prison Ecology Project stalled approval for a new federal prison to be built in the county.

We had several notable litigation successes during 2017, including the final resolution of a 14-year Freedom of Information Act (FOIA) lawsuit against the federal Bureau of Prisons. We also settled censorship suits against jails in Michigan and Oklahoma, and obtained a landmark nationwide settlement against private prison firm Management & Training Corp. (MTC).

HRDC executive director Paul Wright received the Julio Medina Freedom Fighter Award from Citizens Against Recidivism, and, in conjunction with the National Police Accountability Project, we hosted a Continuing Legal Education seminar on police and prison litigation in West Palm Beach, Florida. We are also proud to announce the launch of our William A. Trine Fellowship in 2017 and to introduce its inaugural fellow, HRDC staff attorney [Masimba Mutamba](#). HRDC's legal team grew further in 2017 with the additional of two more staff attorneys, Daniel Marshall and Deborah Golden.

Lastly, due to a sudden eviction in Oct. 2017 by the City of Lake Worth, which bought the building where HRDC rented office space, we had to find a new office. We fortunately did so, with generous help from our supporters, and finalized our move at the end of the year.

THE MAGAZINES

PRISON LEGAL NEWS

HRDC's 72-page flagship monthly publication, *Prison Legal News*, reports on criminal justice- and corrections-related news and court rulings. *PLN* celebrated its 27th anniversary on May 1, 2017, continuing its distinction of being the longest-running independent magazine produced by and for prisoners. All of *PLN*'s contributing writers are current or former prisoners, including Matthew Clarke, Derek Gilna, Gary Hunter, David Reutter, Joe Watson, Mark Wilson and Christopher Zoukis.



PLN published the following cover stories in 2017:

- **January:** “Culture of Abuse and Corruption Plagues Jail in Denver, Colorado,” by Lonnie Burton, Matt Clarke, David Reutter and Christopher Zoukis, outlined a system of massive abuses and negligence by Denver law enforcement agencies.
- **February:** In “Trapped,” by Sam Levin with the *East Bay Express*, the road to obtaining parole in California was shown to be an emotionally and financially draining process.

- **March:** In “The Financial Firm that Cornered the Market on Jails,” Arun Gupta with *The Nation* looked at the exploitation wrought by Numi Financial and other companies that control fee-laden debit cards given to prisoners upon their release.
- **April:** “*PLN Interviews CIA Whistleblower John Kiriakou*” was an in-depth interview between HRDC executive director Paul Wright and John Kiriakou, a former CIA officer, senior investigator for the Senate Foreign Relations Committee and whistleblower who confirmed the CIA’s use of waterboarding as a form of torture.
- **May:** Rick Anderson covered the effects of sex offender registries on increased incarceration and the expense of the prison system in “Registration, Tracking of Sex Offenders Drives Mass Incarceration Numbers and Costs.”
- **June:** “Affluenza Epidemic Rampant in Our Nation’s Criminal Justice System” examined income-based disparities in sentencing; author Gary Hunter reported on cases where wealthy defendants received preferential treatment in comparison to less wealthy defendants, indicating the U.S. has a two-track justice system.
- **July:** Alan Prendergast, writing for *Westword*, reported in his article, “Hep C: The Deadliest Killer in Colorado’s Prisons is a Curable Virus,” that 20 percent of prisoners with hepatitis C are at risk of cirrhosis and organ failure – yet Colorado prison officials refuse to provide appropriate medical treatment.
- **August:** In “Policing for Profit: Law Enforcement Agencies Abuse Civil Asset Forfeiture,” Matthew Clarke provided a national overview of civil asset forfeiture and the many law enforcement abuses that occur in such cases.
- **September:** “Opening the Door,” by Jean Casella and Aviva Stahl with *Solitary Watch*, covered the ongoing damages caused by long-term solitary confinement – and the road to reform – in Colorado’s prison system.
- **October:** Spencer Woodman, writing for the *Chicago Reader*, reported on the disproportionately long pretrial detention of people held in the Cook County Jail, in “No-show Cops and Dysfunctional Courts Keep Cook County Jail Prisoners Waiting Years for a Trial.”
- **November:** Derek Gilna addressed the continued shortcomings of the Prison Rape Elimination Act in his article, “Five Years after Implementation, PREA Standards Remain Inadequate.”
- **December:** In “California Prisons Struggle with Environmental Threats from Sewage Spills, Contaminated Water, Airborne Disease,” Rick Anderson covered environmental hazards caused by, and present in, California prisons; this article was part of HRDC’s ongoing Prison Ecology Project.

PLN works hard to maintain first-rate advertisers that offer quality products and services of interest to prisoners and their families. We have a target of around 25% advertising content to 75% news, legal and editorial content.

Prison Legal News has thousands of subscribers in all 50 states and approximately 70% of our subscribers are incarcerated. *PLN*'s readership is much higher than the number of subscribers, as our most recent reader survey, conducted in August 2016, indicated that over 90 percent of subscribers share their issues of *PLN* – most often with more than 10 other people.

PLN continued to receive an enormous volume of mail throughout 2017. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending news clippings, court documents and other items of interest. Regretfully, due to this large amount of mail, *PLN* is unable to respond to the majority of people who contact us.

CRIMINAL LEGAL NEWS

HRDC is proud to announce our new monthly publication launched in December 2017, *Criminal Legal News*. *CLN* focuses on criminal law and the persistent expansion of the police state in America; it covers issues that include police brutality, prosecutorial misconduct, habeas corpus relief, ineffective assistance of counsel, sentencing, the militarization of police, the surveillance state, junk science, wrongful convictions, false confessions, eyewitness misidentification, paid/incentivized informants, Fourth Amendment search and seizure violations, Miranda warnings and due process rights, among many other issues, as well as criminal case law and court rulings.



The cover story for *CLN*'s inaugural December 2017 issue was "Absurd, Abusive, and Outrageous: The Creation of Crime and Criminals in America," by Christopher Zoukis, which detailed national practices in over-criminalization and extreme sentencing that have contributed to the current state of mass incarceration and the police state in the U.S.

BOOK DISTRIBUTION

BOOK SALES

HRDC offers a [wide variety of books](#) of interest to prisoners, including hard-to-find works on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own appeals and lawsuits. HRDC shipped over 2,600 books in 2017.

BOOK PUBLISHING

PLN Publishing seeks to produce quality, nonfiction reference books that provide prisoners and their advocates with reliable, timely and accurate information they can use to help themselves and improve their lives. We offer the highest author royalties in the publishing industry. Thus far, *PLN* Publishing has published five titles, including the *Prisoners' Guerrilla Handbook to Correspondence Programs in the U.S. and Canada*, 3rd Ed.; *The Habeas Citebook*, 1st and 2nd Eds.; the *Prison Education Guide*; and the *Disciplinary Self-Help Litigation Manual*.

PLN Publishing began work on two new book projects in 2017, which were still pending at the end of the year.

HRDC WEBSITES

We continued to expand HRDC's online presence in 2017 by increasing our content, including articles, court pleadings and publications. *PLN*'s website (www.prisonlegalnews.org) receives over 150,000 visitors each month and has become a significant resource for media and community outreach and public education on criminal justice-related issues.

At the end of 2017, *PLN*'s site had over 21,000 articles and 15,000 cases in its searchable database. The publications section had more than 7,000 reports, audits and other documents, while our brief bank contained over 9,500 legal pleadings – including complaints, motions, briefs, verdicts, judgments and settlements. Additionally, we created a website for our new monthly publication, *Criminal Legal News*: www.criminallegalnews.org.

HRDC's main website, www.humanrightsdefensecenter.org, was also improved in 2017. The site includes updated staff and board profiles and a library of HRDC comments filed with governmental agencies and legislative bodies.

We continued to add content to our Campaign for Prison Phone Justice data website, www.prisonphonejustice.org, as well as our Stop Prison Profiteering and Prison Ecology Project sites, www.stopprisonprofiteering.org and www.prisonecology.org. Plus we launched a new site devoted to the private prison industry, www.privateprisonnews.org.

HRDC STAFF

HRDC's executive team during 2017 included Paul Wright, executive director and editor of *PLN* and *CLN*; Alex Friedmann, associate director and *PLN*'s managing editor; chief financial officer and advertising director Susan Schwartzkopf; and HRDC's general counsel and litigation director Sabarish Neelakanta.

Additional staff included Frances Saucedo, office manager; Judith Cohen, advertising coordinator; Panagioti Tsolkas, special projects coordinator; Monte McCain, social media director; Robert Pew, legal assistant; paralegals Kathy Moses and Rachel Stevens; and Campaign for Prison Phone Justice director Carrie Wilkinson.

