



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

OCTOBER 17, 2018

Dear HRDC Supporter,

Every year we conduct an annual fundraiser in the fall because our income from magazine subscriptions and book sales does not cover the expenses for all the advocacy work we do on behalf of prisoners, their families and the victims of police state violence and exploitation. We receive very little in the way of foundation funding and rely on individual donors—people like you—who can *and do* make a difference by donating to the Human Rights Defense Center.



Still shot from American Jail, a 2018 CNN film by Academy Award-winning director Roger Ross Williams exploring the forces that fuel America's sprawling prison system.

We have had a very busy year. Last December we launched a new magazine, *Criminal Legal News*, to expand our news coverage of the criminal justice system from beginning to end; less than a year later, *CLN* already has close to 1,500 subscribers! Our social media presence on Twitter, Facebook and our daily e-newsletter continues to grow as we expand our advocacy reach. We also launched a new public records and government transparency project.

But publishing is not enough. We want to make sure that all our readers, especially those in prisons and jails, can receive and read the magazines we publish and the books we distribute. Since the very first issue of *PLN* was published in May 1990, we have faced censorship by government officials who are not pleased with our coverage of the criminal justice system. To date, none have been as fanatical in their censorship as the Florida Department of Corrections (FDOC). Since 2009, the FDOC has censored *Prison Legal News*—and now *Criminal Legal News*—statewide, claiming that our advertisements for pen pals, postage stamps and discount phone services somehow pose a threat to prison security. We filed suit in 2010 and went to trial before U.S. District Court Judge Mark Walker in Tallahassee in 2015, who ruled the censorship of *PLN* was justified by those unsupported claims, though the FDOC had violated our due process rights. We appealed, and in May 2018 the Eleventh Circuit upheld Judge Walker's order.

With your help and support we have taken this fight to the U.S. Supreme Court. On September 19, 2018, our petition for certiorari was docketed. On October 19, at least 10 briefs on behalf of more than 100 amicus curiae, or friends of the court, will be filed urging the Supreme Court to hear our appeal and reverse the Eleventh Circuit. HRDC's legal team has spent pretty much the entire summer working on the cert petition and rounding up amicus partners and attorneys to help ensure we have the best possible chance of getting our

P.O. Box 1151, Lake Worth, FL 33460
(561) 360-2523
Email: pwright@prisonlegalnews.org

case heard and winning on the merits. The amount of time, energy and resources that has gone into fighting this case for the past nine years is incredible, and we have only been able to do it with your ongoing support.

Why don't we just get rid of the ads in *PLN* and *CLN*? As with most media publications, our subscription rates alone do not cover the cost of publishing the magazines. Like every other publication, we rely on advertisers to help fund and subsidize our editorial content; the ads also allow us to keep our subscription rates low for prisoners as well as inform them about products and services they may find useful. But this attack by Florida prison officials is directed specifically at *PLN* and *CLN*. Other publications with liquor, car or credit card ads, or even ads for guns, are not censored by the FDOC—though prisoners can't have any of those advertised items, either. The FDOC is using our ads as a pretext for censorship.

Our coverage of the FDOC reflects the brutal reality that Florida prisoners experience on a daily basis. Are we really surprised that a prison system whose guards scald, starve and beat prisoners to death with impunity are also hostile to the independent media that reports on such abuses? We have assembled an all-star team to represent us as we seek review in the Supreme Court. Former U.S. Solicitor General Paul Clement and former White House Associate Counsel and our current partner at Dechert, Mike McGinley represent HRDC in our petition for writ of certiorari. Paul has argued and won more cases before the Supreme Court than any other living attorney. Some of the largest and best law firms, including Covington Burling, Perkins Coie, Gunster, Goldstein & Russell, Wilmer Hale, Kirkland & Ellis, Davis Wright Tremaine, Skadden Arps Slate Meagher & Flom, Clinton Brook & Peed, and Dechert are representing HRDC or our amicus partners in briefs in support of our petition for review.

Please make a donation to help support us in this ongoing fight; we have not given up, and neither have our Florida readers. This nine-year battle has been made possible thanks to the support we received from people like you—people who value the First Amendment and believe a free press has a role to play in a democracy which is also the world's largest jailer.

We can win with your support! Please donate whatever you can afford to help us fight for a free press, and let your friends know about our efforts to oppose censorship by Florida prison officials. If you can't make a contribution at this time, please consider getting or extending a *PLN* or *CLN* subscription or purchasing books from HRDC and encouraging your friends and family to do so, too.

We are doing much more than just fighting for freedom of the press and opposing censorship by prison officials. In June 2018, HRDC attorneys filed a lawsuit against the Palm Beach County Sheriff's Office and the School Board for holding children charged as adults in solitary confinement cells for up to 23 hours a day at the county jail and depriving them of an education to boot. Many of the children subjected to these horrific conditions of confinement have some degree of intellectual or developmental disability.

We also filed a wrongful death suit on behalf of Vincent Gaines, a mentally ill African American prisoner who *starved to death* at a Florida prison. Private health care company Corizon is a defendant in that case, for their role in allowing Mr. Gaines to starve while in his isolation cell.

HRDC litigators are known for cutting-edge lawsuits filed around the country. When approached about stopping the abuse to children held in solitary at the Palm Beach County jail, we decided to take action. Florida, where HRDC is located, is a frontline state in the war against mass incarceration. It has one of the highest rates of imprisonment in the world, a truly horrific, unaccountable and opaque prison and jail system, a plethora of private prison companies (the headquarters of JPay and private prison operator GEO Group are both within 70 miles of HRDC's office), and a long history of racial discrimination and abuse toward its minority citizens.

We are able to take action to challenge these abuses due to the donations we receive from people like you. We do not get much in the way of grant or foundation funding. Virtually all the financial support we receive comes from individual donations from our readers and supporters. HRDC is a lean, efficient operation. Every dollar you donate to HRDC will go further and get far more bang for the buck than it will with any other criminal justice reform organization or group. With your support, we have been able to build a formidable litigation and advocacy team that can take on large, complex litigation against prisons and jails, large or small, anywhere in the country. The next time the impoverished mother of a developmentally disabled child calls us and asks for help because her child is in solitary confinement, we want to be able to do something about it and not say "sorry, we lack the resources to help you." Your donations allow us to take those calls and swing into action, as we did in Palm Beach County.

But wait—we are doing a lot more! Our annual report for 2017 is enclosed, which provides a detailed overview of the depth and breadth of HRDC's activities. We don't have room to include every media appearance or mention we receive, and we only list the conferences where HRDC staff are speakers or presenters. When conferences or events anywhere in the country need knowledgeable speakers, we are there. What else do your donations help support? Anytime a reporter or a media outlet contacts HRDC for background information, a quote or an on-camera or on-air interview concerning a criminal justice-related topic, someone knowledgeable about the brutal and exploitive U.S. justice system will be available to promptly speak with them. We never turn down a media request. The media highlights in our 2017 annual report will give you an idea of how the national news media views us, from *Newsweek* to the *New York Times*.

Our publishing activities are self-explanatory. You received this mailing because you subscribe to *PLN* and/or *CLN*. We don't need to tell you about the quality of our coverage and reporting, which brings you news that no one else does or can. Last year we asked for donations to help us hire a staff investigative reporter. You came through and we hired Steve Horn, who has done a fantastic job of bringing our readers bigger and better stories on issues ignored or downplayed by the mainstream media. You don't need to ask where your donations are going; you're reading them in every issue of *PLN* and *CLN*.

Additionally, a summary of our litigation docket is included in our 2017 annual report. From our First Amendment censorship cases around the country to our public records lawsuits and more, we are fighting for freedom of the press and transparent government everywhere. From Florida to California, Arizona to Illinois. Additionally, our lawsuits against JPay and debit card companies like Rapid Financial and NUMI seek to end the financial exploitation of prisoners and their families.

Please give whatever you can afford, and consider becoming an HRDC sustaining donor. We are in this fight for the long haul and need your support to continue fighting! HRDC is an efficient operation. We leverage our limited resources by working with other non-profits and law firms to be able to successfully take on these important issues. Your support makes it possible; no one else does so much with so little.

Please donate to help us keep fighting for justice on every level. If you don't, who will?

In Struggle,



Paul Wright
Executive Director, HRDC

HRDC 2018 ANNUAL FUNDRAISER



*Please Help Support
the
Human Rights Defense Center!*



The Human Rights Defense Center (HRDC), which publishes *Prison Legal News* and *Criminal Legal News*, cannot fund its operations through subscriptions and book sales alone. We rely on donations from our supporters!

HRDC conducts only one annual fundraiser; we don't bombard our readers with donation requests, we only ask that if you are able to contribute something to our vital work, then please do so. Every dollar counts and is greatly appreciated and will be put to good use. No donation is too small, or too big!

Where does your donation go? Here's some of what we've done in the past year:

- We filed a lawsuit against the Palm Beach County Sheriff's Office in Florida for holding juvenile offenders in solitary confinement for extended periods of time, and denying them educational programs. The class-action complaint was filed in June 2018.
- HRDC filed suit in federal court in August 2018 over the death of Florida state prisoner Vincent Gaines, who died of starvation after his mental health condition was ignored by prison officials. The suit names the Florida Dept. of Corrections and Corizon Health.
- We filed suit against the Illinois DOC in February 2018, for censoring PLN and books distributed by HRDC to Illinois prisoners, including at the Big Muddy and Decatur Correctional Centers. We also filed public records lawsuits against GEO Group and Correct Care Solutions this year.

With your help we can do much more! Please send your donation to:

Human Rights Defense Center, P.O. Box 1151, Lake Worth, FL 33460

Or call HRDC's office at 561-360-2523 and use your credit card to donate.

Or visit our websites at prisonlegalnews.org or criminallegalnews.org, and click on the "Donate" link.

PLN Support Gifts

All contributions to HRDC/PLN are greatly appreciated! For those who make a donation of \$75 or more, we are pleased to offer the following gifts as a way of thanking you for your generosity!

All donations, regardless of amount, will help further our criminal justice reform and prisoners' rights efforts.

Gift Option 1

In recognition of your support, we are providing the PLN hemp tote bag when making a donation of at least \$75. Handmade in Vermont using hemp fiber. Carry books and groceries stylishly and help end the war on drugs!



Gift Option 2

To show our appreciation for your support, we are providing the following selection of books for you to choose from when making a donation of \$100. Donations of \$100 or more can choose one free title. Each \$100 donation entitles you to another free title; i.e., donate \$500 and you get five books! \$1,000 and you get everything on the page! Please circle the books you want and send the corresponding donation amount.



Gift Option 3

As a thank you gift for your support, we are providing the entire PLN anthology of critically acclaimed books on mass imprisonment signed by editor Paul Wright! (The Ceiling of America, Prison Nation and Prison Profiteers) plus the PLN hemp tote bag to carry the books in when making a donation of \$250 or more.



You can mail a check or money order to:

Human Rights Defense Center, P.O. Box 1151, Lake Worth, FL 33460

Or call HRDC's office at 561-360-2523 and use your credit card,

Or visit HRDC online at www.humanrightsdefensecenter.org and click on the donation link.

Remember — the **Human Rights Defense Center (HRDC)** is a
Section 501(c)(3) non-profit organization, and donations are tax deductible!

Yes! I want to help support HRDC — here is my special donation of:

_____ \$25 _____ \$50 _____ \$100 _____ \$250 _____ \$500 _____ \$1,000 _____ Other

Note: If you don't want a book premium for your donation of \$100 or more, we'll donate a copy of
The Habeas Citebook or *Prison Education Guide* to a prison library on your behalf.



Credit card donors please fill out the following form



☐ I want to make a one-time contribution of \$_____ to HRDC, charged to my credit card!

☐ I want to contribute a fixed amount to HRDC each month! I authorize the Human Rights Defense Center to charge \$_____ on my credit card every month until I give notice to stop, or until my total donation amount of \$_____ has been charged to my card, whichever comes first.

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HRDC is a 501(c)(3) non-profit, and your donation is tax deductible to the extent allowed by law.

HRDC protects the privacy of its donors, and their names are not reported in our publication or on our website.



Please complete all applicable information to ensure delivery of any donation gifts. Thank you!

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Note: All purchases must be pre-paid.

Books (3 & 4 yr subscription specials: **CIRCLE**
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Prison Profiteers

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Free

Book Total (inc. all books bought separately)

Add 6% sales tax for Florida residents only

ADD \$6.00 S/H to **book-only orders** UNDER \$50

PLN Subscriptions

6-month Subscription (Prisoners only)

1 yr Subscription (12 issues)

2 yr Subscription (24 plus 2 Bonus issues)

3 yr Sub (Circle bonus book above or 4 Bonus issues)

4 yr Sub (Circle bonus book above or 6 Bonus issues)

Back Issue (after publication date) - \$5.00 each

Sample Issue (random date) - \$5.00 each

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To purchase with Visa, MasterCard, Discover or
American Express, call: **561-360-2523**

Or buy books and subscriptions online at:
www.prisonlegalnews.org

PLN Subscription Rates

Subscription Rates	1 yr	2 yrs	3 yrs	4 yrs
Prisoners	\$30	\$60	\$90	\$120
Individuals	\$35	\$70	\$105	\$140
Professionals/Entities	\$90	\$180	\$270	\$360

(Attorneys, govt. & professional agencies, prison libraries, etc.)

Sample issue (random date) - **\$5.00** each

Back issue (after publication date) - **\$5.00** each

Six-month prisoner subscription for **\$18.00**

Subscription Bonuses!

2 years - 2 bonus issues, for 26 monthly issues total.

3 years - 4 bonus issues (40 total) **OR** *Protecting Your Health and Safety* (see book description on the other side of this brochure).

4 years - 6 bonus issues (54 total) **OR** *Prison Profiteers* (see descriptions on the other side of this brochure).

3 or 4-Year Subscription Book Offers!

Subscribe or renew for three years at the regular price (\$90 for prisoners & \$105 for individuals), and receive as a **FREE** bonus, *Protecting Your Health and Safety* or four bonus issues of PLN! (40 monthly issues total). Indicate your choice on the Order Form.

Subscribe or renew for four years at the regular price (\$120 for prisoners & \$140 for individuals), and receive as a **FREE** bonus, *Prison Profiteers* or 6 bonus issues of PLN! (54 monthly issues total). Indicate your choice on the Order Form.

NO shipping charge for subscription bonus books!

