

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HUMAN RIGHTS DEFENSE CENTER,

1028 N. Federal Highway
Lake Worth Beach, FL 33460

Plaintiff,

v.

U.S. BUREAU OF PRISONS,

320 First Street, NW
Washington, DC 20534, and

U.S. DEPARTMENT OF JUSTICE,

950 Pennsylvania Avenue, NW
Washington, DC 20530-0001,

Defendants.

Civil Action No.

COMPLAINT

1. This lawsuit is an action under the Freedom of Information Act, 5 U.S.C. §552, *et seq.*, seeking production of records responsive to a request submitted by the Human Rights Defense Center to the United States Bureau of Prisons.

JURISDICTION AND VENUE

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the defendants under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201(a), and 2202.
3. Venue is appropriate in this Court under 5 U.S.C. §(a)(4)(B) and 28 U.S.C. §1391.

PARTIES

4. Plaintiff Human Rights Defense Center (“HRDC”) is a nonprofit charitable organization incorporated in the state of Washington, with a principal office in Lake Worth Beach, Florida.
5. Defendant United States Bureau of Prisons (“BOP”) is a component of the United States Department of Justice and an agency under 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701.
6. The United States Department of Justice (“DOJ”) also is an agency under 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701.

FACTS

Human Rights Defense Center’s Background and Mission

7. HRDC (previously named Prison Legal News) has spent the last thirty years dedicated to public education, prisoner education, advocacy, and outreach to support the rights of prisoners and to further basic human rights.
8. To accomplish its mission, HRDC gathers information from governmental entities around the country and publishes the information in its journals and on its websites.
9. HRDC publishes and distributes books, magazines, and other information containing news and analysis about prisons, jails, and other detention facilities, prisoners’ rights, court rulings, management of prison facilities, prison conditions, and other matters about the rights and interests of incarcerated individuals.

The United States Bureau of Prisons

10. The BOP, established in 1930, runs the nation's federal prison system.
11. The BOP is responsible for over 154,000 people committed to its custody, and operates 122 carceral facilities across the country.
12. The BOP's mission is "to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens."

The United States Department of Justice

13. The Office of Information Policy of the DOJ oversees agency compliance with FIOA.
14. It adjudicates administrative appeals from denials of access to records made by DOJ components.
15. An appeal to the DOJ's Office of Information Policy must be decided within 20 working days.
5 U.S.C. § 552(a)(6)(A)(ii).

Factual Background

16. This past summer, in response to the murder of George Floyd, protests occurred across the country.
17. Washington, DC saw several weeks of protests. Many centered near the White House, at what is now known as Black Lives Matter Plaza.

18. During this time, the DOJ deployed BOP employees, many who were members of prison special operations teams, to Washington and to other cities, to respond to the protests.

Request at Issue

19. In July 2020, HRDC emailed to the BOP a FOIA request for records related to that deployment.

20. The FOIA request sought:

- Documents pertaining to how many Bureau of Prisons (BOP) staff members and from what facilities staff members were deployed to Washington, D.C. for riot or other civil unrest occurring outside BOP facilities from March 2020 through the date of processing of this request.
- Documents pertaining to any injuries during riot duty or other civil unrest in Washington, D. C. sustained by BOP personnel occurring outside BOP facilities from March 2020 through the date of processing of this request.
- Overtime documentation for any BOP personnel accrued during the aforementioned activities outlined in the previous bullet-points.

21. As a member of the media, HRDC also sought a fee waiver for its July 2020 request to the BOP.

22. The BOP assigned this request tracking number 2020-05578.

23. On October 28, 2020, the BOP denied the request. The BOP stated that “any records responsive to your request are categorically exempt from disclosure. Accordingly, this Office is not required to conduct a search for the requested records.” It justified this refusal to under 5 U.S.C. §552(b)(7)(A), an exemption for records compiled for law enforcement purposes and reasonably expected to interfere with law enforcement proceedings.

24. That same day, HRDC appealed the complete denial of records to the Office of Information Police for the DOJ.
25. That office assigned the appeal tracking number A-2021-00137.
26. Twenty working days have passed.
27. The DOJ has not responded to HRDC's appeal.

HRDC'S CLAIM FOR RELIEF

28. HRDC incorporates paragraphs 1 – 27 by reference.
29. The BOP and DOJ wrongly withheld documents responsive to HRDC's FOIA request.
30. HRDC has a statutory right to the records it seeks, and there is no basis for the BOP or the DOJ to withhold them.
31. By failing to release the records HRDC requested, the BOP and DOJ have violated FOIA.

REQUESTED RELIEF

HRDC therefore respectfully requests that this Court:

1. Declare that the records sought by HRDC are subject to FOIA,
2. Declare that HRDC is entitled to a fee waiver,
3. Order the BOP to disclose the requested records,
4. Award costs and reasonable attorneys' fees under 5 U.S.C. § 552 (a)(4)(E), and
5. Grant any other relief that the Court considers just and proper.

Respectfully submitted,

/s/ Deborah M. Golden
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Counsel for Plaintiff

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