Several new employees joined HRDC in 2017, including staff attorneys Deb Golden, Masimba Mutamba and Daniel Marshall; *CLN* managing editor Richard Resch; editorial assistant Suzanne Bring; office assistants Shauna Coolican and Latoria Bowers; and public records manager/development assistant Michelle Dillon. We also want to recognize our valued and dedicated volunteers, Janet Callis and Melanie Campbell, as well as student worker Heidi Sadri, research interns Maja von Beckerath, Mira Tornquist and Hai Zhou, and work study students Eugene Choi, Alicia McDonnell, Sara Molaie, Liem Nguyen and Iris Wagner.



HRDC BOARD OF DIRECTORS

Michael Avery – Professor Michael Avery has practiced as a civil rights and criminal defense attorney, representing clients in jury trials and arguing cases in federal and state appellate courts, including the U.S. Supreme Court. He joined the Suffolk Law faculty in 1998, where he was a tenured professor teaching Constitutional Law, Evidence and related courses. He retired from Suffolk in 2014 and is now a professor emeritus. He graduated from Yale College in 1966 and Yale Law School in 1970. He received an M.F.A. from Bennington College in January 2017. Prof. Avery was President of the National Lawyers Guild from 2003 to 2006. He was the editor and a contributing author to *We Dissent*, a critical review of civil liberties and civil rights cases from the Rehnquist Court, and co-author of *The Federalist Society: How Conservatives Took the Law Back from Liberals*. He is co-author of *Police Misconduct: Law and Litigation*, a leading treatise on civil rights law, co-author of the *Handbook of Massachusetts Evidence*, the leading treatise on that subject, and the author of the *Glannon Guide to Evidence*, as well as several law review articles.

Dan Axtell (Vice President) – Mr. Axtell is a computer professional and human rights activist.

Rick Best (Treasurer) – Rick Best is a not-for-profit consultant working primarily in financial management. He also practices law and was part of the legal team that litigated civil rights violations arising out of mass arrests during the 2004 Republican National Convention in New York City. He served two years in federal prison for draft resistance during the Vietnam War and was executive director of the National Lawyers Guild from 1992 to 1995.

Bell Chevigny – Bell Chevigny is professor emerita of literature at Purchase College, SUNY. She has served on the [PEN Prison Writing Program](#) for around twenty years, three of them as chair. The Prison Writing Program offers an annual literary competition to incarcerated men and women nationwide. With the support of a Soros Senior Justice Fellowship, she compiled *Doing Time: 25 Years of Prison Writing*, a PEN American Center Prize anthology. She has written extensively about incarcerated authors and their literary works.

Howard Friedman (Board Chairman) – Howard Friedman is the principal in the Law Offices of Howard Friedman P.C., a civil litigation firm in Boston, Massachusetts. Howard's practice emphasizes representing plaintiffs in civil rights cases, particularly those involving law enforcement, including police misconduct and prisoners' rights litigation. Howard began his career in 1977 as a staff attorney at the Prisoners Rights Project in Boston. He is the past President of the National Police Accountability Project of the National Lawyers Guild and served as chair of the Civil Rights Section of the Association of Trial Lawyers of America (now the American Association for Justice). He is a graduate of Northeastern University School of Law and Goddard College.

Judy Greene – Judy Greene is a criminal justice policy analyst and the founding director of [Justice Strategies](#). Previously she was the recipient of a Soros Senior Justice Fellowship. She has served as a research associate for the RAND Corporation, as a senior research fellow at the University of Minnesota Law School and as director of the State-Centered Program for the Edna McConnell Clark Foundation. From 1985 to 1993 she was Director of Court Programs at the Vera Institute of Justice.

Sheila Rule – Sheila Rule is co-founder of the Think Outside the Cell Foundation (www.thinkoutsidethecell.org), which works to end the stigma of incarceration and offers programs for those who live in the long shadow of prison. She began working with this population in 2001 when she joined the Riverside Church Prison Ministry in New York City and was asked to correspond with incarcerated men and women. Inspired by their rich potential, she started the publishing company Resilience Multimedia to publish books that present a fairer image of those who have spent time behind bars. She is also on the board of Good Shepherd Services, a leading New York social services agency serving vulnerable children and families. She was a journalist at *The New York Times* for more than 30 years, including seven as a foreign correspondent in Africa and Europe, before retiring so she could embrace her current work.

Peter Sussman – Peter Sussman is an author and freelance journalist, and was a longtime editor at the *San Francisco Chronicle*. He has received numerous awards for his advocacy of media access to prisoners. He is the co-author, with prison writer Dannie M. Martin, of *Committing Journalism: The Prison Writings of Red Hog*, and wrote a chapter on the media and prisons in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, edited by Marc Mauer and Meda Chesney-Lind.

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill was the senior partner in his own law firm for many years until his retirement. He started a national prison project through TLPJ in 2005 and has been plaintiffs' counsel in prison-related cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College's board since its beginning.

Paul Wright (President) – Paul Wright is the editor of *Prison Legal News* and *Criminal Legal News*, and founder of the Human Rights Defense Center. He is responsible for editorial content and HRDC's advocacy, outreach and fundraising efforts. Paul was incarcerated for 17 years in Washington State and released in 2003.

Ethan Zuckerman – Ethan Zuckerman directs the MIT Center for Civic Media, and is an Associate Professor of the Practice in Media Arts and Sciences at MIT. He is the author of *Rewire: Digital Cosmopolitans in the Age of Connection*.

FUNDING IN 2017

In 2017, HRDC was funded primarily through earned revenue from its publishing and litigation projects, as well as book sales and individual donations. We also received grant funding from the Legal Foundation of Washington, New World Foundation and Sonya Staff Foundation.

ACTIVISM & ADVOCACY

HRDC staff engaged in a number of activism and advocacy efforts in 2017, to effect reform in our nation's dysfunctional justice system and to educate the public, policymakers and the mainstream media about criminal justice and prison-related issues. Those efforts included:

- On January 16, 2017, HRDC associate director Alex Friedmann spoke at a Vanderbilt University teach-in session for MLK Day, titled "Justice for All," on the topic of private prisons. He was invited by Prof. Lisa Guenther, with co-presenter Jeannie Alexander, director of the No Exceptions Prison Collective.
- Last year, Alex Friedmann filed a complaint against Campbell County, Tennessee Judge Amanda Sammons, based on the following issues: Requiring defendants to pay fees for court-appointed counsel when they were represented by retained counsel; ordering children to be removed from their home or parents without legal grounds to do so; and delaying or refusing to issue orders of expungement when charges were dismissed in criminal cases. The Board of Judicial Conduct consolidated his complaint with others and imposed [sanctions](#) against Judge Sammons in the form of a deferred disciplinary agreement on January 23.
- Alex Friedmann assisted with a Prison Policy Initiative report, "[Following the Money of Mass Incarceration](#)," that was released on January 25. He was thanked in the credits.
- HRDC was contacted in February 2017 by staff with the office of U.S. Senator Bernie Sanders to provide input on the Justice is Not for Sale Act, which was reintroduced on July 13. HRDC provided the name for the bill when it was first introduced in 2015.
- On February 2, Alex Friedmann gave a presentation on the private prison industry to a class of Vanderbilt law and divinity students, by invitation of Prof. Graham Reside.
- Alex Friedmann spoke on a February 10 panel at an event organized by the Rockefeller Foundation Fund and Interfaith Center on Corporate Responsibility, in New York City, about private prison contract procurement. Fellow panelists were Donald Cohen and Ryan Bowers.



- On February 22, Alex Friedmann spoke to a group of Vanderbilt University students about private prisons, by invitation of Prof. Lisa Guenther. The event was livestreamed on Facebook.
- On Mar. 2-3, HRDC and the National Police Accountability Project hosted a [Continuing Legal Education \(CLE\)](#) seminar in West Palm Beach, Florida on the topic of civil rights litigation related to misconduct by police and prison officials. HRDC litigation director and general counsel Sabarish Neelakanta presented on strategies for seeking injunctive relief in federal prisoners' rights litigation.
- HRDC sent a [letter](#) in support of U.S. Reps Emanuel Cleaver II and Luis V. Gutierrez on March 7, regarding their comments in which they expressed concerns about “companies that profit from imprisonment and the detention of immigrants.”



- On March 7, HRDC signed on to a [joint letter](#) sent to the U.S. House Judiciary Committee in opposition to HR 985, the Fairness in Class Action Litigation Act, which would impact prison and jail class-action suits.
- Alex Friedmann spoke at the NAACP Tennessee State Conference, Race Relation and Advocacy Summit in Jackson, Tennessee on March 11; he addressed prisoners' rights and what advocates can do to help with criminal justice reform.
- Alex Friedmann wrote the foreword to [Bodies in Beds: Why Business Should Stay Out of Prisons](#), by Sue Binder; the book was released on March 16.
- HRDC submitted a [letter](#) to California state Senator Ricardo Lara on March 21 in support of the Dignity Not Detention Act (SB 29), which would require private immigration detention centers in California to adhere to national standards, require annual audits of such facilities and restrict local governments from contracting with for-profit companies to detain immigrants. SB 29 passed and was signed into law on October 5.
- HRDC submitted a [letter](#) to U.S. Senator Cory Booker in support of the Dignity for Incarcerated Women Act on March 29; the legislation was subsequently introduced as S. 1524 on July 11.
- On April 6, HRDC signed on to a [joint letter](#) coordinated by the Drug Policy Alliance, calling on Congress to repeal 23 U.S.C. 159 – a law that incentivizes states to revoke drivers' licenses for people who have been convicted of drug offenses.
- Alex Friedmann spoke at a Tennessee legislative press conference on April 10; other speakers included two state representatives and a state senator. The topic was a major incident at the Turney Center prison that involved 16 prisoners, in which one guard was held hostage and several were injured.