NOTE: If you want the bonus issues of PLN instead of the free book offer, please indicate that on the Order Form.

Contact Us for PLN's Book List!

You can buy dozens of legal, social commentary, self-help books, and legal and regular dictionaries directly from PLN's book store! Ask us for a book list, or view our selection online at:

www.prisonlegalnews.org/store

All subscription rates & bonus offers are effective as of 2-1-18.

No refunds after orders have been placed. Not responsible for address changes after orders have been placed.



Eastern State Penitentiary 1829-1971

Charles Dickens visited Philadelphia's Eastern State Penitentiary in 1842 and he later wrote: "The System is rigid, strict and hopeless ... and I believe it to be cruel and wrong....I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body." The prison remained open for 129 years after Dickens condemned it as being barbaric, and some of its inhumane practices still continue to be used in prisons nationwide.

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"I truly appreciate all the efforts you put forth to safeguard our Constitutional Rights. From the heart I say 'Thank You' on Behalf of us All!"
~ BL, Washington prisoner

Prison Legal News is an independent, non-profit 72-page monthly publication that reports, reviews and analyzes court rulings and news related to prisoners' rights and criminal justice issues. *PLN* has a national (U.S.) focus on state, federal and private prison issues, with some international coverage.

PLN's many thousands of subscribers and readers include civil and criminal trial and appellate attorneys, judges, public defenders, journalists, academics, paralegals, prisoners' rights activists, students, family members of prisoners, concerned individuals, politicians, other government officials and numerous local, state and federal prisoners nationwide.

PLN is a vital link for prisoners who otherwise don't have access to current legal and prison-related news and information.

"Invaluable resource for anyone wanting 'user friendly' information about current legal developments affecting prisoners in the United States."

~ Human Rights Watch, a long-time *PLN* subscriber

P*LN*'s coverage of prison issues includes medical neglect, disciplinary hearings, nutrition, living conditions, excessive force, court access, censorship, jail litigation, visiting, telephones, religious freedoms, free speech, prison rape and sexual abuse, mental health, attorney/client access, retaliation, the PLRA, HIV and hepatitis C, control units, staff misconduct, the death penalty, attorney fees and much more.

PLN Subscription Rates

Prisoners: \$18 for 6 months or \$30 per year

Non-incarcerated individuals: \$35 per year

Professionals, attorneys, gov't. agencies, libraries: \$90 per year

Sample issue (random date): \$5.00 each

Back issue (after publication date): \$5.00 each

Each monthly issue of *PLN* includes three different types of reporting:

- A cover story on a criminal justice-related issue.
- Articles about individual and class-action prison and jail-related lawsuits when they are filed, when a judgment is entered or the case settles, or when an appellate court decision is issued. We also have news articles about prison and criminal justice topics nationwide.
- A "News In Brief" section that summarizes interesting news stories across the U.S. and internationally.

Each issue of *PLN* also contains numerous advertisements from businesses that provide prison-related personal and legal services and books. *PLN* further sells dozens of self-help, social commentary and legal books.

Special 3-year Subscription Offer!

Free with a 3-year *PLN* subscription! Four bonus issues of *PLN* (40 issues total) or a free book, *Protecting Your Health and Safety*! Circle your bonus choice on the form on the other side of this brochure (3-year subscription rates: prisoners \$90, individuals \$105, professionals \$270).

Protecting Your Health and Safety, by Robert E. Toone. Published by the Southern Poverty Law Center, 325 pages (2009). **\$10.00 (free with a 3-year sub!)**. This book explains some basic rights that prisoners have in a jail or prison in the U.S. It deals mainly with rights related to health and safety, such as communicable diseases and abuse by prison officials; it also explains how you can enforce your rights to health and safety within the facility and, if necessary, in court through litigation. Buy separately \$10.00



You Can Buy These Books Separately!

If you don't want to purchase a 3 or 4-year subscription to *PLN*, you can still purchase any of the bonus books at the regular price. Just indicate which books you want to buy on this page, then enter the total cost on the other side of this brochure on the "Book Total" line of the Order Form. Shipping is \$6 per order (not per book), and we offer **FREE** shipping on book orders of \$50 or more! To place a phone order, please call 561-360-2523. We also accept book orders online, at www.prisonlegalnews.org.

Donations: *PLN* is a project of the non-profit Human Rights Defense Center. Your tax-deductible donations support our advocacy, free speech and First Amendment litigation efforts on behalf of prisoners and publishers. *PLN* not only provides uncensored prison-related news, but actively contests prison censorship that interferes with the delivery of our publication or any other *PLN* materials sent to prisoners. All donations further our goal of advocating for people imprisoned in U.S. detention facilities.

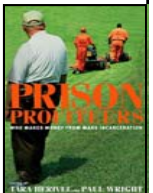
"Great source of information, especially in states such as Arizona where the law libraries have been taken from the inmates and replaced with paralegals."

~ SB, Arizona prisoner

Special 4-year Subscription Offer!

Free with a 4-year *PLN* subscription! Six bonus issues of *PLN* (54 issues total) or *Prison Profiteers*! Circle your choice on the form on the other side of this brochure (4-year subscription rates: prisoners \$120, individuals \$140, professionals \$360). Note: Free book option is for one book.

Prison Profiteers: Who Makes Money from Mass Incarceration, edited by Paul Wright & Tara Herivel, New Press, 323 pages (2007). **\$24.95 (free with a 4-year subscription!)**. This is the third in a series of *PLN* anthologies that examines the reality of mass imprisonment in the U.S. *Prison Profiteers* is unique from other books on the market because it exposes and discusses who profits and benefits from mass imprisonment, rather than who is harmed by the prison industrial complex and our nation's reliance on over-incarceration. Buy separately \$24.95



Check out *PLN*'s website!

PLN's website, www.prisonlegalnews.org, includes every issue of *PLN* published since 1990, as well as thousands of other news articles, court rulings, a brief bank with pleadings in prison and jail cases, a collection of criminal justice reports and other publications, and much more! Most of our online content is free, and you can purchase access to all our legal content, including verdicts and settlements.

Order Form

Note: All purchases must be pre-paid.

Books (3 & 4 yr subscription specials: **CIRCLE** one book or bonus issues, and **DO NOT** add S/H) \$ Amt.

Arrested: What to Do When Your Loved One's in Jail
or 4 Bonus Issues (3-yr subscription offer) Free

The Habeas Citebook (2nd ed.)
or 6 Bonus Issues (4-yr subscription offer) Free

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Add 6% sales tax for Florida residents only _____

ADD \$6.00 S/H to **book-only orders** UNDER \$50 _____

CLN Subscriptions

6-month Subscription (Prisoners only) \$28 _____

1 yr Subscription (12 issues) _____

2 yr Subscription (24 plus 2 Bonus issues) _____

3 yr Sub (Circle bonus book above or 4 Bonus issues) _____

4 yr Sub (Circle bonus book above or 6 Bonus issues) _____

Back Issue (after publication date) - \$5.00 each _____

Sample Issue (random date) - \$5.00 each _____

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CLN Subscription Rates

Subscription Rates	1 yr	2 yrs	3 yrs	4 yrs
Prisoners/Individuals	\$48	\$96	\$144	\$192
Professionals/Entities	\$96	\$192	\$288	\$384

(Attorneys, govt. & professional agencies, prison libraries, etc.)

Sample issue (random date) - **\$5.00** each

Back issue (after publication date) - **\$5.00** each

Six-month prisoner subscription for **\$28.00**

Subscription Bonuses!

2 years - 2 bonus issues, for 26 monthly issues total.

3 years - 4 bonus issues (40 total) *OR* *Arrested: What to Do...*
(see book description on the other side of this brochure).

4 years - 6 bonus issues (54 total) *OR* *The Habeas Citebook (2nd ed.)*
(see book description on the other side of this brochure).

3 or 4-Year Subscription Book Offers!

Subscribe or renew for three years at the regular price (\$144 for prisoners & \$288 for professionals), and receive as a **FREE** bonus, *Arrested: What to Do...*, or four bonus issues of CLN! (40 monthly issues total). Please indicate your choice on the Order Form.

Subscribe or renew for four years at the regular price (\$192 for prisoners & \$384 for professionals), and receive as a **FREE** bonus, *The Habeas Citebook (2nd ed.)* or 6 bonus issues of CLN! (54 monthly issues total). Please indicate your choice on the Order Form.

NO shipping charge for subscription bonus books!

NOTE: If you want the bonus issues of CLN instead of the free book offer, please indicate that on the Order Form.

Contact Us for CLN's Book List!

You can buy dozens of legal, social commentary, self-help books, and legal and regular dictionaries directly from CLN's book store! Ask us for a book list or view our selection online at:

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No refunds after orders have been placed. Not responsible for address changes after orders have been placed.

Criminal Legal News

**Dedicated to Policing
the Police State**



— *Criminal Legal News* —

The people who bring you *Prison Legal News* proudly announce the introduction of its companion publication, *Criminal Legal News*

Same timely, relevant, and practical legal news and features as *PLN*

BUT

CLN provides legal news you can use about the criminal justice system prior to confinement and post-conviction relief

**“STOP RESISTING”
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Criminal Legal News is a 48-page monthly print publication published by the Human Rights Defense Center, a 501(c)(3) nonprofit human rights organization that zealously advocates, educates, and litigates on issues pertaining to prisoners' rights as well as individuals going through the criminal justice system.

CLN and its well-known companion publication *Prison Legal News* serve as vital links for prisoners who otherwise don't have access to current legal and prison-related news and information.

CLN's coverage of criminal justice issues includes, but is not limited to, criminal law and procedure, police brutality, prosecutorial misconduct, habeas corpus relief, ineffective counsel, sentencing errors, militarization of police, surveillance state, junk science, wrongful convictions, false confessions, witness misidentification, paid/incentivized informants, search and seizure, right to remain silent, right to counsel, right to speedy trial, due process rights, and much more.

CLN Subscription Rates

Prisoners/Individuals: \$48 per year *
 Professionals, attorneys, govt. agencies, libraries: \$96 per year
 Sample issue (random date): \$5.00 each
 Back issue (after publication date): \$5.00 each

* Prisoners can purchase a six-month subscription for \$28.

Each monthly issue of CLN includes three different types of reporting:

- A cover story on a criminal justice-related issue.
- News and legal articles and appellate court decisions about criminal justice topics nationwide.
- A "News In Brief" section that summarizes interesting criminal justice related news stories across the U.S.

Each issue of CLN also contains numerous advertisements from businesses that provide prison-related personal and legal services and books. CLN further sells dozens of self-help, social commentary and legal books.

Special 3-year Subscription Offer!

Free with a 3-year CLN subscription! Four bonus issues of CLN (40 issues total) or a free book, *Arrested: What to Do When Your Loved One's in Jail!* Circle your bonus choice on the form on the other side of this brochure (3-year subscription rates: prisoners \$146 / professionals \$288).



Arrested: What to Do When Your Loved One's in Jail, by Wes Denham, 240 pages. **\$16.95 (free with a 3-year subscription!)**. Whether a defendant is charged with misdemeanor disorderly conduct or first-degree murder, this is an indispensable guide for those who want to support their family members or friends who have been arrested and are facing criminal charges. Buy separately: \$16.95

You Can Buy These Books Separately!

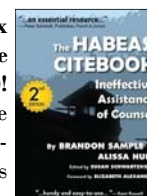
If you don't want to purchase a 3 or 4-year subscription to CLN, you can still purchase either of the bonus books at the regular price. Just indicate which books you want to buy on this page, then enter the total cost on the other side of this brochure on the "Book Total" line of the Order Form. Shipping is \$6 per order (not per book), and we offer **FREE** shipping on book orders of \$50 or more! To place a phone order, please call 561-360-2523. We also accept book orders online, at www.criminallegalnews.org.

Donations: CLN is a project of the non-profit Human Rights Defense Center. Your tax-deductible donations support our advocacy, free speech and First Amendment litigation efforts on behalf of prisoners and publishers. All donations further our goal of informing and educating our readers about relevant developments regarding the ever-expanding police state and recent appellate court decisions on issues of criminal and constitutional law affecting our readership as well as the general public.

Our mission at CLN is to educate and inform readers about their constitutional rights and relevant developments in criminal law in an effort to provide practical knowledge that can be used at all stages within the criminal justice system prior to imprisonment and for post-conviction relief.