- On April 11, Alex Friedmann gave a two-hour Skype presentation to students at Duke Law School in North Carolina, for a class on “Taboo Trades and Forbidden Markets.” He spoke about the private prison industry.
- Alex Friedmann participated on a panel at the Private Prisons: The Corporatization of Criminal Justice symposium in Phoenix, Arizona on April 14. Other panelists included Prof. Donald Tibbs and Prof. Yolanda Vazquez; the event was organized by [Abolish Private Prisons](#).
- HRDC staff attorney Masimba Mutama spoke to community leaders and advocates at a screening of the film “13th” in Lake Park, Florida on April 26, as part of a community event addressing criminal justice advocacy and civil rights litigation issues.
- On May 11, Alex Friedmann and HRDC social media director Monte McCain attended the annual shareholder meeting for private prison company CoreCivic. Alex questioned the board members about a prisoner who committed suicide at a CoreCivic-run facility in Louisiana; the prisoner weighed just 71 lbs. when he died. Monte asked about the Private Prison Information Act and the company’s lack of transparency.
- Alex Friedmann spoke on a panel at Vanderbilt University’s Divinity School on May 11, on the privatization of government services. Fellow panelists included Dr. Diana Moyer, Tennessee state Rep. John Ray Clemmons and No Exceptions Prison Collective director Jeannie Alexander.
- HRDC executive director Paul Wright was the keynote speaker at the Southeast Regional Books to Prisoners program held in New Orleans on May 19-21. He spoke about the history of *Prison Legal News*, and provided advice and information on how to deal with censorship by prison and jail officials.
- On May 21, Monte McCain presented on a panel at Moogfest (an art and technology festival) in Durham, North Carolina, on the use of social media for criminal justice organizing.
- Alex Friedmann contributed to a Prison Policy Initiative report, “[Era of Mass Expansion: Why State Officials Should Fight Jail Growth](#).” The report was released on May 31; he was thanked in the credits.
- Paul Wright spoke at an anti-police brutality protest in Lake Worth, Florida on June 25. The event was sponsored by Black Lives Matter and South Florida Activism.
- HRDC coordinated a [joint letter](#) in support of the Private Prison Information Act (HR 1980), addressed to the bill’s sponsor, U.S. Rep. Sheila Jackson Lee, on July 11. Forty-seven supporters signed on to the letter. HRDC staff helped draft the language of the bill, which has been repeatedly reintroduced in Congress without success.



- On July 14, Paul Wright gave a presentation on criminal justice contracting at the Young Elected Officials Conference in San Francisco.
- Paul Wright spoke on July 22 at an anti-private prison demonstration held at the GEO Group-run Broward Transitional Center in Pompano Beach, Florida, which holds immigration detainees. HRDC general counsel Sabarish Neelakanta also attended the event.
- On Aug. 5, Paul Wright spoke at the National Lawyers Guild convention in Washington, D.C., on a panel titled “Dismantling the Private Prison Industry: Standing Up Against the Corporatization of Mass Incarceration.”
- HRDC Prison Phone Justice Campaign director Carrie Wilkinson attended an August 14 meeting of the King County Council in Seattle, WA and testified in support of an ordinance to prohibit the county from contracting with private prison firms. The ordinance passed 8 to 1.
- On September 28, Paul Wright received the Julio Medina Freedom Fighter Award from [Citizens Against Recidivism](#). The award was presented on October 21 at the Malcolm X & Dr. Betty Shabazz Memorial and Educational Center in New York City.
- Alex Friedmann spoke on a panel at a Criminal Justice Roundtable at the Nashville Peace and Justice Center on November 2, concerning prison privatization. Other panelists were from the No Exceptions Prison Collective, Tennesseans for Alternatives to the Death Penalty, Nashville Public Defenders and TN Alliance for Progress.
- Based on a complaint filed by Alex Friedmann, the Tennessee Board of Judicial Conduct issued a [public reprimand](#) to White County General Sessions Judge Sam Benningfield on November 15, related to his offer to reduce the sentences of prisoners held at the local jail if they agreed to have vasectomies (for men) or to get long-term birth control implants (for women)
- On Dec. 1, Masimba Mutamba was a panelist at the 15th Judicial Circuit of Florida Diversity and Sensitivity Training, on increasing judicial sensitivity towards religious, racial, gender and sexual orientation diversity of the Florida Bar, the jury pool and the community. The panel also discussed HRDC’s litigation and advocacy efforts in terms of working with prisoners, who constitute a marginalized community.
- On Dec. 12, Alex Friedmann spoke at a Tennessee legislative Government Operations Joint Subcommittee hearing, during a public comment period, on issues related to prison privatization following a scathing audit of a CoreCivic facility by the TN Comptroller’s office.



MEDIA OUTREACH

HRDC, *PLN* and *CLN* reached national and international audiences in 2017, including quotes in news articles, interviews and citations of our award-winning publications. This media coverage included newspapers, magazines, TV shows, radio and online news sources. HRDC also issued ten press releases this year. The following is a “Top 50” list of the media coverage that HRDC, *PLN* and *CLN* received in 2017, which excludes articles about our litigation. Links to these articles and hundreds more are available on our website under [“In the News.”](#)

- *The Times-Picayune* published a story on Jan. 11, 2017 titled “Families spend millions on phone calls from Louisiana inmates,” which used research from HRDC and quoted Prison Phone Justice campaign director Carrie Wilkinson.
- HRDC executive director Paul Wright was quoted in a January 13 article by the Pew Charitable Trusts on the use of social media in prisons. He noted that “Social media provides a level of transparency” to hold prisons accountable as never before possible.
- HRDC associate director Alex Friedmann appeared on the Roach Brown radio show, WPFW 89.3 FM in Washington, D.C. on Jan. 17, and discussed presidential clemency under the Obama administration. He noted that while President Obama had granted 1,176 commutations, he also denied more than 14,480.



- On Jan. 28, the *Knoxville News Sentinel* published an opinion piece by Alex Friedmann in response to an editorial by CoreCivic executive (and former federal prisons director) Harley Lappin, countering his comments lauding the company’s for-profit prison operations.
- Paul Wright was quoted in a February 8 article on Rewire.com about false confessions and wrongful convictions. Said Wright, “Lack of adequate defense is the real problem ... If you’re innocent it doesn’t mean much; the cornerstones of the problems that afflict our justice system [are] at the trial level.”
- *Vice* published an article about an assault at a private prison in Idaho on February 13, in which Alex Friedmann was quoted about chronic understaffing and the crucial role of litigation to expose conditions at private prisons.
- On February 16, the Associated Press covered CoreCivic’s rejection of a shareholder resolution filed by Alex Friedmann that called for independent audits of the company’s detention facilities.
- Portuguese newspaper *Expresso* quoted Alex Friedmann on February 18 for an article about a privately-operated juvenile facility.
- On February 20, Inverse.com quoted Alex Friedmann for an article on the rise of private immigrant detention.

- Alex Friedmann appeared on Rev. Jesse Jackson’s “Keep Hope Alive” radio show on February 26, and spoke about privatization of both schools and prisons. Other speakers included NOW president Terry O’Neill and Pennsylvania state Senator Vincent Hughes.
- On March 6, Paul Wright was interviewed by RT (Russian Television) on Ohio prisoners being denied media access and punished for trying to speak out.
- Paul Wright was quoted in a March 9 article in the *Washington City Paper* about a search for public records that could exonerate a prisoner.
- On March 10, Paul Wright was [interviewed](#) by RT concerning racial disparities in wrongful convictions and exonerations.
- RT published an interview with Paul Wright on March 11 about issues of racism and classism in the legal system. “I think the reality in America is you get as much justice as you can afford,” he stated.
- On March 21, Al Jazeera quoted Alex Friedmann in an article about the death of Florida state prisoner Darren Rainey, who died after guards scalded him in a shower. “Florida specifically has a long and sordid history of prisoners being killed by guards,” Friedmann said. “There are systemic failures at every step, from preventing abuse, investigating, and holding [prison staff members] accountable.”
- The *Colorado Independent* published an article about unpaid labor at ICE detention facilities on March 21, quoting Alex Friedmann about ramifications for taxpayers.
- *City Limits* quoted Alex Friedmann in a March 24 article about upcoming restrictions on prison visits and video calling in New York.
- On April 11, Paul Wright appeared on RT to discuss executions in Arkansas.
- FOIAFighter.com quoted Alex Friedmann in its April 12 coverage of campaign contributions from for-profit prison company CoreCivic.
- On April 20, the *Orange County Register* published a letter by Alex Friedmann rebutting an opinion piece in favor of private prisons.
- Paul Wright was quoted by the *Palm Beach Post* in an April 28 article about increased stock prices of private prison companies. When asked about the impetus for the increase, Wright responded, “The president has come to office promising to deport a lot of people and lock a lot of people up, so of course their stocks are up.”