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The Habeas Citebook: Ineffective Assistance of Counsel, 2nd ed. (2016) by Brandon Sample, PLN Publishing, 275 pages, **\$49.95**. This is an updated version of PLN's second book, by former federal prisoner Brandon Sample, which extensively covers ineffective assistance of counsel issues in federal habeas petitions. 2021

Prisoners' Self-Help Litigation Manual, updated 4th ed. (2010), by John Boston and Daniel Manville, Oxford Univ. Press, 928 pages. **\$39.95**. The premier, must-have "Bible" of prison litigation for current and aspiring jail-house lawyers. If you plan to litigate a civil lawsuit involving a prison or jail, this book is a must-have! 1077

Prison Education Guide, by Christopher Zoukis, PLN Publishing (2016), 269 pages. **\$49.95**. Authored by PLN contributing writer Christopher Zoukis, who is a strong advocate for prison education, this book includes up-to-date information on pursuing educational courses by correspondence, including high school, college, paralegal and religious studies. This title replaces the *Prisoners' Guerrilla Handbook to Correspondence Programs*, and includes an index of accreditation organizations, job search resources and details about obtaining financial aid. 2019

Protecting Your Health and Safety, by Robert E. Toone, Southern Poverty Law Center, 325 pages. **\$10.00**. This book explains basic rights that prisoners have in a jail or prison in the U.S. It deals mainly with rights related to health and safety, such as communicable diseases and abuse by prison officials; it also explains how you can enforce your rights within the facility and, if necessary, in court through litigation. 1060

Disciplinary Self-Help Litigation Manual, by Daniel Manville, 355 pages. **\$49.95**. By the co-author of the *Prisoners' Self-Help Litigation Manual*, this book provides detailed information about prisoners' rights in disciplinary hearings and how to enforce those rights in court. Includes state-by-state case law on prison disciplinary issues, as well as information about disciplinary proceedings in the federal prison system. This is the third book published by PLN Publishing. 2017

How to Win Your Personal Injury Claim, by Atty. Joseph Matthews, 7th edition, NOLO Press, 285 pages. **\$34.99**. While not specifically intended for prison-related personal injury cases, this book provides comprehensive information on how to handle personal injury and property damage claims arising from accidents — including dealing with doctors, attorneys and insurance companies. 1075

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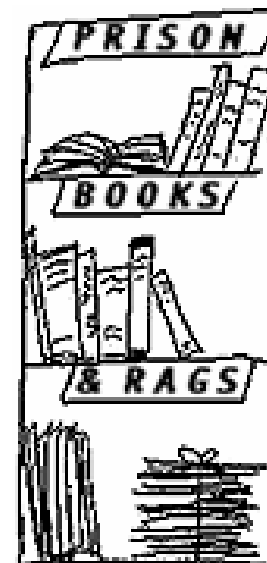
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Prison Profiteers, edited by Paul Wright and Tara Herivel, 323 pages. **\$24.95**. This is the third and latest book in a series of Prison Legal News anthologies that examines the reality of mass imprisonment in America. (The other titles are *The Ceiling of America* & *Prison Nation*, see below). *Prison Profiteers* is unique from other books because it exposes and discusses who profits and benefits from mass imprisonment, rather than who is harmed by it and how. 1063 ☐

Prison Nation: The Warehousing of America's Poor, edited by Tara Herivel and Paul Wright, 332 pages. **\$35.95**. PLN's 2nd anthology exposes the dark side of the 'lock-em-up' political agenda and legal climate in the U.S. 1041 ☐

The Ceiling of America, edited by Daniel Burton Rose, Dan Pens and Paul Wright, 264 pages. **\$22.95**. PLN's first anthology presents a detailed "inside" look at the workings of the American criminal justice system. 1001 ☐

Everyday Letters for Busy People, by Debra Hart May, 288 pages. **\$21.99**. Hundreds of sample letters that can be adapted for most any purpose, including letters to government agencies and officials. Has numerous tips for writing effective letters. 1048 ☐

The Criminal Law Handbook: Know Your Rights, Survive the System, by Attorneys Paul Bergman & Sara J. Berman-Barrett, Nolo Press, 642 pages. **\$39.99**. Explains what happens in a criminal case from being arrested to sentencing, and what your rights are at each stage of the process. Uses an easy to understand question-and-answer format. 1038 ☐

Represent Yourself in Court: How to Prepare & Try a Winning Case, by Attorneys Paul Bergman & Sara J. Berman-Barrett, Nolo Press, 536 pages. **\$39.99**. Breaks down the civil trial process in easy-to-understand steps so you can effectively represent yourself in court. The authors explain what to say in court, how to say it, etc. 1037 ☐

The Merriam-Webster Dictionary, 2016 Edition, 939 pages. **\$9.95**. This paperback dictionary is a handy reference for the most common English words, with more than 75,000 entries. 2015 ☐

The Blue Book of Grammar and Punctuation, by Jane Straus, 201 pages. **\$19.99**. A guide to grammar and punctuation by an educator with experience teaching English to prisoners. 1046 ☐

Legal Research: How to Find and Understand the Law, 17th Ed., by Stephen Elias and Susan Levinkind, 363 pages. **\$49.99**. Comprehensive and easy to understand guide on researching the law. Explains case law, statutes and digests, and much more. Includes practice exercises. 1059 ☐

Deposition Handbook, by Paul Bergman and Albert Moore, Nolo Press, 426 pages. **\$34.99**. How-to handbook for anyone who conducts a deposition or is going to be deposed. 1054 ☐

Spanish-English/English-Spanish Dictionary, Random House, Second Edition. **\$15.95**. Two sections, Spanish-English and English-Spanish. 145,000+ entries from A to Z; includes Western Hemisphere usage, with notes on pronunciation. 1034a ☐

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Writing to Win: The Legal Writer, by Steven D. Stark, Broadway Books/Random House, 303 pages. **\$19.95**. Explains the writing of effective complaints, responses, briefs, motions and other legal pleadings. 1035 ☐

The Federal Rules of Civil Procedure, Practitioner's Desk Reference 2017, by A. Benjamin Spender, 439 pages. **\$54.95**. This concise compilation of the Federal Rules of Civil Procedure and portions of Title 28 of the U.S. Code most pertinent to federal civil litigation provides attorneys and *pro se* litigants with a handy resource that facilitates quick reference to the Rules for federal civil cases. 1095 ☐

Roger's Thesaurus, 709 pages. **\$9.95**. Helps you find the right word for what you want to say. 11,000 words listed alphabetically with over 200,000 synonyms and antonyms. Sample sentences and parts of speech shown for every main word. Covers all levels of vocabulary and identifies informal and slang words. 1045 ☐

Sue the Doctor and Win! Victim's Guide to Secrets of Malpractice Lawsuits, by Lewis Laska, 336 pages. **\$39.95**. Written for victims of medical malpractice and neglect, to prepare for litigation. Note that this book addresses medical malpractice claims and issues in general, not specifically for prisoners. 1079 ☐

Federal Prison Handbook, by Christopher Zoukis, 493 pages. **\$29.95**. This leading survival guide to the federal Bureau of Prisons teaches current and soon-to-be federal prisoners everything they need to know about BOP life, policies and operations. 2022 ☐

Advanced Criminal Procedure in a Nutshell, by Mark E. Cammack and Norman M. Garland, 2nd edition, 505 pages. **\$49.95**. This text is designed for supplemental reading in an advanced criminal procedure course on the post-investigation processing of a criminal case, including prosecution and adjudication. 1090 ☐

Win Your Case, by Gerry Spence, 287 pages. **\$21.95**. Relying on the successful methods he has developed over more than 50 years, Spence, an attorney who has never lost a criminal case, shows both lawyers and laypersons how to win through a step-by-step process. 1092 ☐

Criminal Law in a Nutshell, by Arnold H. Loewy, 5th edition, 387 pages. **\$49.95**. Provides an overview of criminal law, including punishment, specific crimes, defenses & burden of proof. 1086 ☐

Nolo's Plain-English Law Dictionary, by Gerald N. Hill and Kathleen T. Hill, 477 pages. **\$29.99**. Find terms you can use to understand and access the law. Contains 3,800 easy-to-read definitions for common (and not so common) legal terms. 3001 ☐

Federal Rules of Evidence in a Nutshell, 6th ed., by Paul F. Rothstein, Myrna S. Raeder and David Crump, 816 pages. **\$49.95**. This succinct overview presents accurate law, policy, analysis and insights into the evidentiary process in federal courts. 1093 ☐

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If you are incarcerated and order books from Prison Legal News that are censored or rejected by corrections staff, please *first* file a grievance or appeal the mail rejection according to institutional policy, then send us a copy of the grievance and any response you received, plus a description of the facility's mail/book policy.

Hepatitis and Liver Disease: What You Need to Know, by Melissa Palmer MD, 471 pages. **\$19.99**. Describes symptoms & treatments of Hepatitis B & C and other liver diseases. Includes medications to avoid, what diet to follow, exercises to perform and a bibliography. 1031 ☐

The Best 500+ Non Profit Organizations for Prisoners and Their Families, 4th edition (2017), 160 pages. **\$19.99**. The only comprehensive, up-to-date book of non-profit organizations specifically for prisoners and their families. Cross referenced by state, organization name and subject area. Find what you want fast! 2020 ☐

Merriam-Webster's Dictionary of Law, 634 pages. **\$19.95**. Includes definitions for more than 10,000 legal words and phrases, plus pronunciations, supplementary notes and special sections on the judicial system, historic laws and selected important cases. Great reference for jailhouse lawyers who need to learn legal terminology. 2018 ☐

Beyond Bars: Rejoining Society After Prison, by Jeffery Ian Ross and Stephen C. Richards, 224 pages. **\$14.95**. Complete guidebook on how to prepare for release from prison while still incarcerated. This is the most current, practical and comprehensive guide for prisoners, ex-prisoners and their families related to managing successful reentry into the community. 1080 ☐

Civil Procedure in a Nutshell, 7th edition, by Mary Kay Kane, 334 pages. **\$49.95**. This comprehensive guide provides a succinct overview of procedural rules in civil cases. 1094 ☐

Criminal Procedure: Constitutional Limitations, 8th ed., by Jerold H. Israel and Wayne R. LaFave, 557 pages. **\$49.95**. This book is intended for use by law students of constitutional criminal procedure, and examines constitutional standards in criminal cases. 1085 ☐

The Federal Rules of Civil Procedure, Practitioner's Desk Reference 2017, by A. Benjamin Spender, 439 pages. **\$54.95**. This concise compilation of the Federal Rules of Civil Procedure and portions of Title 28 of the U.S. Code most pertinent to federal civil litigation provides attorneys and *pro se* litigants with a handy resource that facilitates quick reference to the Rules. 1095 ☐

Arrested: What to Do When Your Loved One's in Jail, by Wes Denham, 240 pages. **\$16.95**. Whether a defendant is charged with misdemeanor disorderly conduct or first-degree murder, this is an indispensable guide for those who want to support family members, partners or friends facing criminal charges. 1084 ☐

Jailhouse Lawyers: Prisoners Defending Prisoners v. the U.S.A., by Mumia Abu Jamal, City Lights Publishers, 280 pages. **\$16.95**. In *Jailhouse Lawyers*, Prison Legal News columnist, award-winning journalist and former death-row prisoner Mumia Abu-Jamal presents the stories and reflections of fellow prisoners-turned-advocates who have learned to use the court system to represent other prisoners, and in some cases have won their freedom. 1073 ☐

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2017 Annual Report

CONTENTS

NOTABLE DEVELOPMENTS	1
THE MAGAZINES	1
PRISON LEGAL NEWS	1
CRIMINAL LEGAL NEWS	3
BOOK DISTRIBUTION	3
BOOK SALES	3
BOOK PUBLISHING	3
HRDC WEBSITES	4
HRDC STAFF	4
HRDC BOARD OF DIRECTORS	5
FUNDING IN 2017	7
ACTIVISM & ADVOCACY	7
MEDIA OUTREACH	10
LITIGATION PROJECT	15
FIRST AMENDMENT CENSORSHIP CASES	15
PUBLIC RECORDS AND FOIA CASES	20
CONSUMER CLASS-ACTIONS	22
AMICUS BRIEFS	24
OTHER ACTIVITIES & ACHIEVEMENTS	24
CAMPAIGN FOR PRISON PHONE JUSTICE	24
STOP PRISON PROFITEERING CAMPAIGN	25
PRISON ECOLOGY PROJECT	26
CORECIVIC / GEO GROUP RESOLUTIONS	26
FOIA PROJECT	27
HRDC SOCIAL MEDIA	27
COLLABORATIONS & AFFILIATIONS	28
LOOKING FORWARD: GOALS FOR 2018	29



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*.



*HRDC General Counsel
Sabarish Neelakanta*

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.

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 Mincberg 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.



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.

Panagioti 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 Stroock Stroock 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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(561) 360-2523
www.humanrightsdefensecenter.org
www.prisonlegalnews.org
www.criminallegalnews.org
www.prisonphonejustice.org
www.stopprisonprofiteering.org
www.prisonecologyproject.org
www.privateprisonnews.org

Articles about the Human Rights Defense Center and Prison Legal News

PRISONS ARE CENSORING PUBLICATIONS THAT CHALLENGE STATE POWER

by Camille Fassett, Reporter
Freedom of the Press Foundation
August 28, 2018

Many civil liberties violations and instances of state abuse that incarcerated people experience are rendered invisible from the rest of the country. Prisons are cracking down on incarcerated people's rights to access information, learn, and read the news—a huge threat to the First and Fourth Amendments.

The concept of banned books and magazines—reading materials deemed too dangerous or subversive—may seem anachronistic and even Orwellian. But prisons across the United States have long attempted to restrict what prisoners can read, and some are currently attempting to limit inmates' access to a particular magazine.

Prison Legal News is a monthly magazine published by the Human Rights Defense Center (HRDC). It primarily reports on criminal justice issues, and features both investigative pieces as well as educational resources for inmates to fight abuse or government misconduct in prisons. It's also banned in prisons in the State of Florida.

This May, the Eleventh Circuit Court of Appeals upheld Florida's 2009 decision to ban the publication in the state's public prisons on the grounds that the magazine contains advertisements for services that aren't allowed in the prisons, like the sale of postage stamps and pen pal services.

Judge Ed Carnes speculated that the ads may provide "temptation" for inmates to commit fraud and other criminal acts. It's a legal framework that could, according to Sabarish Neelakanta, General Counsel & Litigation Director at HRDC, allow for a broad range of censorship of reading materials. Advertisements for kitchen knives or alcohol, for example, could justify banning a cooking magazine entirely.

"That was one of the arguments we raised in our briefing to the Eleventh Circuit," Neelakanta said. "If there's an article that talks about 'escape to Bermuda,' that's illegal within a jail, and presumably could be encompassed under a technical reading. A whole slew of other publishing entities could be affected."

Human Rights Defense Center is fighting back and challenging the decision, and is preparing to petition the United States Supreme Court for review. But Florida isn't the only legal battleground for HRDC, which has brought lawsuits against over 50 prisons in 40 states. And unlike in Florida, censorship is in many cases based on content.

HRDC is suing the Illinois Department of Corrections, alleging that the institution has implemented policies that deny inmates access to HRDC materials. In the complaint, HRDC details incidents of incarcerated subscribers to *Prison Legal News* not receiving complete copies of the magazine, and argued that this censorship violates both the First and Fourteenth Amendments.

"Defendants have adopted and implemented mail policies and practices prohibiting delivery of written speech from HRDC while failing to provide due process notice of and an opportunity to challenge that censorship," the complaint reads.



As part of an interim experiment, Neelakanta said the parties have agreed to track the delivery of *Prison Legal News* to around 15 facilities in Illinois to determine whether issues were being delivered and censored. According to Neelakanta, although the experiment has only been in place for less than a month, they've continued to observe delivery problems.

Prison Legal News is also suing the Arizona Department of Corrections for banning specific issues of the magazine because of alleged "sexually explicit content" in its pages. The content in question includes an excerpt from a court opinion describing an incident of sexual assault against an inmate.

Paul Wright, founder and executive director of the Human Rights Defense Center and editor of *Prison Legal News*, thinks that the publication is targeted because it focuses on jail conditions, corruption, and brutality in prisons. "It makes them look bad," he said. "It gives readers the tools to stop these things."

While *Prison Legal News* could be the publication most frequently banned in the United States, it's far from the only instance of censorship in prisons. Many of the reading materials that are banned in prisons are those that challenge the criminal justice system. Prisons in states including New Jersey and North Carolina had banned *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. And *The New Jim Crow* was also labeled a security threat in Florida—as was Douglas Blackmon's *Slavery By Another Name*.

Incarcerated people do not lose their rights to stay informed when they are detained by the state, but correctional facilities using "security concerns" to deny inmates' access to reading materials is not uncommon. Some have only allowed incarcerated people to receive postcards, claiming that magazines and letters allow inmates to more easily receive contraband. Others, Neelakanta said, have argued that staples used to bind magazines could be used for weapons or tattoo guns. Jails have other ways to manage those "security risks," and Neelakanta thinks it's problematic that they often resort to censorship of political content.

HRDC has won most of its First Amendment lawsuits—Neelakanta estimates over a 95% success rate. But that prisons

are denying inmates access to reading materials—whether by labeling them a “security threat” or invoking archaic statutes—comprises a huge threat to press freedom, and publications’ right to reach their audiences.

[HTTPS://FREEDOM.PRESS/NEWS/PRISONS-ARE-CENSORING-PUBLICATIONS-CHALLENGE-STATE-POWER/](https://freedom.press/news/prisons-are-censoring-publications-challenge-state-power/)

THE SILENCING OF PRISON LEGAL NEWS

by Victoria McKenzie
The Crime Report
June 12, 2018

A resource that civil rights attorneys say is critical for prisoners across the country who are fighting abuse and neglect behind bars has just become off-limits to Florida inmates.

Last month, the Eleventh Circuit Court of Appeals, which covers Alabama, Georgia and Florida, upheld the state’s decision to ban *Prison Legal News* (PLN), on the grounds that it carries ads for services that are prohibited in Florida correctional facilities.

Those services include three-way calling, pen pal services, and selling postage stamps for cash. Prefacing his 48-page opinion by invoking the 19th century writer Oscar Wilde, Judge Ed Carnes speculated that the ads may provide “temptation” for inmates to commit fraud and other criminal acts.

“From time to time we have all followed the advice of Oscar Wilde and gotten rid of temptation by yielding to it,” wrote Carnes.

[Editor’s note: Irish poet and playwright Oscar Wilde was imprisoned in 1895 on a charge of “gross indecency” with men.]

“Inmates have the time, talent, and tendency to use their phone, pen pal, and correspondence privileges to conduct criminal activity, thwarting efforts to protect inmates and the public.”

At one point, Carnes even argued that cash-for-stamps schemes facilitate “the corruption of prison guards.”

The decision contained many pages of anecdotes about fraud schemes perpetrated by inmates, but did not cite testimony or evidence suggesting that viewing advertisements incites criminal activity.

While Florida is currently the only state to ban the monthly publication, the decision highlights similar disputes over prison censorship now in play across the country. In practice, the burden of accommodating prisoners’ rights to access legal and other reading material across the United States—as well as the First Amendment rights of a publisher to access its audience—has largely fallen on the shoulders of one man.

At the center of these battles is Paul Wright, founder and director of the Human Rights Defense Center (HDRC), who has devoted the past 28 years to getting legal news and resources to inmates. To do that, he’s had to file lawsuits against prisons and jails in 40 states over their censorship practices.

“I’d say that we consistently win our litigation,” Wright told *The Crime Report*. “We have successfully sued over 50 jails over publication bans and sadly, our work is not yet done.”

“That said, in the states of the former confederacy, which I think is no surprise, the judges are a lot more hostile to civil rights plaintiffs than they are elsewhere.”

Each month, the Center sends out some 22,500 issues of PLN and *Criminal Legal News*, (a new criminal law and procedure magazine) to prison libraries and individual subscribers across

the country, over 70 percent of whom are incarcerated. The total readership is much larger, since it’s usually passed from hand to hand; according to the Center’s estimate, each individual issue gets passed around to at least ten different readers.

“[When] we publish a cover story in *Prison Legal News*, within 30 days it’s been read by a quarter of a million people,” Wright told *The Crime Report*.

Paul Wright started the magazine from inside a maximum security prison in Washington state with another inmate, Ed Mead. Together, they had \$300, which was enough to pay for six issues. If enough subscriptions and donations came in, they thought, they could afford to keep publishing.

Since then, it’s grown into a 72-page authoritative and unmatched resource for inmates seeking legal advice for their complaints, ranging from medical neglect, beatings and excessive use of force, to abuse of solitary confinement and sexual assault behind bars.

Public defenders and other attorneys who work with inmates talk about PLN with admiration.

“I’ve been working with prisoners trying to get access to the courts since 1980,” said Alan Mills, executive director of the Chicago-based Uptown People’s Law Center, an organization that provides legal services to prisoners, as well as indigent residents.

In the course of litigating an 18-year class action lawsuit on behalf of prisoners in solitary confinement, Mills said he got a good picture of what the magazine means to inmates after talking to pro se litigants and so-called “jailhouse lawyers” (inmates who are self-taught in the law and advise others on their cases).

“There were two sources that they always cited as to what they looked to for help in the absence of access to a law library— and one of those was *Prison Legal News*,” Mills said.

The second must-have publication, also issued by the Human Rights Defense Center, was the *Disciplinary Self-Help Litigation Manual*, he said.

Mills added that “Illinois has stopped updating all of its casebooks for monetary reasons, so really *Prison Legal News* is the only up-to-date source of information prisoners have as to what the case law is doing, what new statutes are put in.”

Whenever Uptown People’s Law Center (UPLC) is mentioned in a PLN article, “we get a flood of letters wanting us to take the exact same case,” said Mills. And when inmates don’t receive an issue of PLN, they also hear about it.

Recently, UPLC began receiving so many complaints about missing issues that the organization filed a lawsuit against the Illinois Department of Corrections.

It’s “very similar to what they’re doing in Florida, but here it’s not a total ban,” Mills told *The Crime Report*.

Instead, he said, “individual prisons are censoring individual issues in what appears to be a random sort of way— that is, some issues will get into one maximum security prison but not into another maximum security prison; some will get into a maximum security prison, but for some reason won’t get into a minimum security prison.”

A Dangerous Precedent?

Observers and legal experts are concerned that Florida’s ban will set a dangerous precedent, possibly setting off similar actions elsewhere.

“It gives unbelievable latitude to the prison to make decisions about the legal rights of prisoners, disclaiming that the courts have responsibility for such decisions, and proceeds to place the burden

of accommodating the rights of prisoners and publishers on the publication itself,” said Moira Meltzer-Cohen, a New York-based civil rights attorney.

While “strictly speaking, this is litigation about a publisher’s right of access to a particular audience,” she continued, “this case can’t be decided or read in the absence of concerns regarding the access of incarcerated persons to legal information that directly impacts them.

“So this decision functions to leave power over what is essentially access to the courts in the hands of administrators who neither know nor care about the nuances of prisoners’ legal rights.”

Meanwhile, for such an ostensible blow to press freedom, the decision went largely unreported in the media.

Tom Julin, a First Amendment attorney based in Miami, tried to submit an amicus brief in 2016 on behalf of the Florida Press Association and several other media organizations. But the state vehemently opposed the brief and, in a rare move, barred the press from weighing in on a case about the First Amendment rights of a news publication. Julin called Carnes’ opinion “very troubling.”

The Florida Department of Corrections’ policy, which Walker upheld, is to ban materials when ads for prohibited services are “prominent or prevalent” throughout the publication.

“Well, how do you evaluate that?” said Julin. “That is not the kind of clear and specific standard that would limit the discretion of a prison official to impound the particular publication... where the headline on the front page is, ‘Here’s your legal rights and how you can challenge how you’re being treated in prison.’

“That’s what prison officials are concerned about; it’s not the ad on page 22 for telephone services.”

Elsewhere, PLN has been banned on a number of other pretexts.

In a case still pending before a federal court, PLN sued the Arizona Department of Corrections for banning issues of PLN over “sexually explicit” content. According to the complaint, the objectionable items carried headlines such as “Ninth Circuit Holds Staff Sexual Abuse Presumed Coercive; State Bears Burden of Rebutting Presumption,” and “Tenth Circuit Holds ‘Consensual’ Sex Defeats Prisoner’s Eighth Amendment Claim.”

In another instance, PLN sued the Sheriff of Berkeley County, S.C. over its policy of banning non-religious reading materials. Officials tried to argue in court that PLN contained staples which could be used as weapons, or to clog toilets; although other materials containing staples were available to inmates, and none of the mailroom records showed “staples” as a reason for rejection.

The argument was “mainly a litigation strategy,” wrote law professor and ACLU attorney David Shapiro, who represented PLN in the lawsuit.

PLN won the case in 2012, resulting a total restructuring of the jail’s policies. Ultimately, in a case that settled within a year, Berkeley officials spent around \$600,000 fighting to uphold their censorship practices, according to Shapiro.

While PLN has been successful in forcing change through the courts, the standard for defending censorship practices (established under *Turner v. Safley*) is low. Courts grant a high degree of deference to prison officials, who only need to show that censorship is “reasonably related” to public safety or prison security. In the 14 years since PLN first filed suit against the Florida DOC, officials have never shown that advertisements incite criminal activity or security breaches. For the 11th circuit, speculation was enough.

Wright, who is highly critical of the private prison industry, nonetheless says that private facilities are generally good about not

censoring PLN and other Center publications.

“They realize it doesn’t really affect prison security,” he said, “and they’re not willing to spend their money litigating, frankly, bullshit—whereas the government is willing to fight for the last penny of taxpayer money for whatever whim catches their fancy.”

“I can understand why [PLN] might rattle prison officials, because you’re really arming prisoners with legal means of getting relief from what they regard as unfair practices and unconstitutional acts,” Julin told *The Crime Report*.

By magazine industry standards, the space devoted to advertising in PLN is small, consisting of 25 percent or less of the publication—certainly less “prominent” than a magazine such as *Vanity Fair*, or *Cosmopolitan*.

Prison Legal News “really borders on being a scholarly journal,” said Julin, noting the “grey” format, dense coverage of the courts, and “long-form articles that are talking about prisoners’ rights and how they can advocate for themselves.”

PLN’s dependence on advertising as its base of financial support didn’t come about for lack of other fundraising efforts, says Wright, but because “no one but us and our advertisers see any value in reaching out to or engaging this population of 2.5 million people that are caged.”

Foundations that support other nonprofit media simply aren’t interested, he said. “Over the past 28 years, we’ve spent a huge amount of time and energy and organizational resources trying to raise money for our operations,” he told TCR. “We’ve hit everyone up.”

“One of the ironies is that it was a \$50,000 grant from the Public Welfare Foundation (a Washington DC-based nonprofit that funds criminal justice programs) in 2007 that allowed us to hire our first advertising director. They cut us off two years later, but by that time we’d made the position self-sufficient.”

That advertising director expanded PLN’s ad revenue from \$23,000 to \$200,000, according to Wright.

“No one else is going to give us \$200,000 a year, but we’ve got 80 advertisers that are willing to do that, because it matters to them as well.”

Wright added that individual donations to HRDC, a large portion of them from prisoners themselves, have enabled the organization to hire PLN’s first investigative reporter.

Where’s the Media?

Not only are funders nowhere to be seen, says Wright, but media organizations that keep a trained eye on freedom of the press have remained largely silent when it comes to censorship in prison.

“They’re totally AWOL,” he said bitterly. “None of those so-called media organizations really care about first amendment stuff involving the police state.”

Julin, who represented organizations that tried to file a friend-of-the-court document supporting PLN, said that the state’s decision to bar them wasn’t covered in the news, even locally.

“Nobody paid any attention to it at all,” he said.

“I think what’s going on is that the issues with respect to prison regulations don’t matter to a lot of people, just frankly speaking. They have other concerns... it doesn’t directly affect the institutional press.”

Al Tompkins, senior broadcast faculty at the Poynter Institute, concedes that issues of press freedom and free speech behind bars get little media attention.

“It’s hard to get the public, let alone journalists, to get interested

in anything having to do with prisons and inmates and jails,” he told TCR.

“It’s difficult to get newsrooms to cover seriously what’s going on in our jails and prisons because it’s just one more population that needs our attention—let alone all of the people who are walking around outside.”

Asked why prison censorship isn’t an issue that interests organizations such as Poynter, Tompkins cited the restrictions on civil rights behind bars.

“There are parts of the First Amendment that simply do not apply in prison,” Tompkins said. “In a prison environment, it’s different than in the free society.”

“You’re in a controlled environment, and you don’t have the same rights of consumption and expression that you do in the outside world.”

Comments like that seem to exasperate Wright. “That doesn’t explain us then, does it?” he says.

In practice, Wright has been forging these rights and protections in the courts over the past three decades. PLN will be filing a petition for Supreme Court review of the Florida decision.

Victoria McKenzie is Deputy Editor of The Crime Report.

[HTTPS://THECRIMEREPORT.ORG/2018/06/12/THE-SILENCING-OF-PRISON-LEGAL-NEWS/](https://thecrimereport.org/2018/06/12/the-silencing-of-prison-legal-news/)

PUBLISHER FILES CENSORSHIP SUIT AGAINST ILLINOIS DOC

from *CBS Chicago*
February 13, 2018

The Human Rights Defense Center (HRDC) filed a lawsuit against the Illinois Department of Corrections that alleges constitutional violations related to censorship of HRDC’s publications mailed to Illinois state prisoners.

The non-profit organization says its publications are being censored and, in some cases, not being delivered.

Attorney Alan Mills, of the Uptown People’s Law Center, is representing the publisher and says this has been going on in dozens of prisons for years.

“They check off the little box sometimes, which says ‘security,’ but that’s all they say. So there’s no way for us to know which articles they think are a problem, let alone why they think they’re a problem,” he said. “These are reported legal decisions — so we can’t understand at all why there would be an objection.”

The publications include *Prison Legal News*, a 72-page monthly publication that covers news and court rulings related to the criminal justice system. HRDC says, as of January 2018, over 200 Illinois state prisoners subscribe to PLN, which has been published for over 27 years.

The organization also distributes around 50 self-help and legal books of interest to prisoners. The suit asks for an end to the alleged censorship and punitive damages.