- The *Tennessean* quoted Alex Friedmann in a May 19 article about the stock price of private prison contractor CoreCivic.
- The Pew Charitable Trusts quoted Alex Friedmann in a May 30 article on increased restrictions on prison visitation. Speaking on the presumption that visitors are the primary suppliers of contraband, Friedmann stated, “You ultimately have employees coming into facilities, and a lot of them are not adequately searched when they enter.... The vast majority of correctional officers don’t smuggle in drugs, but the vast majority of visitors don’t either. It doesn’t make sense to only go after one group.”
- On May 31, Alex Friedmann spoke on a KIQI 1010 AM San Francisco and KATD 990 AM Sacramento radio show about a lawsuit filed by the ACLU over hunger strikes in ICE detention facilities. His comments were translated into Spanish.
- Carrie Wilkinson was quoted by *The Intercept* in a June 16 article about the prohibitively high costs of prison phone calls.
- *The Crime Report* quoted Carrie Wilkinson in a June 19 article concerning the practice of giving fee-based debit cards to prisoners upon their release.
- On July 6, Paul Wright was quoted by the *Atlanta Journal-Constitution* for an article about the aftermath of a federal court ruling that struck down FCC rate caps on intrastate prison phone calls. “The felons aren’t the ones paying the bills. It’s the families,” Wright said. “It’s just exploitation. It’s just gouging people.”
- *Truthout* quoted Paul Wright in an August 3 article about the militarization of the prison system.
- The *Atlanta Black Star* quoted Alex Friedmann on August 6 in an article concerning felon disenfranchisement.
- On August 9, Alex Friedmann was quoted by *Courthouse News* in an article about extreme heat in Texas prisons. “For those people who think prisoners don’t ‘deserve’ air conditioning, they need to consider the at least 23 Texas prisoners who have died due to extreme heat conditions, none of whom were sentenced to death,” he said.
- Carrie Wilkinson was quoted in the *Huffington Post* on August 9 about the impact of the FCC’s decision not to defend its rate caps for intrastate prison phone calls.
- On August 10, *The New York Post* covered HRDC’s allegation of a conflict of interest in regard to FCC Chairman Ajit Pai’s decision not to defend the agency’s rate caps for intrastate prison phone calls.
- In its September issue, the *ABA Journal* quoted Alex Friedmann for an article on the increase in private prisons under the Trump administration.



- On September 14, Alex Friedmann participated in a panel discussion on Loud & Clear 105.5 FM, a radio show co-hosted by Brian Becker and John Kiriakou, with former political prisoner Eddie Conway. The show addressed criminal justice reform efforts and focused on the anniversary of the Attica rebellion.
- Alex Friedmann was interviewed on Sept. 14 by Sean Burke for the [Sean Burke Show](#) on WSMN 1590 AM in Nashua, New Hampshire, on the topic of private prisons.
- On September 18, *The Morning Call* quoted Alex Friedmann in an article about increased opioid overdoses in jails.
- *The Charlotte Observer* quoted Alex Friedmann on September 21, for an article on the repeated sexual assault of a prisoner by a staff member. In a rare victory, the prisoner succeeded in his lawsuit against his abuser, prompting Friedmann to note that asking a prisoner to litigate and win his own case is, frustratingly, like “asking a non-doctor to perform brain surgery on himself.”
- Alex Friedmann was quoted by *The Crime Report* in an October 3 article about the lack of protections for prisoners during natural disasters.
- On October 3, Alex Friedmann was on the Roach Brown radio show in Washington, D.C., and spoke about prison and jail video calling services.



- Paul Wright was interviewed by Colombian TV station NTN24 on October 6, about the Nobel Peace Prize.
- On Oct. 11, Paul Wright was interviewed by RT on the U.S. Supreme Court’s decision not to hear an appeal by GEO Group and CoreCivic on whether they have standing to object to FOIA public record disclosures.
- Alex Friedmann was quoted by *The Washington Post* in an Oct. 25 article about private prison company GEO Group’s decision to host its annual conference at a resort owned by President Donald Trump.
- On October 27, Alex Friedmann appeared on the Loud & Clear 105.5 FM radio show in Washington, D.C., with John Kiriakou, and spoke about the closure of federal halfway houses.
- Alex Friedmann was interviewed by [Cannabis Radio](#) on October 30 about *Prison Legal News* and our criminal justice advocacy work.
- In a widely-distributed Associated Press article published on October 31, Alex Friedmann was quoted about CoreCivic’s announcement to lobby public officials for rehabilitative and reentry programs. The article appeared on ABC News, the *Seattle Times* and the *New York Times*, among other media outlets.

- On November 2, Gothamist.com quoted Alex Friedmann in an article titled “How NY Prison ‘Slave Labor’ Powers a \$50 Million Manufacturing Enterprise.” He stated, “Prison labor is prison slave labor.... Know anyone else who would work for 65 cents an hour?”
- Alex Friedmann was a guest speaker on Baltimore radio show WOLB’s “[Lunch with Labor](#)” on November 7, on the topic of prison labor and industry programs.
- Italian newspaper *Il Caffè* quoted Alex Friedmann in a Dec. 3 article on private prisons.
- On December 11, Paul Wright was interviewed by German public radio on the use of prisoners to fight forest fires in California.
- Alex Friedmann was quoted in a December 21 article in the *Tennessee Tribune* about conditions at privately-operated prisons in Tennessee.

Litigation Project

HRDC’s legal team, including our attorneys and paralegals, litigate cases nationally against prisons and jails, including First Amendment censorship violations, public records cases, wrongful deaths, and other civil rights and consumer matters. Cooperating with some of the largest law firms in the country as well as skilled sole practitioners, HRDC remains at the forefront of litigation involving prisoners’ rights. Further, all of HRDC’s cases have a public education and media component that complements our criminal justice reform advocacy work.

Our litigation efforts continued to generate media coverage in 2017, including articles in *Courthouse News*, *Los Angeles Daily News*, the *Courier-Journal* and the *Livingston Daily*.

Our 2017 litigation team included general counsel and litigation director Sabarish Neelakanta, staff attorneys Masimba Mutamba, Daniel Marshall and Deb Golden, and paralegals Kathy Moses and Rachel Stevens. Deb has established an HRDC office in Washington, D.C.

HRDC’s litigation docket included the following cases; those that were both filed and resolved during the year are listed in the “Cases Resolved” sections. HRDC captions some of its censorship cases under the name of its monthly publication, *Prison Legal News*.

I. First Amendment Censorship Cases

For nearly three decades, HRDC has been on the front lines of litigation concerning the First Amendment rights of prisoners and their correspondents, primarily due to the systemic censorship of HRDC’s publications. The first issue of *Prison Legal News* was banned by corrections officials on the pretext that it posed a security risk. In truth, HRDC’s publications have been targeted for censorship because they highlight constitutional abuses, misconduct and corruption within prisons and jails. Corrections officials have continued to be hostile to HRDC’s written speech and have censored our magazines and the books we publish or distribute. However, these unconstitutional attempts to thwart HRDC’s mission to inform and educate prisoners about their legal rights have largely been unsuccessful when challenged in court.



*HRDC General Counsel
Sabarish Neelakanta*

The determined effort by HRDC's legal team to challenge such censorship and ensure that First Amendment rights are not violated within the correctional context has been one of the hallmarks of our litigation project. Even though corrections officials have adopted new and creative ways to hinder access to constitutionally-protected publications in prisons and jails, HRDC continues to fight such censorship and expand the jurisprudence on the First Amendment rights of prisoners and those who correspond with them.

A. New Cases Filed in 2017

- 1. *Human Rights Defense Center v. Sheriff Jim McDonnell (Los Angeles County, CA)*** – On July 3, 2017, HRDC filed suit against Los Angeles County's jail system, which holds the largest number of pre-trial detainees in the United States, for censorship of *Prison Legal News* and letters without due process. The Court denied HRDC's motion for a preliminary injunction, and also dismissed claims against individual defendants and a claim that the censorship violated California's Bane Act. HRDC appealed to the Ninth Circuit over the denial of the preliminary injunction, and that appeal remained pending at the close of 2017. HRDC is represented by general counsel Sabarish Neelakanta and staff attorneys Masimba Mutamba and Daniel Marshall, and by local counsel Sanford Rosen, Jeffrey Bornstein and Christopher Hu with the law firm of Rosen Bien Galvan & Grunfeld, LLP as well as Brian Vogel with the law office of Brian A. Vogel, P.C.
- 2. *Human Rights Defense Center v. Commissioner Rodney Ballard (Kentucky DOC)*** – On July 17, 2017, HRDC filed suit against the Kentucky Department of Corrections for censoring books mailed to prisoners. The defendants answered the complaint by denying any constitutional violations, and the parties remained engaged in discovery at the end of 2017. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Gregory A. Belzley with the law firm of Belzley Bathurst in Prospect, Kentucky.
- 3. *Human Rights Defense Center v. Sheriff Lewis Hatcher (Columbus County, NC)*** – On August 15, 2017, HRDC filed a lawsuit challenging the mail policies at the Columbus County Jail in North Carolina over the censorship of HRDC books, magazines and lettered mail. The defendants immediately changed their mail policy and revised their practices to allow prisoners to receive publications and other correspondence, and to provide proper due process notice of censorship decisions. The parties were engaged in settlement negotiations at the end of 2017. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Paul Cox and Jonathan D. Sasser with the law firm of Ellis & Winters, LLP in Raleigh, NC and Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA.
- 4. *Human Rights Defense Center v. Sheriff Brad Lewis (Baxter County, AR)*** – On August 21, 2017, HRDC filed suit challenging a postcard-only policy at the Baxter County Jail in Arkansas. The policy limits all incoming mail to postcards, with the exception of legal mail; it also prohibits prisoners from receiving books and magazines. HRDC challenged the policy on First Amendment grounds and for violations of due process under the Fourteenth Amendment. After briefing on both

sides concerning HRDC's motion for a preliminary injunction and the defendants' motion to dismiss, the court denied the preliminary injunction, denied dismissal on grounds of standing and granted the dismissal of certain individual defendants. Discovery remains ongoing in the case. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Paul J. James with the law firm of James, Carter & Priebe, LLP in Little Rock, AR and Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA.

5. ***Human Rights Defense Center v. Sheriff Ricky Roberts (Union County, AR)*** – On October 30, 2017, HRDC filed suit challenging a postcard-only policy at the jail in Union County, Arkansas. The policy limits all incoming correspondence to postcards except for legal mail, and prohibits prisoners from receiving magazines and books. The suit alleges First and Fourteenth Amendment violations. At the end of 2017, the parties had fully briefed HRDC's motion for a preliminary injunction and were engaged in discovery. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Paul J. James with the law firm of James, Carter & Priebe, LLP in Little Rock, AR and Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA.
6. ***Human Rights Defense Center v. Sheriff Gene Fisher (Greene County, OH)*** – HRDC filed suit on October 31, 2017, challenging censorship policies at the Greene County Jail in Ohio for censorship of books, magazines and letters, and denial of due process. After extensive negotiation, a settlement agreement enjoining the defendants from further censorship of HRDC publications was filed with the court in late November 2017. The case remained pending at the end of the year, on outstanding claims for declaratory relief, damages, attorneys' fees and costs. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Robert Newman with Newman & Meeks Co., LPA in Cincinnati, OH and Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA.

B. Cases Still Pending in 2017

1. ***Prison Legal News v. Sheriff Thomas Dart (Cook County, IL)*** – Since June 2016, the parties have remained in litigation over the censorship of books and magazines sent to prisoners at the Cook County jail and the jail's failure to provide due process notice of such censorship. Discovery continued through 2017, and a tentative mediation date was set in early 2018. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Matthew Topic with the law firm of Loevy and Loevy in Chicago, IL.
2. ***Prison Legal News v. Director Charles Ryan (Arizona DOC)*** – HRDC's lawsuit against the Arizona DOC, which began in 2015, continues over the censorship of certain issues of *Prison Legal News* on the spurious basis that they contain sexually explicit content, and the DOC's failure to provide due process notice. The bulk of the litigation in 2017 was focused on discovery issues, including multiple motions to compel production of documents and other information in preparation for filing

summary judgment motions in 2018. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, as well as attorneys Lisa Ells, Jenny Yelin, Krista Stone-Manista and Andrew Pope with Rosen Bien Galvan & Grunfeld, LLP in San Francisco, CA, and David Bodney and Michael A. DiGiacomo with Ballard Spahr, LLP in Phoenix, AZ.

3. ***Prison Legal News v. Federal Bureau of Prisons (ADX)*** – HRDC’s lawsuit against the federal Bureau of Prisons’ (BOP) highest-security facility, the Administrative Maximum Facility (ADX) in Colorado, due to censorship of *Prison Legal News* and lack of constitutionally adequate due process notice, continued in 2017. The BOP moved to dismiss the case, asserting the claims were moot because it had amended its policies to allow the delivery of *PLN* to prisoners at the ADX. The court denied the motion in August 2017, after first granting it but later vacating its order. The parties then engaged in discovery for much of the remainder of 2017. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, as well as attorneys Peter Swanson, Matthew Shapanka and Stephen Kiehl with Covington & Burling, LLP in Washington, D.C.; Steven Zansberg with Levine Sullivan Koch & Schulz, LLP in Denver, CO; Professor David Shapiro with the Northwestern University Pritzker School of Law in Chicago, IL; and Elliot Minberg with the Washington Lawyers’ Committee for Civil Rights & Urban Affairs in Washington, D.C.
4. ***Prison Legal News v. Sheriff James Jones (Knox County, TN)*** – At the start of 2017, the defendants had already conceded liability for their censorship of HRDC’s publications and other mail at the Knox County jail, as well as their lack of due process notice in violation of the First and Fourteenth Amendments. Accordingly, in June 2017 they agreed to pay \$25,000 in damages. The parties continued to litigate the issue of injunctive relief, attorneys’ fees and costs, but no resolution had been reached as of the end of the year. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by attorney Tricia Herzfeld with Branstetter, Stranch and Jennings, PLLC in Nashville, TN.
5. ***Prison Legal News v. Northwestern Virginia Regional Detention Center*** – HRDC continued litigating its challenge to this Virginia regional jail’s policy of banning incoming books and magazines. After securing a consent decree in 2016 that allowed for the delivery of publications to prisoners, HRDC and the defendants both moved for summary judgment in early 2017. The district court granted in part and denied in part the motions, allowing the case to proceed to trial as to liability on HRDC’s First Amendment claim and compensatory damages on both its First and Fourteenth Amendment claims. The case has been set for trial in June 2018. HRDC is represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Jeff Fogel and Steve Rosenfield in Charlottesville, VA.
6. ***Prison Legal News v. Julie Jones (Florida DOC)*** – On November 17, 2011, HRDC filed suit challenging a ban on *Prison Legal News* by the Florida Dept. of Corrections (FDOC); the statewide ban was purportedly based on *PLN*’s advertising content, including pen pal and phone service ads. A bench trial was held in January

2015, and in August 2015 the district court held that FDOC's censorship of *PLN* was permissible but that the FDOC had violated HRDC's due process rights; the court issued an injunction against the FDOC on the latter grounds. HRDC filed an appeal with the Eleventh Circuit, and oral argument was held on June 10, 2016. As of the end of 2017, the appellate court had not issued its opinion in the case. HRDC

is represented by in-house counsel Sabarish Neelakanta, and by Randall Berg and Dante Trevisani with the Florida Justice Institute; Benjamin Stevenson and Nancy Abudu with the ACLU of Florida; and on appeal by Paul Clement and Michael McGinley with Bancroft PLLC.

C. Cases Resolved in 2017

1. ***Prison Legal News v. Sheriff Bob Bezotte (Livingston County, MI)*** – HRDC filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011 over unconstitutional restrictions on correspondence sent to prisoners due to a postcard-only policy, raising claims under the First and Fourteenth Amendments. In 2016, the parties filed cross-motions for summary judgment. While both summary judgment motions were pending, the case settled in June 2017 with an injunctive agreement that requires Livingston County to 1) accept up to 30 subscriptions per month of *Prison Legal News* addressed to specific prisoners, regardless of whether the subscriptions are paid or gifts; 2) deliver *Prison Legal News* subscriptions to prisoners provided they are still housed at the Livingston County Jail; 3) accept up to 30 HRDC books per month; and 4) provide notice of any censorship in writing to the prisoner to whom the material was addressed, as well as to HRDC. Livingston County further agreed to pay \$295,000 in damages, attorney fees and costs. HRDC was represented by in-house counsel Sabarish Neelakanta, and by attorneys Thomas M. Loeb, Brian J. Prain and Dan E. Manville.
2. ***Prison Legal News v. Sheriff Ken Stolle (Virginia Beach, VA)*** – After argument before the Fourth Circuit Court of Appeals in December 2016 concerning attorneys' fees, the appellate court issued a per curiam opinion affirming the district court's order on fees. The case, which challenged the censorship of HRDC publications and books at the Virginia Beach Correctional Center, subsequently settled for \$94,423.35 in attorneys' fees and litigation expenses. HRDC was represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by local counsel Jeff Fogel and Steve D. Rosenfield in Charlottesville, VA.
3. ***Prison Legal News v. Management & Training Corporation (Otero County Prison Facility, NM)*** – In October 2016, *PLN* filed suit against private prison operator Management & Training Corporation (MTC), challenging a pre-approval policy prior to receipt of books sent to prisoners at the company's Otero County Prison Facility in New Mexico, as well as failure to provide adequate notice of the censorship. In July 2017, following mediation, the parties entered into a settlement agreement that also resolved a companion case filed by HRDC in Ohio. MTC agreed to pay \$150,000 in damages, attorneys' fees and costs; it also agreed to modify its mail policy to allow the delivery of unsolicited publications, including

books, magazines and newspapers, without using an approved vendor list. The policy changes apply to all MTC facilities nationwide. HRDC was represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA and Laura Shauer Ives with Kennedy, Kennedy & Ives in Albuquerque, NM.