[HTTP://CHICAGO.CBSLOCAL.COM/2018/02/13/PUBLISHER-FILES-CENSORSHIP-SUIT-AGAINST-ILLINOIS-DEPT-OF-CORRECTIONS/](http://chicago.cbslocal.com/2018/02/13/publisher-files-censorship-suit-against-illinois-dept-of-corrections/)

JAIL KEEPS TEENS IN SOLITARY FOR MONTHS WITHOUT CARE, EDUCATION

by John Pacenti
Palm Beach Post
June 21, 2018

One young inmate in solitary confinement at the Palm Beach County jail hallucinated, staring at the blank wall of his cell, thinking he was watching a television show, a federal lawsuit filed Thursday alleges.

A 16-year-old got his teeth knocked out by deputies after flooding his cell with toilet water when his telephone privileges were cut short — a brief moment he could have contact with anyone.

Other juveniles begged deputies for water but were forced to drink the putrid discolored water from the sink attached to their toilet. “I’m not your water boy,” the deputies barked back.

If these teens — in isolation for sometimes up to 16 consecutive months — complained, deputies threatened to send them to the mental health ward where they would be stripped naked and left in a freezing cell with only a paper gown that failed to cover their backside.

These are just some of the claims made in the class-action lawsuit against Sheriff Ric Bradshaw, the Palm Beach County School Board and others in the sheriff’s department that calls for an end to solitary confinement for inmates under age 18.

Sophie’s Choice

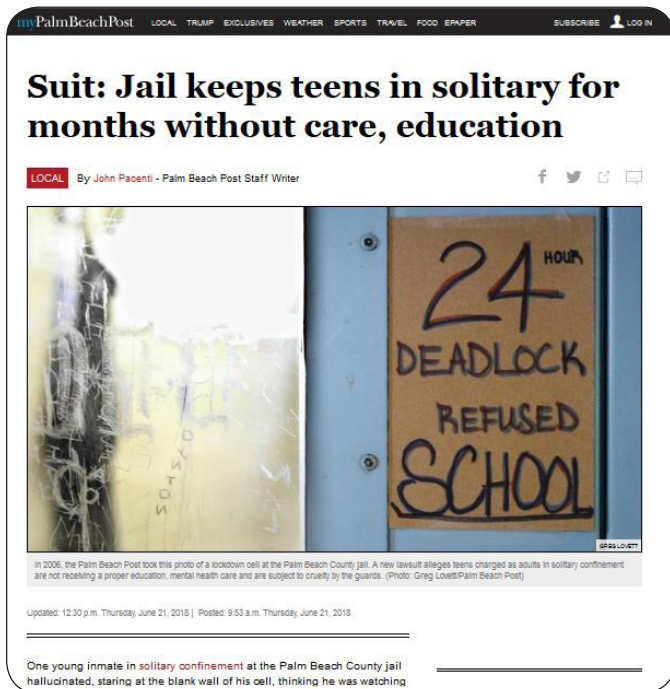
Teenage males charged by the state attorney’s office as adults are put in solitary for months at a time, spending 23 or 24 hours a day alone in the 6-by 12-foot cell dubbed “the box,” receiving no mental health care and little or no education, according to the lawsuit spearheaded by the Legal Aid Society of Palm Beach County and the Human Rights Defense Center in Lake Worth.

Solitary confinement means no music, no television, no human contact. Child inmates get their food on a tray passed through a metal slot of their cell, which is adorned with only a metal cot, a sink, a stainless steel desk and a commode bolted to the wall. A single overhead fluorescent light hangs over each solitary cell.

They are permitted, at most, one hour three times a week of solitary recreation inside a caged basketball court. They are handcuffed every time they leave their cell.

Some of the young jail inmates in the lawsuit, often identified only by initials or first names, were in solitary after fighting. But others were subject to a cruel Sophie’s Choice by Bradshaw’s administration, ending up in solitary only because they had co-defendants — “keep-aways” — in the general jail population of juveniles on the 12th floor of the 2,166-bed Main Detention Center on Gun Club Road, the lawsuit states. [Ed. Note: *Sophie’s Choice* is 1979 novel and 1982 film where a mother sent to Auschwitz is forced to choose which one of her two children would be gassed and which would proceed to the labor camp.]

The sheriff’s department and the school district violated the constitutional rights of these teenagers — often minorities and developmentally or mentally disabled — by subjecting them to cruel and unusual punishment and a lack of due process, the litigation alleges. The teenage boys received no mental health care and little or no regular education and were denied help guaranteed by the Americans with Disabilities Act, according to the 75—page complaint.



Sheriff's spokesman Teri Barbara said the office had yet to be properly served with the lawsuit and that the sheriff doesn't comment on potential or pending litigation as a matter of policy. Efforts to reach a spokesperson for the school district for comment on the litigation was unsuccessful.

'Throwaways of society'

"The sheriff sees these kids as not worthy of constitutional protections," said Sabarish P. Neelakanta, general counsel and litigation director for the Human Rights Defense Center. "They see these kids as bad kids; they see them as throwaways of society. So they locked them up in these little rooms and forget about them."

The nexus of the lawsuit started with Melissa Duncan of Legal Aid Society when the Palm Beach County Public Defender's Office contacted her about concerns that the teenagers in solitary weren't getting an education. "When I started talking to the kids, they weren't just getting any education; they weren't getting anything," she said.

Duncan, the supervising attorney for the Legal Aid Society's Educational Advocacy Project, then started researching other lawsuits around the country.

"So far I found the Palm Beach County practice is the most egregious in terms of the length of the time the kids are left in solitary confinement," she said. "They feel like they are going crazy."

None of the incarcerated teens in the lawsuit had been convicted of crimes when they were subject to the box but had been charged as adults for crimes such as armed robbery, burglary, or grand theft auto.

Similar lawsuits have led to calls for reform in several states. Wisconsin reached a settlement this month to end the practice after a lawsuit filed by the American Civil Liberties Union. A judge prohibited the practice temporarily in one Tennessee county to allow another ACLU suit to move forward. In New York, federal court orders recently stopped solitary confinement policies in two different jails.

In the Palm Beach County litigation, the powerhouse class-action law firm of Cohen Milstein Sellers and Toll has also been brought on board. The lawsuit focuses on males in solitary as females under age 18 charged as adults are kept on the floor of the jail's medical unit.

Going crazy

Nehomie Perceval of West Palm Beach said her son, Jeremy, had been diagnosed with ADHD and anxiety before he ended up in solitary. He received none of his medication while in solitary, which was lifted only when attorneys pleaded with the judge to recommend he be taken out of the box, the suit contends.

"I don't want any other kid to go through that again, being in solitary confinement," Perceval said. "A child is a child regardless of what the child did or did not do. Mentally, it will drive the kid crazy. I don't think anybody should be locked up in a room with just four walls to look at for that long."

Before his arrest, the plaintiff identified as J.E. was a 10th-grader of Haitian descent at Lake Worth High School, struggling with his reading. He is quoted in the lawsuit, saying that the isolation "does something to you. It's crazy."

He lost 20 pounds and started experiencing visual and auditory hallucinations, hearing screaming at night and staring at a blank wall in his cell watching a full television show. He served more than five months in solitary.

As with other juveniles charged as adults, juveniles, he filed grievances to get out of solitary but were told they were frivolous. He told lawyers that deputies torment them by turning on the emergency lights so they can't sleep or, in his case, leaving him undressed for hours when deputies decided he did not have the correct pants to wear.

When he complained, a deputy told him, "You don't like it? Don't get yourself arrested."

Another inmate, identified as Jeff in the lawsuit, also reported hallucinations, seeing a third arm coming from his body and hearing voices at night. He spent nearly five months in solitary.

"Jeff reports that his father would drive to the parking lot of the jail each night and flash his headlights so Jeff could see them, which would be the only reprieve he had from the constant sense of loneliness," the lawsuit states. Jeff is now 18.

The psych cell

The threat of being sent to the mental health unit — the "psych cell" — looms large, the lawsuit states. One plaintiff, identified as W.B., said deputies threaten to send the teens to the ward if they are too noisy under the ruse they threatened to commit suicide.

Another plaintiff, identified as Jeziah, said deputies would take what little items he had: socks, sheets, drawings as punishment for talking to other teens in solitary. Jeziah spent a total of 21 months in solitary, including a 16-month stretch.

"One of the problems is that these kids can't fight back or navigate these policies and how to deal with them," Neelakanta said. "They are scared. They are frightened."

The lawsuit alleges retaliation by deputies against Jeziah, now 18, who flooded his cell after a deputy unplugged his allowed telephone call before it was required to end. During the cell extraction, the teenager resisted and had two of his front teeth shattered.

When he returned to solitary, deputies destroyed his dentures and laughed at him, the lawsuit states.

"Another Palm Beach Sheriff's Office staff member told Jeziah that she would have other inmates assault him if he got out of confinement," the lawsuit states. "Jeziah called the PREA (Prison Rape Elimination Act) hotline, but received no follow up in response."

A fellow teen in solitary said a deputy would warn him he could end up like Jeziah if he misbehaved.

Duncan said the lack of education for these kids is an important part of the lawsuit. Packets of work are shoved under the cell door and they may receive brief moments to speak with a teacher standing outside.

“These children cannot view educational instruction because the windows on their cell doors are scratched up to the point that it is nearly impossible to discern what is being written on the chalkboard, nor are they able to hear the teachers’ lessons through the solid metal doors,” the lawsuit states.

“Additionally, for children with disabilities, highly specialized instruction, accommodations, and related services are not offered or meaningfully available in solitary confinement.”

‘Making It Worse’

Palm Beach County Public Defender Carey Haughwout said solitary confinement of juveniles has been a concern for her office.

“Solitary confinement is a difficult setting, to say the least, for anyone, but when you put children in solitary confinement it has an even greater effect on their mental health, their physical wellbeing,” she said. “It should really never be used.”

The number of cases of juveniles charged as adults dropped from 2016 to 2017 — falling from 47 to 33. However, since the massacre at Marjory Stoneman Douglas High School, 20 juveniles have been charged as adults in Palm Beach County so far this year.

“A lot of these kids have a myriad of problems to begin with, which is why they are there,” Haughwout said. “And we are worried solitary confinement only makes it worse.”

The American Civil Liberties Union and Human Rights Watch, in a now 6-year-old report, sent up the flare that solitary was being used against juveniles throughout the country and having a profound effect. Many suffered post-traumatic stress and were more prone to suicide.

In New York, in a celebrated case, 16-year-old Kalief Browder spent two of his three years at the infamous Rikers Island jail complex in solitary after being charged with stealing a backpack. When released, Browder committed suicide in 2015 at age 22.

“Because the adolescent brain is still in early stage development, it is quite susceptible to the harm,” Neelakanta said. “When they are out of custody and receiving treatment, they don’t trust anybody. They don’t trust the adults and they don’t trust anyone around them.”

[HTTPS://WWW.MYPALMBEACHPOST.COM/NEWS/BREAKING-NEWS/SUIT-JAIL-KEEPS-TEENS-SOLITARY-FOR-MONTHS-WITHOUT-CARE-EDUCATION/WBO3wIkUQFF7A94GYN8UQI/](https://www.mypalmbeachpost.com/news/breaking-news/suit-jail-keeps-teens-solitary-for-months-without-care-education/wBO3wIkUQFF7A94GYN8UQI/)

MENTALLY ILL SOUTH FLORIDA MAN STARVED TO DEATH IN PRISON, LAWSUIT ALLEGES

by Jerry Iannelli
Miami New Times
August 3, 2018

When Vincent Gaines was sentenced to five years in prison on robbery charges in June 2013, state officials recommended he be placed in a mental-health unit because he had regular visual and auditory hallucinations. So Gaines was transferred to the Dade Correctional Institution in South Miami-Dade County, where he

was placed on a “boneless diet” that left the five-foot-nine man 40 pounds lighter — dropping from 190 to 151 — in just 18 months.

After accumulating a series of disciplinary reports, Gaines was shuffled through multiple prisons before winding up at the Union Correctional Institution in Raiford, Florida, where he soon died. In his autopsy, he weighed only 115 pounds and showed obvious signs of malnourishment, advocates say.

Now Gaines’ family says the evidence is clear: He was starved to death inside the state prison system and then buried on Florida Department of Corrections (FDOC) property without their knowledge or consent. His mother, Lorine, sued FDOC head Julie Jones, former for-profit prison health provider Corizon Health, and Union CI warden Kevin Jordan in North Florida federal court. The *Palm Beach Post*, which published a stinging investigation into Corizon Health’s deadly failures across Florida in 2014, first reported on the lawsuit yesterday afternoon. To file the suit, Lorine Gaines partnered with the Human Rights Defense Center (HRDC), a nonprofit that fights for the rights of ex-prisoners nationwide.

“It is an outrage that in the 21st-century American prisoners are being starved to death in barbaric conditions by a prison system whose employees enjoy total impunity for their criminal actions,” HRDC executive director Paul Wright, himself a former prisoner, said in a news release. (In addition to founding the HRDC, Wright also founded *Prison Legal News*, a monthly news magazine for and by prisoners, from his jail cell in 1990.) “We hope the civil justice system will help provide the deterrence that is otherwise sadly lacking within Florida’s prison system.”

In response, the FDOC told *New Times* that it had not yet been served the lawsuit and could not comment on the case’s specifics but that the department “is committed to ensuring all inmates have access to appropriate health services.”

A Corizon spokesperson, Martha Harbin, told *New Times* via email that the company is confident it handled the case correctly but that Corizon could not speak further without violating the Health Insurance Portability and Accountability Act, or HIPAA, privacy laws.

“Patient privacy laws and the filed complaint prevent us from disclosing specific information from the patient’s medical records that would provide a more complete picture of Mr. Gaines’s health challenges and treatment, but we are confident that appropriate, evidence-based medical care was provided,” she said.

But the suit echoes an eerily similar case that also involved the Dade Correctional Institute. In 2012, multiple witnesses said guards at the facility scalded mentally ill inmate Darren Rainey to death in a makeshift prison shower as punishment for defecating in his cell. State officials did not reopen the case until the *Miami Herald’s* Julie Brown wrote a blistering series of articles about it. Even after Brown obtained gruesome images of Rainey’s scalded body, the county medical examiner’s office and Miami-Dade State Attorney Katherine Fernandez Rundle still insisted Rainey did not suffer deadly burns. No one was fired or charged in the case.

Perhaps more importantly, the *Herald* also spoke to other witnesses who claimed inmates at Dade CI were being starved.

The *Palm Beach Post* series about Corizon also noted that after prison medical care was privatized and handed over to the company in 2012, inmate deaths spiked. Corizon walked away from its \$1.2 billion, five-year state contract after the award-winning *Post* series but claimed the move was a fiscal decision.