4. ***Human Rights Defense Center v. Management & Training Corporation (North Central Correctional Complex, OH)*** – In May 2017, HRDC filed a companion case to its suit filed against MTC in New Mexico, concerning censorship policies at the company’s North Central Correctional Complex in Ohio. The case settled in July 2017 as part of a combined injunctive and monetary settlement for \$150,000 in damages, attorneys’ fees and costs, as well as changes to MTC’s mail policies at the company’s detention facilities nationwide. HRDC was represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Bruce E.H. Johnson with Davis Wright Tremaine, in Seattle, WA and Adam G. Gerhardstein with the law firm of Gerhardstein & Branch in Cincinnati, OH.
5. ***Prison Legal News v. Pottawatomie County Public Safety Center Trust*** – In October 2015, HRDC filed a lawsuit against the Pottawatomie County Public Safety Center, a regional jail in the Oklahoma City metropolitan area, over a policy that banned all incoming publications. By the close of 2015, the jail had abandoned most of its unconstitutional mail practices. In early 2017, the defendants agreed to a consent decree ensuring that the unconstitutional policy banning publications would not be reinstated, and agreed to pay \$125,000 in damages, attorney’s fees and costs. HRDC was represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Robert Nelon and Ashley Roche with the law firm of Hall Estill in Oklahoma City, OK and Bruce E.H. Johnson with Davis Wright Tremaine in Seattle, WA.
6. ***Prison Legal News v. Sheriff Wickersham (Macomb County, MI)*** – HRDC’s suit against a jail in Macomb County, Michigan concerned the facility’s postcard-only policy and lack of due process notice. By June 2016, the defendants agreed to be bound by a stipulated injunction that prohibited them from enforcing the postcard-only policy and required due process notice when mail was censored. Accordingly, the only issues remaining for the district court were *PLN*’s claims for declaratory relief, damages, attorneys’ fees and costs. In August 2017, the court denied the claim for declaratory relief. Soon thereafter the parties negotiated a settlement as to damages, fees and costs in the amount of \$150,000. HRDC was represented by in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by James Stewart with Honigman Miller Schwartz and Cohn, LLP; Bruce E.H. Johnson with Davis Wright Tremaine; and Dan E. Manville, director of the Civil Rights Clinic at the Michigan State University College of Law.

II. Public Records and FOIA Cases

HRDC also litigates public records and Freedom of Information Act (FOIA) cases across the country related to prisons, jails and other detention facilities, seeking information on such issues

as government contracts with private companies engaged in correctional services, and payouts, settlements and verdicts in lawsuits involving corrections and law enforcement agencies. HRDC uses this information to ensure government transparency and accountability, while engaging in investigative research and reporting on issues related to the criminal justice system.

A. Cases Resolved in 2017

1. ***Prison Legal News v. Bureau of Prisons (Samuels I)*** – After 14 years of litigation in a FOIA suit seeking records related to all cases over a multi-year period in which the federal Bureau of Prisons paid \$1,000 or more to resolve claims or lawsuits, the BOP provided the last set of documents responsive to the request and settled the case in April 2017. Accordingly, the parties entered into a settlement agreement for \$420,000 in attorneys’ fees and costs. The case, initially filed in 2003, included an appeal to the D.C. Circuit Court of Appeals. HRDC was represented by in-house counsel Sabarish Neelakanta and Masimba Mutamba, and by Washington, D.C. attorney Ed Elder and the Partnership for Civil Justice Fund at the district court level. On appeal and in subsequent proceedings, HRDC was represented by Ronald London and Lisa Zycherman with the Washington, D.C. law firm of Davis Wright Tremaine and by HRDC general counsel Sabarish Neelakanta.
2. ***Prison Legal News v. Bureau of Prisons (UNICOR records)*** – In July 2012, HRDC requested, via the Freedom of Information Act (FOIA), copies of records from the Bureau of Prisons or Federal Prison Industries (also known as UNICOR). The records related to UNICOR’s electronics recycling program, with a focus on hazardous or toxic materials and dangerous working conditions, deaths or injuries that have resulted from same, and related litigation involving UNICOR resulting in settlements or verdicts. At the close of 2016, the court issued an order outlining a briefing schedule for any summary judgment motions. However, after subsequent releases of documents, a final set of records was produced in late 2017 and the parties entered into a settlement agreement in the amount of \$171,000 for attorneys’ fees and costs. HRDC was represented by in-house counsel Sabarish Neelakanta and Masimba Mutamba, and by attorneys Carl Messineo and Mara Verheyden-Hilliard with the Partnership for Civil Justice Fund in Washington, D.C.

B. Cases Still Pending in 2017

1. ***Prison Legal News v. Corizon Health*** – In March 2016, HRDC filed a public records complaint against private prison medical contractor Corizon Health in New Mexico, over its failure to disclose documents related to litigation, settlements and verdicts in connection with the company’s contract with the New Mexico Dept. of Corrections. Corizon Health argued that it was not subject to the state’s public disclosure law because it is not a public entity, despite the fact that it performs a core governmental function of providing healthcare to prisoners. The defendants filed a motion to dismiss, and HRDC has filed a response. Due to an earlier case currently on appeal concerning whether Corizon is subject to New Mexico’s public records law, this case has been stayed and remains pending until a ruling has been issued in the appeal. HRDC is represented by in-house counsel Sabarish Neelakanta and by Laura Shauer Ives with Kennedy, Kennedy & Ives in Albuquerque, NM.

2. ***Prison Legal News v. Bureau of Prisons (Samuels II)*** – On June 3, 2015, HRDC filed suit against the Bureau of Prisons in the U.S. District Court for the District of Columbia seeking declaratory, injunctive and other relief, over the BOP’s failure to produce records concerning settlements and verdicts in lawsuits for any amount greater than \$1,000, from January 2008 through November 2013, pursuant to the Freedom of Information Act. The BOP subsequently began releasing documents responsive to those requests, including multi-region document productions, totaling over 18,700 pages in the initial productions in 2016, more than 2,700 pages in a supplemental production in the spring and summer of 2017, and over 2,200 pages in another supplemental production in late summer and fall 2017. At the end of the year, the parties were still negotiating the scope of the documents responsive to the FOIA request. HRDC is represented by in-house counsel Sabarish Neelakanta and Masimba Mutamba, and by Ronald London and Ashley Vulin with Davis Wright Tremaine in Washington, D.C. and Portland, OR, respectively.

III. CONSUMER CLASS ACTIONS

As part of its [Stop Prison Profiteering](#) project, HRDC has focused attention on challenging the exploitive business practices of private companies awarded lucrative monopoly contracts with prisons and jails to provide services to prisoners, often at exorbitant costs and with hidden fees and charges. Accordingly, HRDC has spearheaded consumer class-action litigation against these companies. Specifically, we have been tackling the practice of issuing debit cards to prisoners upon their release in lieu of a check or cash. These debit release cards have hidden and costly charges and handling fees, often leaving prisoners – who have no choice but to accept the cards – with nothing or a small fraction of the balance they had when they were released.

A. Cases Filed in 2017

1. ***Reichert v. Keefe Commissary Network, LLC*** – Jeffrey Reichert was arrested and booked into the Kitsap County Jail in Washington State in October 2016. When he entered the jail he had approximately \$177.66 in cash. When he was released a short time later, he received a debit card instead of the cash he had surrendered. The prepaid debit card required Mr. Reichert to pay unreasonable and excessive fees in order to access his own money. He never consented to receiving the card instead of his cash, and never assented to any contract with the defendants, including Keefe Commissary Network, a company that also operates prison and jail commissaries. Kitsap County Jail did not give Mr. Reichert an opportunity to reject the debit release card or take immediate possession of his money in any other form, such as cash or a check. HRDC filed a class-action lawsuit in October 2017, arguing that those practices violated the Takings Clause, the Electronic Funds Transfer Act, the Washington Consumer Protection Act and common law claims of conversion and unjust enrichment. The case remained pending at the close of 2017. Mr. Reichert is represented by HRDC in-house counsel Sabarish Neelakanta, Masimba Mutamba and Daniel Marshall, and by Mark Griffin and Laura Gerber with the law firm of Keller Rohrback in Seattle, WA.

B. Cases Still Pending in 2017

1. ***Brown v. Stored Value Cards*** – Danica Brown was charged with interfering with an officer during a peaceful protest of the police shooting death of Michael Brown, and booked into the Multnomah County Detention Center in Portland, Oregon. At the time of her arrest she had approximately \$30 in cash on her person, which the jail confiscated. After releasing her the next day, Ms. Brown did not receive her cash but instead was given a preloaded debit card that assessed various exorbitant fees. No one asked her whether she wanted to receive her money on a debit card, nor did she consent to receiving the card instead of cash. Ms. Brown also did not receive any cardholder agreement or terms and conditions, and never agreed to arbitrate claims associated with the card. She filed a class-action lawsuit alleging the return of her money in the form of a fee-laden debit card violated the Electronic Funds Transfer Act and the Oregon Unfair Trade Practices Act, along with claims of conversion and unjust enrichment. The defendants moved to compel arbitration, which the court denied in February 2016. Subsequent motions to dismiss filed by the defendants in 2016 and 2017 also were denied, and the parties engaged in discovery throughout most of 2017. Ms. Brown is represented by HRDC general counsel Sabarish Neelakanta, and by attorneys Mark Griffin and Laura Gerber with Keller Rohrback in Seattle, WA, and Benjamin Haile in Portland, OR.

C. Cases Resolved in 2017

1. ***Pope v. EZ Card and Kiosk, LLC*** – John Pope was arrested by the Ft. Lauderdale, Florida police during a sit-in protest over the police shooting of Michael Brown; he was charged with a first-degree misdemeanor and booked into the Broward County Jail. The \$178 in cash he had on his person was confiscated when he entered the jail, and upon his release the next morning he received a preloaded debit card instead of cash. No one asked him whether he wanted to receive his funds in the form of a prepaid debit card that assessed numerous fees. He never assented to receiving the debit card instead of cash, nor was he given any opportunity to reject the card. Further, Mr. Pope did not recall receiving a cardholder agreement or terms and conditions with the debit card, and he did not agree to arbitrate any claims. He filed a class-action suit that alleged violations of the Electronic Funds Transfer Act and the Florida Deceptive and Unfair Trade Practices Act, as well as conversion and unjust enrichment. The defendants moved to compel arbitration to which Mr. Pope filed an opposition, arguing that the arbitration clause was unenforceable. The district court subsequently granted the defendants' motion and submitted the case for arbitration. In 2016, by stipulation, Mr. Pope agreed to dismiss claims against Central National Bank of Kansas City. The claims against EZ Card and Kiosk were settled in a confidential agreement in 2017. Mr. Pope was represented by attorneys Raymond Audain, Oren Giskan and HRDC general counsel Sabarish Neelakanta.

IV. AMICUS BRIEFS

The Human Rights Defense Center joined in the following amicus briefs in 2017:

Flores v. Sessions – In March 2017, HRDC joined other amici in support of an appeal before the U.S. Ninth Circuit Court of Appeals in a long-running case concerning detention of immigrant children. The appeal involved two issues related to well-settled principles of public policy: 1) detention in institutional facilities is inherently harmful to the growth, development and physical and mental health of children and adolescents, and should only be permissible as a last resort; and 2) children are entitled to basic due process protections regarding secure confinement. On July 5, 2017, the Ninth Circuit issued a landmark ruling that confirmed all detained immigrant children have a right to a bond hearing before an immigration judge. The appellate court held that intervening federal legislation did not modify the Flores Settlement Agreement – a 1997 settlement between the federal government and the plaintiff class of detained immigrant children that established a “nationwide policy for the detention, release, and treatment of minors in the custody of the INS [former Immigration and Naturalization Service].”

In Re Bar Application: Tarra Simmons – On August 7, 2017, HRDC joined an amicus brief in support of Tarra Dennelle Simmons’ application to the Washington Supreme Court to be allowed to sit for the bar exam. Simmons was a nurse who excelled in law school after serving a prison term for serious drug and weapons offenses. HRDC asked the Court to allow Simmons to sit for the exam and to affirm the principle that for purposes of bar admission, a moral character inquiry must be determined on an individualized basis and there should be no categorical exclusion of applicants with criminal records or histories of substance abuse. Simmons’ application remained pending at the close of 2017.

Snodgrass, Jr. v. Messer – In December 2017, HRDC joined an amicus brief on behalf of Kevin Snodgrass, Jr. in support of his Petition for Writ of Certiorari to the U.S. Supreme Court. The petition raised two issues of significant importance: 1) Whether the First Amendment protects the speech of a prisoner who tells an officer that she intends to file a grievance concerning the officers’ misconduct; and 2) whether labeling a prisoner a “snitch” in a prison setting constitutes an adverse action for purposes of a First Amendment retaliation claim. HRDC and other amici urged the Supreme Court to grant the petition and rule in the affirmative on both issues.

OTHER ACTIVITIES & ACHIEVEMENTS

CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC co-founded the national [Campaign for Prison Phone Justice](http://www.prisonphonejustice.org) (PPJ) in 2011, with the goal of reducing the cost of phone

calls between prisoners and their family members. As part of our strategy to achieve this goal, HRDC worked diligently with the Federal Communications Commission (FCC), speaking at FCC workshops and filing comments on the docket for the Wright Petition – an FCC proceeding to address the high cost of prison and jail phone calls.



In response to the hard work of the PPJ campaign and its allies, the FCC initially capped the cost of interstate (long distance) calls in 2013, then in 2015 the agency announced rate caps for intrastate (in-state) calls at \$0.11 per minute for state and federal prisons, and \$0.14 to \$0.22 per minute for local jails depending on the size of the facility.

This was a great victory for PPJ and for prisoners and their loved ones; with the rate caps imposed by the FCC, prison and jail telecom companies such as Global Tel*Link (GTL) and Securus could no longer charge excessive and unjustified fees. However, new appointments were made under the Trump administration in 2017; one of those appointments was the new chair of the FCC, Ajit Pai, who announced that the agency would not defend its intrastate rate caps in a court challenge filed by prison telecom companies and corrections agencies. HRDC and other advocates intervened in the case, and independently defended the rate caps.

On June 13, 2017, the D.C. Circuit Court of Appeals issued a ruling that vacated the rate caps on intrastate prison and jail phone calls; additionally, it vacated reporting requirements for video calling, struck down the exclusion of “commission” kickbacks from call cost calculations and held the “FCC had no authority to impose ancillary fee caps with respect to intrastate calls,” among other provisions. The decision was [reported](#) in the July issue of *Prison Legal News*.

Prior to the appellate court’s ruling, HRDC had submitted two comments on the Wright Petition docket in February, related to a [bribery scandal](#) involving GTL and former Mississippi DOC Commissioner Christopher Epps, who pleaded guilty and was sentenced to almost 20 years in federal prison. HRDC also filed a comment in August after GTL agreed to pay a \$2.5 million settlement to the State of Mississippi in a civil action related to the scandal.

Additionally, HRDC submitted two comments regarding the FCC’s rulemaking related to contraband cell phones in prisons and jails. In August, we filed another two comments accusing Chairman Pai of having a conflict of interest and calling for his recusal, as he had represented prison telecom Securus as an attorney before his appointment to the FCC.

Although 2017 dealt a serious setback to the PPJ campaign, HRDC continues to advocate for prison and jail phone reforms on the state and federal levels.

STOP PRISON PROFITEERING CAMPAIGN

HRDC’s [Stop Prison Profiteering Campaign](#) focuses on the ongoing financial exploitation

of prisoners and their families by both government agencies and private companies. Such exploitation includes the egregious cost of video calling, commissary items, money transfers, secure email and tablet services, and the growing practice of releasing prisoners with fee-laden debit cards. Compounding these practices are monopoly contracts between corrections officials and private companies, often awarded in exchange for “commission” kickbacks.

Our SPP efforts in 2017 focused on obtaining the data and contracts behind these exploitive practices through public records requests, as well as litigating to put a stop to them. HRDC obtained contracts for fee-based correctional services at county jails in Washington State, as well as state- and county-level contracts across the country.

Last year, HRDC resolved a lawsuit that challenged debit release cards given to prisoners upon their release from a Florida jail (*Pope v. EZ Card and Kiosk, LLC*), and in 2017 we continued to litigate a similar case in Oregon (*Brown v. Stored Value Cards*). HRDC also filed a lawsuit in October 2017 challenging release debit cards at a Washington county jail (*Reichert v. Keefe Commissary Network, LLC*). For details on these cases, see the litigation section above.