According to the latest suit, judges and other justice-system officials knew in 2013 that Gaines was severely mentally ill. After he pleaded guilty in 2013 to burglary charges, a judge instructed

officials to house Gaines near his family in Palm Beach County. At a subsequent mental-health evaluation at the FDOC's South Florida Reception Center (SFRC), officials noted Gaines had repeatedly been "Baker Acted" — committed involuntarily to a mental institution — because of his constant auditory hallucinations. Among other diagnoses, officials stated Gaines had bipolar disorder, mania, had "psychotic features," as well as "borderline intellectual functioning," which the suit says is "historically referred to as 'mental retardation.'" He also struggled to comply with his medication regimen and often refused his medicine.

He was then transferred from the SFRC to Dade CI in Homestead — while there, the suit says, he continued to experience hallucinations and refuse treatment. After a particularly rough period, he was sent back to a crisis unit at the SFRC, where he slept only two to three hours per night and weighed 151 pounds. He was also written up for alleged failure to follow orders and in 2015 was sent more than 300 miles away from his family to the Florida State Prison and then to the Union Correctional Institution. On May 15, the suit says, because of Gaines' "rapidly deteriorating" mental condition, he was placed in a "close management" unit at the facility, where health officials noted in reports that he had "been observed smearing feces on his floor."

From here, the suit claims, things grew strange. On December 1, Corizon Health officials began to write that Gaines' condition seemed to be improving. Reports from that day say a company social worker observed his "clean and organized" cell and "neat" appearance.

But just two days later, Gaines was dead. Just after noon December 3, officials noted he seemed quiet and had not eaten. They checked on him around 1:26 p.m. and found him unresponsive. After emergency medical technicians administered CPR, he was pronounced dead.

Medical examiners conducted an autopsy the next day. Though writing that his cause of death was "undetermined," examiners wrote that Gaines suffered from "malnutrition" and weighed only 115 pounds. In contrast with the glowing Corizon report three days earlier, doctors said Gaines also died with a "generalized unwashed appearance and probable feces on [the] soles of [his] feet."

"Following Mr. Gaines' death, Defendants did not timely inform Plaintiff," the suit adds. "As a result, Mr. Gaines was not released to his family; the Decedent was buried by FDOC on FDOC property against the wishes and without the consent of Plaintiff."

Gaines' mother is now suing for alleged violations of the Eight and Fourteenth Amendments to the U.S. Constitution, which prohibit cruel and unusual punishment and guarantee equal protection for people of all races under the law. The Gaines family also alleges their loved one's treatment violated the Americans with Disabilities Act.

The prison's "conduct was so deliberately indifferent as to Mr. Gaines' nutritional, medical, and/or mental health needs as to violate his right against cruel and unusual punishment," the suit reads.

<https://www.miamiherald.com/news/florida-prisoner-vincent-gaines-starved-to-death-in-jail-lawsuit-says-10589920>

TRUMP'S FCC CHAIR BACKED OFF OBAMA-ERA RULE ON INMATE CALLS THAT HURT AN EX-CLIENT

An inmate advocacy group publicized Ajit Pai's prior work this week.

by Dana Liebelson
Huffington Post
August 11, 2017

Federal Communications Commission Chairman Ajit Pai backed off from Obama-era regulations that sought to make phone calls more affordable for inmates but that also hurt one of Pai's former clients: Securus Technologies, an inmate calling service provider.

The Human Rights Defense Center, an inmate advocacy group that brought Pai's disclosure about his work for Securus to light this week, finds the connection troubling. However, an FCC spokesperson told HuffPost that his work "was cleared through the ethics office."

Pai listed Securus as one of the "few clients" that he did a "limited amount of work for" between April 25, 2011, and May 6, 2012, as a partner with the law firm Jenner & Block. (He also listed AOL, HuffPost's parent company.) Pai disclosed his client list to the Senate Committee on Commerce, Science and Transportation in 2011 before he was confirmed as an FCC commissioner, and again in 2017 for his pending confirmation as chairman. Jenner & Block and Securus did not respond to HuffPost inquiries about the nature of Pai's work.

When inmates and family members stay in touch, that can lower recidivism and assist with rehabilitation. Until the 1990s, inmates could make calls at about the same rates as other people, according to The New York Times. But over the next few decades, companies like Securus made enormous profits by charging inmates and their families more money.

Securus warned in 2015 that an Obama-era proposal capping inmate phone rates and fees could be a "business-ending event." After the rule passed in a 3-2 vote (Pai dissented), providers, including Securus, sued to overturn it.

About a week after Pai became chairman, the FCC said it would no longer defend the key part of that rule. When the U.S. Court of Appeals for the District of Columbia Circuit struck down the Obama-era regulations on in-state calls from jails and prisons in June, advocates blamed the decision in part on the FCC's retreat. (The D.C. Circuit majority said the provisions could not survive legal review.)

The lack of price caps has permitted companies like Securus to charge more than \$11 for a 15-minute intrastate call from more than 60 correctional facilities in Michigan, according to Lee Petro, pro bono counsel for a group of prisoner advocates known collectively as the Wright Petitioners. (Petro declined to comment on the filing.)

The Human Rights Defense Center claims Pai's prior relationship is a conflict of interest and is asking Pai to recuse himself from all actions and decisions involving Securus and other inmate phone service providers. They are also asking Pai to disclose any financial relationship he may have with these companies.

It's not so uncommon for FCC officials, both Republican and Democrat, to have prior ties with companies they oversee. Pai, for example, previously worked as an attorney for Verizon, HuffPost's other parent company. In his disclosure, Pai noted that during his

time working with Securus and other companies, he did not appear before the FCC, Congress, executive agencies or in any court in connection with that work.

But while Pai's work with Verizon is well-documented, the newly publicized Securus tie raises questions, in part because inmate calling services are dominated by only a few providers.

"Hopefully the [Senate] committee will ask for more information about what exactly he did for them before holding a confirmation vote," Jordan Libowitz, a spokesman for Citizens for Responsibility and Ethics in Washington, told HuffPost. "For there to be conflict, there needs to be more than just the previous relationship. It's really important to know what that relationship actually entailed." Pai will need to be reconfirmed by the Senate before the end of the year to continue as FCC chairman.

[HTTP://WWW.HUFFINGTONPOST.COM/ENTRY/TRUMP-FCC-CHAIRMAN-EX-CLIENT-INMATE-CALLING_US_598E0F99E4B090964297093D](http://www.huffingtonpost.com/entry/trump-fcc-chairman-ex-client-inmate-calling_us_598e0f99e4b090964297093d)

ARE CELLPHONES REALLY TO BLAME FOR SPIKE IN S.C. PRISON VIOLENCE?

by Victoria McKenzie
CBS News, Bishopville, SC
April 19, 2018

The deadly, seven-hour riot that broke out in a South Carolina prison last weekend occurred amid a rising tide of violence within the state's prison system. State corrections officials were quick Monday to blame contraband cellphones as major contributing factors in the bloodshed, but observers say there are other reasons for the alarming spike in assaults and deaths behind bars.

The most recent outbreak of violence at Lee Correctional Institution in Bishopville left seven prisoners dead and 17 more wounded, and is now being called the worst U.S. prison riot in the last 25 years.

In a press conference Monday afternoon, South Carolina corrections department director Bryan Stirling said officials believe the riot was "all about territory, all about contraband" and cellphones at the prison, which houses some of the state's worst and longest-serving offenders. Stirling said gangs were fighting over territory and said cellphones help them continue criminal activity behind bars.

"These people are fighting about real money and real territory when they are incarcerated," Stirling said.

Gov. Henry McMaster told the press that "people in this prison have very violent records, and we cannot expect them to give up their violent ways when they go to prison." Stirling and McMaster again called on the federal government to change the law and allow state officials to block the signals so that prisoners can't use the cellphones – a debate that's been at issue in the state for several years, according to Steve Bailey, contributing columnist for the *Post and Courier*.

Justin Bamberg, an attorney and South Carolina state representative, told *Crimesider* that instead of "whining about the FCC not letting us block cellphone signals," officials should focus on access to dangerous weapons used in the riot. Bamberg shared disturbing video from inside the prison with *Crimesider*, which he said he obtained from an inmate. The video – captured on a

cellphone – appears to show one inmate carrying a large weapon; another inmate is seen sitting against a wall and then walking away, leaving a large smear of blood on the wall. His clothes appear to be covered in blood.

"No one was stabbed with a cellphone. No one was stabbed with a bag of marijuana or a box of Newports," Bamberg said. "These people were stabbed with six and seven-inch shanks."

Bamberg accused state officials of "very poor leadership" in their response to the deadly riot.

"We have in our state the worst prison riot that America has seen the the last 25 years, and one of the first things out of your mouth when you address your citizens is – 'well, this is prison and these things are going to happen?'" Bamberg said, referring to McMaster's comments. "You do not just 'end up' with seven inmates butchered, and another couple of dozen hauled off to the hospital. That's not supposed to just happen."

Bailey, who has been closely tracking assaults and deaths in South Carolina's correction facilities over the past two years, says the data he's analyzed indicates there are more complex issues driving the violence. While the South Carolina Department of Corrections publishes pages of statistics on its website – from average daily inmate populations to admissions by type of offense – it does not publish assaults and homicides, except in cases where officers are assaulted.

"I had a big fight with the prison system to get these numbers," Bailey said.

According to Department of Corrections data obtained by the Post and Courier, incidents of assault in South Carolina state prisons have risen by over 68 percent since 2013; from 72 a year, to 121 last year. Inmate homicides in the state rose from one in 2013 to five in 2016 and 12 in 2017, according to the data.

"There are cellphones in every prison in America," Bailey told *Crimesider*. "There's something else going on here too."

What's behind the fight over cellphone blocking?

SCDC has been petitioning the FCC for years to allow prisons to use cellphone jammers in the interest of "public safety." Led by then-governor Nikki Haley, 10 republican governors signed on to the effort in 2016. Bamberg told *Crimesider* that officials began fixating on cellphone jamming after solitary confinement became politically unfeasible as a deterrent to using them.

Right now, the Communications Act prohibits all non-federal agencies from using jamming devices. However, after petitions and testimony from South Carolina officials about the reported threat posed by illegal cellphones, then-FCC Commissioner Ajit Pai promised to work with states on the issue. In February, the FCC hosted a meeting with law enforcement, corrections officials, and wireless providers to discuss how to address the problem.

In the past, the FCC has opposed waiving these restrictions on the basis that it could interfere with local 911 calls and critical radio communications, affecting emergency response teams, and potentially become useful to terrorist organizations. Wireless industry groups also oppose the use of jammers; in a letter sent to the FCC in January, trade group CTIA said that shutting down cellphone communications should only be done through a court order.

According to Paul Wright, director of the prisoner rights advocacy group Human Rights Defense Center, prison telecom giants Securus and Global Tel Link have been active in the campaign to enable signal jamming in prisons. "The reason they want to use the blocking devices is to drive up the use of the prison

telephone monopoly,” says Wright. “These companies also own the cellphone blocking companies that make the devices, so they stand to profit both ways.”

Securus and Global Tel Link didn’t immediately respond to requests for comment from Crimesider. Global Tel Link is the service provider for Lee Correctional Institution. According to the company’s customer service center, calls to Lee from a New York number cost 21 cents per minute; it costs 20 cents for an inmate to dial out.

Stirling has since announced that his department is already moving forward with an alternate method of blocking cellphone communications, according to reports by CBS affiliate WLTX-TV. Tecore, a Maryland-based telephone company, has entered into a three-year contract with the state worth around \$1.5 million.

According to Tecore spokesperson Markie Britton, the company uses a technology it calls “managed access,” which unlike jamming devices, allows the operator to selectively permit or deny communications from cellphones. It is compliant with FCC regulations, and does not pose any threat to communications outside of the targeted facility. According to Britton, the company is also working with state correctional facilities in Maryland and Mississippi, but she was unable to disclose contracts with other states that have not yet made public announcements.

Last year, the Human Rights Defense Center accused FCC chairman Ajit Pai of having a conflict of interest during his years as a commissioner. Pai was a commissioner between 2012 and January 2017, when he was appointed chairman.

HRDC wrote that Pai, who used to provide legal representation to Securus, “has vigorously and consistently taken action to undercut all efforts to impose federal regulations, including rate caps, on the Inmate Calling Services (ICS) industry, which benefits Securus – his former client – as well as other ICS providers.”

In 2016, Pai organized an FCC hearing in South Carolina, failing to disclose that the panel included a Securus employee. After Pai’s appointment as chairman, Bryan Stirling testified before the FCC on the problem of illegal cellphones. In an emailed response to Crimesider, FCC press secretary Tina Pelkey said that “Chairman Pai’s participation in the inmate calling rulemaking were and are in full compliance with both the letter and spirit of government ethics rules.”

Wright, of the Human Rights Defense Center, says another question is why the South Carolina prison system can’t control its employees. The sheer number of illegal cellphones being smuggled into the state prisons points to the collusion of prison guards, he said, who see it as an “easy way to supplement their income.”

In January, Stirling told the Post and Courier that the state of South Carolina had confiscated around 6,300 contraband cellphones and cellphone parts in 2017.

The SCDC hasn’t yet responded to detailed questions submitted by Crimesider.

Other factors driving violence

Bailey noted that the rise in assaults and homicides coincide with state decarceration efforts.

“While the prison population’s been going down, the violence has been going up, and the city and state hasn’t been doing very much to address that. Clearly they have a huge shortage of prison guards there. About one in four jobs are vacant right now,” he said.

After passing prison reforms in 2010, South Carolina’s prison population dropped 14 percent by 2016, according to SCDC data analyzed by Pew Charitable Trusts. Meanwhile, the percentage

of violent offenders in prison rose from 52 percent in 2009, to 66 percent in 2016.

That 14 percent drop is small relative to other states, says Wright, who doesn’t believe the two trends are related.

Wright suggests that a better explanation for the violence is lack of funding for “incentive programs” – vocational, academic and work programs for prisoners.

“They’ve steadily cut back what little programs they had, and they’re just warehousing people in under-staffed, overcrowded prisons,” said Wright. “Prison and penal operations have been studied pretty extensively for the last 15 years. When you take away all hope and you take away any reason for [inmates] to behave themselves, then that’s when you start having higher levels of violence, assaults, and attacks.”