STOP PRISON PROFITEERING

PRISON ECOLOGY PROJECT

HRDC's [Prison Ecology Project](#) (PEP) began in the spring of 2015 to address the intersection of environmental justice and criminal justice, including the impact of correctional facilities on the environment and the environment's impact on prisoners and prison staff.

Panagiotti Tsolkas, HRDC's special projects coordinator, continued to expand PEP efforts in 2017. On June 2-5, activists with the PEP campaign and Fight Toxic Prisons came together in Fort Worth, Texas, for the [Second Convergence on Toxic Prisons](#). The event brought together environmental activists, prisoners' rights advocates and current and former prisoners to strategize around prison ecological issues.

One of the PEP's most significant victories this year was the U.S. Department of Justice's decision to rescind \$444 million allocated to construct a new federal prison in Letcher County, Kentucky on the site of a former coal mine. That decision, announced in July 2017, was the culmination of an intense years-long campaign by PEP that mobilized activists to oppose the prison building project through protest actions and comments filed with the Bureau of Prisons. When the Bureau of Prisons reopened a public comment period on the Letcher County project in October 2017, PEP again mobilized its network to submit 455 letters in response.

Also, in August 2017, the Environmental Protection Agency introduced a new data tool, [EJSCREEN](#), that allows the public to map environmental indicators around the United States. As a result of PEP's advocacy efforts, EJSCREEN debuted with a screening tool for the locations of correctional facilities, so users can see for themselves the correlation between environmental hazards and prison sites.

PEP reached new audiences with a [collaborative series](#) of articles between Truthout and Earth Island Institute during the summer of 2017. This coverage included the number of prisons located near Superfund sites and other contaminated land, the raw sewage and other pollutants expelled by overcrowded prison systems and the peculiarly cruel circumstances of climate refugees held in immigration detention centers. In the words of Maya Schenwar, editor-in-chief of Truthout, who authored the introduction to the series of articles, "It's time for all of us to recognize that prisons are toxic – and that health, life and freedom from toxicity should be human rights for all."

Also as part of the PEP campaign, *Prison Legal News* ran a cover story in December 2017 titled, "California Prisons Struggle with Environmental Threats from Sewage Spills, Contaminated Water, Airborne Disease," by Rick Anderson.

CORECIVIC / GEO GROUP RESOLUTIONS

Last year, citing the findings of a report by the U.S. Department of Justice's Office of the Inspector General (OIG), HRDC associate director Alex Friedmann, who owns a small amount of stock in CoreCivic and GEO Group as an activist investor, submitted shareholder resolutions to both companies that would require them to conduct independent operational audits of all their facilities every two years. According to the resolutions, "Such audits shall examine operational benchmarks at the Company's correctional and detention facilities that include, but are not limited to, those examin-



ed in the [August 2016 OIG report](#) – including rates of violence and use of force incidents, disciplinary and grievance systems, contraband, lockdowns and positive drug tests.”

Both CoreCivic and GEO Group objected to the shareholder resolutions by seeking a no-action letter from the SEC, which was granted in February 2017. Thus, the resolutions were not presented to stockholders for a vote. HRDC issued two press releases condemning [GEO](#) and [CoreCivic](#) for having the resolutions excluded.

In November 2017, Alex filed a shareholder resolution with CoreCivic that would require the company to calculate the amount it spends on political campaign donations and lobbying each year, and to spend at least that amount on “rehabilitative and reentry programs or services at its facilities.” However, CoreCivic officials claimed that due to a change in their email system they didn’t receive the resolution electronically, and the mailed copy arrived one day after the deadline; thus, the resolution did not proceed.

Alex filed a different shareholder resolution with GEO Group in November 2017 on a technical issue involving proxy access – the ability of certain large shareholders to make their own nominations to the company’s board of directors. GEO did not oppose the resolution, which will go before shareholders for a vote in the summer of 2018.

Alex is represented in his shareholder resolutions pro bono by attorney Jeffrey Lowenthal with the New York law firm of Strock Strock Lavan, LLP.

FOIA PROJECT

HRDC launched an ambitious national public records project in October 2017 with the help of a generous anonymous donor. This initiative aims to expose the scope of abuses and misconduct in police departments, corrections agencies and prosecutor’s offices nationwide – and the money paid by the government to settle lawsuits over such issues. HRDC’s Freedom of Information Act (FOIA) project will uncover, document and report wrongdoing by law enforcement agencies and officials to an extent previously unachieved, providing the public with a comprehensive look at the true costs of our nation’s justice system. Through this campaign we also hope to expand our long-standing goal of challenging and improving accessibility to public records.

Since the start of this project, Michelle Dillon, HRDC’s new public records manager, has submitted dozens of FOIA requests to agencies across Washington, Oregon, California, Texas, Vermont and Connecticut. Deb Golden, HRDC’s newest staff attorney who is overseeing our FOIA project, has been busy drafting appeals when agencies refuse to produce the requested documents. We achieved early success in Washington State, obtaining an illuminating set of public records, and will build on this success in 2018 as our FOIA project progresses.

HRDC SOCIAL MEDIA

HRDC maintains a social media presence, including [Facebook](#) and [Twitter](#) accounts as well as a free [email newsletter](#) published five days a week. As of the end of 2017, social media director Monte McCoin reported that HRDC had 2,884 e-newsletter members, 6,123 Facebook likes, 13,044 Twitter followers and 152 followers on LinkedIn.



COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2017 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, the Prison Policy Initiative, Nation Inside, the Private Corrections Institute and Grassroots Leadership. Additionally, HRDC staff maintained the following affiliations with other organizations:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG's National Police Accountability Project. He is also a member of the American Bar Association, American Correctional Association and American Jail Association.
- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He also volunteers as a consultant to the Presbyterian Criminal Justice Network, serves on the advisory board of the Prison Policy Initiative and is a member of National CURE, the Society of Professional Journalists, and Investigative Reporters and Editors.
- **HRDC general counsel and litigation project director Sabarish Neelakanta** is a member of the First Amendment Lawyers Association, the National Lawyers Guild's National Police Accountability Project, the American Constitution Society, the American Civil Liberties Union, the Trial and Public Interest sections of the Florida Bar, and the Palm Beach County Bar Association.
- **HRDC staff attorney Deb Golden** is a member of the National Police Accountability Project, Trial Lawyers Association of Metropolitan Washington D.C., American Bar Association, Kentucky Bar Association, D.C. Bar Association and the Criminal Law and Individual Rights Community of the D.C. Bar, and Washington Council of Lawyers.
- **HRDC staff attorney Dan Marshall** is a member of the National Lawyers Guild's National Police Accountability Project, Florida Association of Criminal Defense Lawyers, and Palm Beach County Association of Criminal Defense Lawyers.
- **HRDC staff attorney and William A. Trine Fellow Masimba Mutamba** is a Florida Bar Delegate with the American Bar Association House of Delegates; Treasurer and Secretary of the F. Malcolm Cunningham, Sr. Bar Association; Young Lawyer Session Co-chair, Palm Beach County Bar Association Bench-Bar Conference; Committee Member, Palm Beach County Judicial Diversity Initiative; member of the National Lawyers Guild's National Police Accountability Project; Sub-committee Co-chair of the PBCBA Committee for Diversity and Inclusion; Adopt-a-School Committee Co-chair, PBCBA Young Lawyer's Section; and member of the American Immigration Lawyers Association, South Florida Chapter.

LOOKING FORWARD: GOALS FOR 2018

HRDC continued to increase our criminal justice reform work in 2017 with respect to our media outreach, litigation project, advocacy efforts and other activities. Our websites continue to be important sources of news and research for prisoners' rights advocates, policy makers, attorneys, academics, journalists and other people involved in criminal justice-related issues.

HRDC's litigation project expanded in 2017 due to ongoing censorship by prison and jail officials of *Prison Legal News*, *Criminal Legal News* and the books we distribute. We anticipate having to file additional legal challenges next year related to censorship as well as public records requests through our new FOIA Project – plus continuing litigation against companies that exploit prisoners and their families via fee-based services as part of our Stop Prison Profiteering campaign. We now have four staff attorneys and two paralegals on staff.

While HRDC will continue to coordinate the Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates, due to setbacks on the federal level under the Trump administration we plan to focus on state-level reforms and advocacy.

Our Prison Ecology Project will continue to collect data and report on environmental issues affecting prisoners, to network with environmental justice groups, and to advocate for prisoners' environmental health rights and against prisons and jails located in or near areas with significant ecological hazards – such as coal mines, landfills, Superfund sites, etc.

Our future book publishing plans include publishing an updated edition of *With Liberty for Some*, by Scott Christianson, and a new version of *The Habeas Citebook* that focuses on prosecutorial misconduct. We continue to seek self-help books to distribute that are of interest to prisoners, and encourage book ideas and submissions from qualified authors.

Additional ongoing goals include building HRDC's organizational capacity, expanding our funding sources and fundraising, increasing the number of *PLN* and *CLN* subscribers, and – as always – continuing to advocate for criminal justice reform and prisoners' rights.



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