Another reason for the violence is staff corruption, Wright said, made worse by low wages and a high turnover rate. Speaking to the press on Monday, Stirling said his department needs some 500 more front-line employees.

“A prison guard in New York starts out and they’re making \$50,000 a year with excellent benefits,” said Wright. According to information provided to Crimesider by SCDC, starting salaries range from \$31,000 for minimum security to \$34,000 a year in a maximum security facility – including the 24 percent increase announced this week.

“The New York prison system has its problems too, but high staff turnover isn’t one of them,” said Wright.

Although a strong critic of private prisons, Wright said that “one of the things that they’re pretty good about is that they do fire people. So if you’re a warden of a private prison and there’s a riot or a mass killing, chances are you’re going to be out of a job the next day.”

Riot response under fire

According to texts and emails sent to the Human Rights Defense Center from inmates at Lee Correctional Institute, “the guards were nowhere to be seen for the duration” of the riot. The first fight started in a dorm about 7:15 p.m. Sunday and appeared to be contained before suddenly starting in two other dorms. The prison was finally secured around 2:55 a.m. Monday, the corrections department told WLTX-TV.

The slain were identified as Corey Scott, Eddie Casey Gaskins, Raymond Angelo Scott, Damonte Rivera; Michael Milledge, Cornelius McClary and Joshua Jenkins. Most died of stab or slash wounds; the remainder appeared to have been beaten, Lee County Coroner Larry Logan said.

“It’s one thing for a violent incident to happen quickly, but when it goes on for hour after hour after hour – where are the guards?” Wright asked.

A prisoner who spoke with the Associated Press on the condition of anonymity said he said he saw bodies “literally stacked on top of each other, like some macabre woodpile.” He said it was hours before guards entered the dorm to help the wounded and dying.

“The COs (corrections officers) never even attempted to render aid, nor quell the disturbance,” he said. “They just sat in the control bubble, called the issue in, then sat on their collective asses.”

The prisoner told The Associated Press he saw several attackers taunt a rival gang member who was badly injured and later died. He said he believed the inmate would have had “a fighting chance if someone had simply opened the gate and let the others carry him up front.”

“At one point, you had these guys who were stabbed, who

were outside kind of in a pile – but they were still alive,” Bamberg told *Crimesider*. “But because the guards wouldn’t come in, they also wouldn’t open any of the gates to let people out. So these guys who according to some people’s perceptions could have maybe survived had they gotten medical treatment – didn’t get any, and therefore they died.”

Corrections officials say guards followed procedure by backing out of the dorms and awaiting backup response. In the press conference Monday afternoon, South Carolina corrections department director Bryan Stirling said the response teams entered as fast as they could.

“We gathered as many people as we could, as quickly as we could and went in as soon as we thought it was safe for our staff,” he said.

The deadly incident is being investigated by the South Carolina Law Enforcement Division. But Bamberg says families of those slain may have to wait a long time before learning what happened to their loved ones.

“Unfortunately the state government is not that transparent sometimes,” Bamberg said. “And there’s a lot of mystery about what exactly goes on in SCDC.”

Bailey and Bamberg are both calling for a wide-ranging, independent investigation.

“I think that the state DOC here would benefit from a [U.S. Department of Justice] review,” Bamberg said. “To have someone independent, not necessarily tied to the state look at the prison system and say...where can we improve, and what absolutely has to change right now. I would welcome that, and I think most people here would welcome that.”

[HTTPS://WWW.CBSNEWS.COM/NEWS/SOUTH-CAROLINA-PRISON-RIOT-ARE-CELLPHONES-REALLY-TO-BLAME-FOR-SPIKE-IN-S-C-PRISON-VIOLENCE/](https://www.cbsnews.com/news/south-carolina-prison-riot-are-cellphones-really-to-blame-for-spike-in-s-c-prison-violence/)

MECKLENBURG PRISONERS CAN’T READ THIS MAGAZINE. A FEDERAL LAWSUIT AIMS TO CHANGE THAT.

by Lavendrick Smith
Charlotte Observer
April 26, 2018

Prisoners at the Mecklenburg County jail are banned from reading a national magazine that covers prison news. Now the organization behind the magazine is fighting to get the publication in the hands of inmates.

The Human Rights Defense Center filed a federal lawsuit Tuesday against Sheriff Irwin Carmichael and other Mecklenburg County Sheriff’s officials. The nonprofit argues the jail’s censorship of its magazine, “*Prison Legal News*,” violates the First Amendment.

Carmichael couldn’t be reached for comment Wednesday, and a spokeswoman with the sheriff’s office said the office can’t comment on existing or pending litigation matters.

“*Prison Legal News*,” and other publications from the Human Rights Defense Center, features reporting on prisons, jails, and issues related to criminal justice.

The magazine is on a list of banned publications, which can be found on the jail’s website. Certain publications are banned because of inappropriate content, according to the site, which does

not indicate why specific publications are deemed inappropriate. The magazine hasn’t been allowed in the prison since May 2016, a defense center spokesperson said.

Other banned materials on the list include publications that promote violence or racial hatred, and erotic material such as *Fifty Shades of Grey*.

“We see no justifiable reason in why our publication should be censored at this county jail, other than the fact they just don’t like what we say,” said Alex Friedmann, associate director of the defense center and managing editor of the magazine.

The defense center has won several cases against state correctional facilities and county jails across the country on censorship issues, Friedmann said. The organization currently has litigation against correctional facilities in states including Florida and Illinois, he said.

“We take our First Amendment rights and the First Amendment rights of our readers very seriously,” he said.

In addition to a First Amendment violation, the defense center also argues the jail didn’t provide meaningful notice of the ban, depriving the organization of the opportunity to appeal or challenge it. The action violated the organization’s right to due process, the lawsuit states.

The organization is seeking a federal injunction to allow prisoners to read “*Prison Legal News*” and its other publications throughout the duration of the case.

In addition to Carmichael, the lawsuit names other officials, including Telisa White and David Hill, who are both majors with the sheriff’s office. Captains Jeff Eason and Aujiena Hicks are also identified in the lawsuit.

[HTTP://WWW.CHARLOTTEOBSERVER.COM/NEWS/LOCAL/ARTICLE209798404.HTML](http://www.charlotteobserver.com/news/local/article209798404.html)

VIDEO IS ERASING PEOPLE, FROM PRISON TO PORN, AS WALL STREET PROFITS

by Janet Burns
Forbes
February 26, 2018

As technology grows ever more powerful and entwined in our lives, it’s good to remember that science fiction aims not only to let us envision potential disasters down the road, but also to grasp very real dangers already upon us.

For example, from Philip K. Dick to *Star Trek* and *Black Mirror*, sci-fi has repeatedly imagined the innovation and horror involved in humans being replaced with high-tech doppelgangers, including ones sophisticated enough to fool whole families or nations. And while science has a long way to go before Replicants and other bio-machines are fleshed out, technology is already stepping in where humans have traditionally served and separating us with screens.

In some cases, it can already make people disappear. Increasingly, artificially intelligent and ‘learning’ tech have been able to create or re-create digital versions of humans’ appearances, as well as our voices and our thoughts, that many of us will accept as ‘real.’ AI has lately shown its prowess at recognizing and generating images of

well-known and unfamiliar faces, too, suggesting that the ability to fake a dynamic, realistic range of human visuals is not far off.

Recently, one developer made waves with a piece of AI that rapidly accelerates the process of stitching someone into an extant piece of video, which has traditionally required exhaustive frame-by-frame editing. As *The Verge* reported in December, the machine-learning tool was used to replace the face of a porn actress with that of Wonder Woman star Gal Gadot in a successful, if not spotless, demo of the tech.

For those folk capable of showing up to challenge a faked sex tape or bogus crime reel, the process of reclaiming our or our families' identities would likely still be difficult, and almost certainly expensive. For those of us whose loved ones are tangibly out of reach, however — whether through distance, authority, or both — the first signs of digital abduction may already come too late.

Of course, most of us probably feel that any attempt by government, enemies or whoever to specifically smear or disappear us with technology (or at all) would be extremely surprising, to say the least — though stranger things have almost certainly happened. We might also imagine, pretty reasonably, that doing so would be difficult.

After all, many humans tend to move through a web of different touch points and interactions each day, between work, home, relationships, and everything else. Often, we also have ample means of contacting or reaching other people, engaging their support, or just effortlessly proving our whereabouts.

Distance alone won't break these connections, in many cases. In the military, for example, deployed troops and their families must often rely on Skype and other chatting tools to stay in touch, but can typically also ask a neighbor or fellow service member to do a spot check if something seems amiss. The same goes for many immigrant families, with groups who have gathered on two different sides of the border or globe.

Where humans become detached from these webs or communities familiar with them and are only available by screen or phone, however, their chance of disappearing unnoticed becomes very real.

When a human is in jail, that chance simply exists. And according to experts, many states are making it worse.

For years, advocacy groups have demonstrated that families already struggle to keep in touch with incarcerated loved ones and to stay informed if they get sick, hurt, killed, or lost in the system, whether they'd been convicted of a crime or were awaiting misdemeanor or immigration charges.

When inmates can communicate, the cost of government-contracted phone calls has been high to prohibitive for most inmates' families, especially when part of their earning team is behind bars. Frequently, families have reported spending hundreds or thousands of dollars for weeks' worth of remote contact with inmates, whether in-state or across the country, and being forced to go without it entirely. Depending on visiting hours and facility placement, actually laying eyes on an incarcerated relative can be a chore, too, or just impossible.

More recently, however, facilities around the country have moved to promote digital video-visitation services in lieu of in-person visits with inmates, citing convenience and cost, broadly speaking.

In many cases, agreements that corrections officials have made to secure remote, pay-per-view chat services from the over \$1 billion prison telecom industry have also required facilities to completely end in-person visits, and offer on-site video instead.

According to Paul Wright, founder and Executive Director of the Human Rights Defense Center, and the editor of *Prison Legal*

News, prison telecommunications companies have spent the past few years heading in the same direction: marketing video to jails (rather than prisons, for the most part) as part of bundled phone, security, or other service contracts to improve profits.

Wright pointed to incarcerated telecom-leader Securus Technologies, which began requiring its client facilities to replace in-person visits with video terminals over a year ago, as having led the charge to boost business by pushing their new products hard. "Their mainstay remains the telephone," he explained early last year by phone. "But phone revenues are crunched, and I think they've concluded that the only way they can foist expensive, low-quality video on people is by getting rid of in-person visits."

In Maricopa County, AZ, for example, friends and family can remotely chat with inmates using Securus' Mobile App for \$7.99 per 20 minute block (not including variable fees). 20-minute and 40-minute onsite video visits from friends and family, which place inmates and visitors in separate buildings, and all chunks of video communication with lawyers are free. In other states and counties, the cost of video chatting can easily rise several dollars per session.

Each facility has its own set of practices and regulations for using the technology and contacting inmates, as do many states and counties. Securus also notes in its terms and conditions that the quality of its services are dependent on several external factors and that a credit card and account are required for visitors to start scheduling pre-paid, nonrefundable video calls.

Bernadette Rabuy, Senior Policy Analyst at the Prison Policy Initiative, commented by phone that Securus was first to stipulate that client facilities couldn't offer in-person visits, and that at least one smaller competitor has followed suit. The technology for video-chats has been around for a few years, she noted, but has expanded rapidly as Securus and fellow prison telecom leader GTL have pushed for adoption.

Users frequently complain about poor visual and audio quality, Rabuy said, whether they're connecting via mobile or in a separate building on jail property. However, the most common complaint is lack of eye contact, she said.

Because of the gap between screen and camera in most on-site facilities, it's even more difficult for users to be facing each other on screen, or to attempt pseudo-eye contact than it is on mobile. At the same time, seating is often bolted to the ground, and for children, having the sound and picture come from different places can add to their confusion and trauma, Rabuy said.

"Their commercials make it look great, and heartwarming, but it does not match what I've heard from people who use the system, or with my own experience using the system," Rabuy said. "It's very inflexible, and when it becomes the only option, and children are having to use it, those sorts of things can be even more important."

As long as the free option exists, Rabuy said, companies are unlikely to make money on video service for jails — making it somewhat pointless to force families to lose 'glass' visits, where they're at least face to face. "Families with incarcerated members tend to be lower-income, and maybe don't have the best internet, so they're going in where the quality is better, and it's free."

Both Rabuy and Wright acknowledge that forcing people to communicate through privately controlled apps and platforms poses any number of risks, involving anything from high-tech surveillance and interference to simple suppression of civil rights. Given the frequently low quality and complexity of video visits (technologically speaking), they also agreed that editing them — or even faking whole calls — is a feasible feat down the road.

At present, though, their foremost concerns surround the immediate impacts for inmates and families when they can no longer search a loved one's smile, or take in key physical details and cues, with their own eyes.

"There's a lot going on right now in terms of policy choices, including criminal justice policy choices, and in some ways, the use of video calls in jails can feel like a small issue," Rabuy said. "But I think it has the potential to have really long-lasting consequences for the criminal justice system. Most states already have it, and the fear is that in-person visits will disappear entirely; at that point, it's very hard to imagine we'll bring them back."

She continued, "We would love if video visitation was a supplement, and definitely see the value in [it], but think it's been implemented in a really harmful and misleading way." For example, it could be put to good use in federal prisons, when people can be hundreds of miles away from their families, Rabuy said. "However, we're mostly seeing it in jails, where people tend to be close to home."

"It's a little odd, if you think about it," she reflected. "The most restrictive visitation rules in our country affect those with low-level charges, or who haven't been convicted of a crime."

"On top of that is the fact that when people are in local jails is when they're closest to family and friends. That's when they're most likely to get visits from family and friends, and that is when we're making it impossible."

Lucius Couloute, a research associate at the Prison Policy Initiative, told *The Guardian* last month that he estimates at least 600 U.S. facilities currently have video visitation programs in place.

And while video visitation continues to spread across the country, the product itself is unlikely to be swaying consumers, according to Wright – or investors, for the matter. "One of the things we've been trying to do with the [Federal Communications Commission] is keep them from allowing companies to bundle the contracts," Wright commented.

"My gut feeling is that they're losing money on video," he said last winter. "I don't have any evidence, but if they were making money hand over fist like with their telephone services, I think they'd be going public about it, and telling people. They're in business to make money."

"If you're an investor, you have a right to say, 'Let me look at your numbers,' and maybe those numbers tell a different story about the whole picture," Wright said. "Basically, the only things these businesses do is exploit people in prison and their families. So if you're okay with that basic premise, I don't think the fact that inmates can't see their families is going to change things."

Rabuy noted that there are numerous ongoing state-level campaigns to protect in-person visits, and to stop officials from building new jails without real-life visiting facilities. Texas law currently requires in-person visits (and clarifies that video doesn't count), she said, and California passed such a law in both houses a few years ago, but it was vetoed by the governor.

In 2013, an FCC analysis found that companies' fees "have caused inmates and their friends and families to subsidize everything from inmate welfare to salaries and benefits, states' general revenue funds, and personnel training," and that companies were found to compete "not based on price or service quality, but on the size of the commission."

For years, the FCC has discussed regulating the prison phone industry's high cost to families from a federal level – at least, for 15 years on record so far – but hasn't taken many real steps to do so, according to advocates. Last year, the FCC chose to approve the

sale of Securus to Beverly Hills-based Platinum Equity, owned by Tom Gores of Detroit Pistons fame, while acknowledging some of the advocates' key concerns.

At the time, the FCC fined Securus \$1.7 million for reportedly misleading the FCC during the process. In their dissent to the decision, Commissioners Mignon Clyburn and Jessica Rosenworcel wrote, "Is this transfer of control and consent decree just a slap on the wrist? More like a pat on the back ... [and] precedent-setting. Until now, the FCC has never granted a transfer of control when a company has made misrepresentations during the review process."

Last month, Securus also announced the launch of its own wireless network for corrections facilities, designed to suppress connection from unauthorized or contraband phones, as well as its new national video-relay system and the company's acquisition of GovPayNet, a fee-based service that accepts payments to the government.

Securus was reached out to for comment, which will be included here when and if available.

As one of the most vulnerable groups, inmates have been among the first to face having video as their only choice for seeing or being seen by others, but its adoption has been viral everywhere. Over the past several years, advances in technology have increasingly let video feeds or prerecorded messages stand in for live appearances, from law and medicine to relationships and entertainment.

At the same time, AI and almost constant surveillance have similarly gained bigger roles in our lives, with chatbots and cameras (some sophisticated, some not) filling in where people have been, and could never have gone.

Together, these trends raise a number of important questions without easy answers. And for the foreseeable future, only human intelligence is equipped to handle the subtlety of these gray areas, which are shifting daily.

Late last year, for example, a man was wounded and arrested after allegedly trying to set off a pipe bomb inside a subway tunnel in Midtown New York City, and was later arraigned on charges from his hospital bed via courtroom video link. The same month, worldwide viewers flocked to the latest installment in the *Star Wars* franchise, which has taken to digitally reviving deceased actors or characters for the last few films.

While different in many ways, these instances both represent choices to use technology with possible pros and cons, whether regarding the well-being and rights of the public, or that of individuals under arrest, or after they've died. In addition to the questions they raise, both recent cases also present another quality that only humans, not computers, are tending to see: a screen.

Which, as an element we've invited to take over much of our lives and economy, is worth looking closely at.

Of course, innovation-wise, we can't stop technology from moving forward, or from growing ever more complex. However, nearly all of us can make meaningful choices about how we want to use that tech – and what we will allow it to do in our lives' and others' – from now on.

For investors, the choice at hand may seem especially difficult, given the pressure they're under to serve revenues as well as clients who've never heard of prison video visits, or AI porn. If Wall Street doesn't commit soon to helping draw the line between what is and is not acceptable human treatment and behavior, however, then all Americans will be paying the price before they know it.

[HTTPS://WWW.FORBES.COM/SITES/JANETWBURNS/2018/02/06/VIDEO-IS-ERASING-PEOPLE-FROM-PRISON-TO-PORN-AS-WALL-STREET-AVAILS/#5920A0B94FB6](https://www.forbes.com/sites/janetwburns/2018/02/06/video-is-erasing-people-from-prison-to-porn-as-wall-street-avails/#5920A0B94FB6)

LAWSUIT REVEALS HOW TECH COMPANIES PROFIT OFF THE PRISON-INDUSTRIAL COMPLEX

A lawsuit alleges that prisoners are forced into accepting high-fee JPay debit cards to access their own money.

by Katie Rose Quandt

ThinkProgress.org

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On the day he was released after nearly 30 years in the California prison system, Joe Rudy Reyes was taken to a bus station. A corrections officer handed him a debit card preloaded with \$442.20 — the balance in his inmate trust account, plus an additional \$200 from the state to help him get home. So began a year-long nightmare as Reyes tried unsuccessfully to access his own money.

In January, Reyes, with representation by the Human Rights Defense Center, filed a proposed federal class action lawsuit against JPay, Inc., a prison technology giant and subsidiary of Securus Technologies, Inc. The *Reyes v. JPay* complaint, filed on behalf of every person who has received a JPay card upon release from prison, alleges the company's policies are monopolistic and illegal.

According to the complaint, JPay charged Reyes a series of fees, including a \$3 "monthly maintenance fee" and a \$1 ATM decline fee. The card stopped working after Reyes purchased bus tickets, a prepaid cell phone, and lunch. When he called the number on the back of the card, Praxell, a company providing customer service for prepaid cards, told him his account was frozen due to "suspicious activity." For months, Reyes dutifully followed an ever-changing set of requirements to regain access to the card, including sending a copy of his driver's license (which had long since expired after 30 years in prison system), obtaining a notarized letter proving his place of address, and contacting his former prison. When he called Praxell one year after his release, an automated system told him the account was closed.

The lawsuit alleges that JPay "took full advantage of Mr. Reyes's complete lack of bargaining power," and outlines even higher fees on JPay release cards in other states. It alleges that "defendants have engaged in a pattern and practice of freezing accounts for supposed 'fraudulent activity.'" The complaint continues: "Defendants deliberately place additional conditions on access to frozen accounts as each condition is met, in a conscious attempt to delay a cardholder's access to his or her funds. The longer the delay, the more maintenance and decline fees Defendants can extract from the account."

JPay did not respond to a request for comment. The lawsuit also names Praxell as another defendant, as well as the card issuer, Sunrise Banks National Association.

Exploiting captive customers

Prepaid release cards are one of many services provided by prison communication companies, which together make up a \$1.2 billion business. JPay technologies are used in more than 33 state prison systems. Its parent company, Securus, offers products that affect more than 1.2 million people incarcerated across 2,200 facilities in 47 states. In 2014, Securus took in about \$405 million in revenue.

At least 17 state prison systems and the Federal Bureau of Prisons issued release cards in 2014, as well as many county jails. JPay managed release cards for at least 10 of the states, while other

jurisdictions contracted with companies like JPMorgan Chase, Keefe Group, Numi Financial, and Rapid Financial Solutions.

Federal law states that consumers cannot be forced to accept salaries or government benefits through electronic methods; they must have another option, such as cash or check. Since prison release cards are not considered government benefits, they fall through the cracks.

The current class action suit, however, argues that release funds are a government benefit, and therefore, Reyes should not have been forced to accept his in debit card form. It also alleges that the defendants violated the Fifth Amendment protection of private property, and that JPay violates California anti-monopoly law.

This is not the Human Rights Defense Center's first battle with prison release card companies. In 2015, it joined 67 other organizations in urging the Consumer Financial Protection Bureau (CFPB) to add language explicitly closing the release card loophole and banning all release card fees. "If this business model cannot exist without forcing or unduly pressuring customers into using it," it publicly commented, "then HRDC suggests that an end to release debit card programs is appropriate."

In 2016, the CFPB did issue new prepaid debit card rules, which did not address the loophole, but did specify that correctional facilities must provide clear fee disclosures and access to account histories, in what criminal justice think tank Prison Policy Initiative called a "partial win."

Correctional departments say release cards limit employee theft and reduce labor costs. According to the complaint, the California Department of Corrections and Rehabilitation calculated that switching to cards would save more than \$878,500 a year. In the past, JPay argued that cash and checks upon release are "problematic for correctional agencies and released inmates."

But Lauren Saunders, an attorney for the National Consumer Law Center, called it "outrageous" for release cards to charge fees to access one's own money, in a 2015 CFPB comment, writing, "Clearly, these cards are designed to make it impossible to avoid fees."

In 2014, JPay's then-CEO Ryan Shapiro told the Center for Public Integrity that release cards are "not really a revenue-generating or a money-making business for us," and that the fees go to middlemen who process the payments. But the release cards benefit JPay's bottom line by helping the company win contracts with correctional departments that then use JPay's entire suite of (profitable) technology services. As Securus prepared to acquire the company in 2015, it put together an internal presentation (which was later made public by the Prison Policy Initiative) outlining JPay's three main categories of services:

- Payment Services (money transfers, release cards)
- Communications (email, photos, video-grams, video visitation, grievances)
- Digital Media (music, eBooks, games, videos, commissary ordering, education platform)

Some of these services do provide genuine value for incarcerated people and their loved ones. Sending an email or video-gram from a prison-approved tablet is quicker, more convenient, and sometimes even more intimate than mailing a letter. But these services are not always provided with prisoners' interests in mind. In a 2015 report, Prison Policy Initiative outlined the ways companies like JPay encourage jails to replace in-person visitation with video — while passing the cost onto the consumer.

According to Securus' presentation, "Payment services" was JPay's most lucrative category in 2014, bringing in \$53.9 million

of the company's \$70.4 million in revenue. That year, JPay's money transfer services covered 71 percent of state prisoners. In many states, JPay transfers are the only way for family members to deposit money into their incarcerated loved ones' accounts. Each transfer incurs fees, which have reached 45 percent on some transfers in some states.

Incarcerated people and their families often already struggle to get by financially. Prior to their incarceration, prisoners' median annual income was 41 percent lower than non-incarcerated people of a similar age. And more than half of parents in state prisons were previously their children's primary financial supporters, according to the most recent available data from the Bureau of Justice.

In general, companies earn government contracts by offering high-value services at a low rate. But in the world of prison technology, many states award contracts to companies that offer the greatest kickbacks, known as commissions. Securus paid \$1.3 billion in commissions between 2004 and 2014.

In 2013, 15 Democratic senators criticized commissions in a letter to the Federal Communications Commission (FCC) for "incentivizing a regime in which prisons profit from charging inmates higher rates. What may come as a financial benefit to institutions comes at a serious social cost."

The senators were referring to perhaps the best-known effect of privatized prison services: shockingly expensive phone calls. As with prepaid release cards, prisoner advocates believe companies like Securus' calling fees exploit literally captive customers, who cannot call home unless their family members set up accounts with private companies.

In October 2015, the FCC capped the cost of most prison calls at \$0.11 to \$0.22 per minute, and forbade companies from passing the cost of commissions onto their customers. Prior to the ruling, some calls ran as high as \$14 per minute. In its decision, the FCC stated that prison phone providers "operate as unchecked monopolists. The record indicates that, absent regulatory intervention...rates and associated ancillary fees likely will continue to rise."

Leading up to the vote, hundreds of people filed FCC complaints, calling Securus and its competitors' business practices exploitative and deceptive. One person described adding money to her Securus account, only to discover it was erroneously added to another account — and then failing to receive a refund even after faxing in a phone bill. A Texas resident who said it cost \$250 a month to talk to her husband wrote in frustration, "I've signed petitions, I've written the FCC, I've been involved in campaigns, I've networked on social media, I've posted time and again for the corruption of these companies profiting off of me and my family."

Studies show that incarcerated people who maintain close contact with their families have better outcomes and are less likely to reoffend upon release. Communication can also help reduce strain on family members, including the 7 percent of American children who have had a parent incarcerated at some point in their lives.

Major prison phone companies appealed the FCC's ruling, claiming caps would leave them unable to afford their commissions. Securus called the caps a "business-ending event."

In the middle of that legal battle, newly-appointed FCC Chairman Ajit Pai instructed FCC lawyers to cease court defense of the agency's own caps in February 2017. At the time, the Human Rights Defense Center questioned Chairman Pai's objectivity, as he had previously represented Securus as an attorney. A group of organizations picked up legal defense of the caps, but the federal appeals court ruled in favor of the phone companies in June 2017.

Securus was acquired for \$1.5 billion in November 2017 by Platinum Equity, a private equity firm owned by billionaire Tom Gores, who also owns the Detroit Pistons. The seller, private equity firm Abry Partners, made \$960 million on the sale. "All of that money came from charging inmates and their families excessive rates," an attorney representing families of incarcerated people told *Bloomberg*.

Objectors called the sale "a microcosm for everything that is wrong with the prison-industrial complex" in an FCC filing, and accused Securus of ignoring rules and caps. The FCC bans companies from charging a fee for connecting calls, but the groups claim Securus sidesteps this by charging a high rate for the call's first minute. In an FCC filing, Securus defended the practice: "Nowhere in the rules is there a requirement that all per-minute charges be equal."

Securus continues to grow. This January, it acquired GovPayNet, which processes credit and debit card payments for court fines, bail, traffic tickets, and real estate and property tax. The company's 2015 internal presentation listed its lineup of services. In addition to standard prison technology — "audio outbound inmate calling, video visitation, parolee GPS monitoring, inmate tablets" — it includes a variety of lesser-known services: "voice biometrics, data analytics, jail management systems, interactive voice response systems, managed access service (wireless contraband), location based services, and mobile marketing services."

According to the presentation, 100 percent of Securus' business fell under government regulation in 2007 — but by 2015, just 35 percent was government-regulated. "By investing in businesses that are not regulated by the FCC/ PSC/ PUCs, Securus has successfully decreased its exposure to potential rate of return regulations," the slide reads.

Reyes v. JPay is still in its early stages. JPay's user agreement states that users must resolve disputes through individual arbitration, a less formal process that uses neutral arbitrators instead of a judge or jury. Due to this stipulation, a federal judge ruled in July 2017 that JPay did not have to face a class arbitration in another case brought by users who alleged the company's money transfer policies violate Florida law.

But another ongoing case may give Reyes hope. Danica Brown, also represented by NRDC, is the lead plaintiff in a class action suit brought against Numi Financial, the leading provider of prepaid release cards for jails. Brown was arrested in Oregon while protesting the shooting death of Michael Brown in 2014, and was forced to accept her money on a prepaid card upon release. Numi Financial attempted to have Brown's class action dismissed and replaced with arbitration, based on her cardholder agreement, but the federal judge allowed the case to move forward in February 2016.

That judge's reason for denial echoes complaints release card recipients have been making for years: "Plaintiff's lack of real alternatives when accepting the card."

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