

**HUMAN  
RIGHTS  
DEFENSE  
CENTER**

## **2022 Annual Report**



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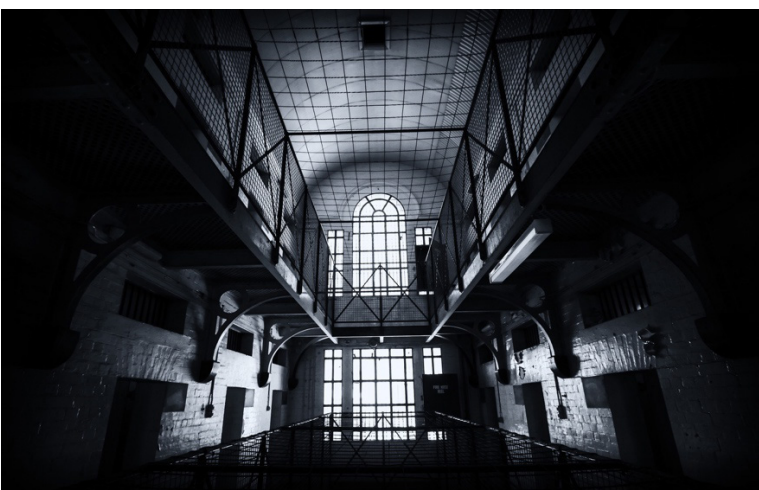
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As you read the summaries of HRDC's work below, please know that much of this work was made possible because of the thousands of hours of pro bono legal representation from our partners and generous gifts from our supporters, donors who are often prisoners or their families. You inspire us! Thank you so much.

In addition to our traditional news coverage over the last several years, we have stretched our limited resources to ensure timely and accurate reporting on Covid for prisoners. This has included the legal and political developments surrounding the pandemic which has been an editorial priority for both *Prison Legal News* and *Criminal Legal News*. But publishing magazines that cannot reach their audience due to censorship by prison and officials is futile, which is why our legal team works hard to ensure our books and magazines are received by subscribers. If you read *PLN* and *CLN* during the Covid pandemic, you saw the importance of the information provided to prisoners and their families. Yet officials kept trying to prevent prisoners from reading this life-saving information. No other publisher in America consistently stands up for the rights of prisoners to receive information and for publishers to communicate with them like HRDC does.

Unlike many organizations, criminal justice reform and advocacy on behalf of prisoners is our exclusive focus. For over 34 years we have had no agenda other than advocating for the human rights of everyone harmed by the American police state, whether in or out of prison. From day one we have fought for felon voting rights, an end to prison slavery, affordable and accessible communications, the abolition of control units and solitary confinement. For over three decades our principled and steadfast advocacy has been reflected by the unrelenting hostility of officials across the country who have spent millions of dollars trying to censor our publications and prevent prisoners from receiving our communications—but in nearly every case they fail, because HRDC does not back down. Thank you for standing with us.

## THE MAGAZINES

### PRISON LEGAL NEWS

HRDC's flagship monthly print publication, *Prison Legal News*, reports on prison, jail, and criminal justice-related news and court rulings. *PLN's* contributing writers are all current or former prisoners, including Kevin Bliss, Dale Chappell, Matt Clarke, Derek Gilna, Ed Lyon, David Reutter, Mark Wilson, and Christopher Zoukis. *PLN* published the following cover stories in 2022:

**January:** "Criminal Sheriffs," by Anthony Accurso, this article highlights the prevalence of crimes committed by sheriffs including examples of corrupt sheriffs throughout history. It emphasizes the need for accountability and reform in sheriff's departments to ensure that law enforcement agents are not corrupt or abusive.

**February:** "Living and Dying on Rikers Island: The Latest Installment," by Kevin Bliss. Rikers Island has a long history of problems and violence within its jail complex. The jail complex has been plagued by overcrowding, staffing shortages, and a culture of abuse. The facility has been described as inhumane, full of dangerous and illegal conditions, and a human rights crisis.

**March:** "Wellpath Founder and CEO Pleads Guilty to Federal Bribery Charges," by David M. Reutter. The case highlights the potential for corruption in the provision of medical care in jails and prisons, as private vendors are increasingly used to reduce costs. Boyle, the former CEO of Correct Care Solutions, now Wellpath Holdings, played a significant



role in the corruption scheme and the company continues to provide medical services to prisoners across the US.

**April:** “Deaths and Violence Mount at Overcrowded Alabama Prisons While Parole Rate Hits New Low,” by Kevin Bliss and Jo Ellen Nott. Multiple guards employed by the Department of Corrections (DOC) were arrested and charged with corruption-related offenses due to prison overcrowding. Several prisoners have complained that the DOC is a killing field, and that guards are now homeboys and don’t do shakedowns anymore. The DOC is also writing inmates up for creating a security hazard.

**May:** “PrimeCare: Less Medical Care for Prisoners, Higher Expenses for Taxpayers, More Profits for Corporate Owner,” by Matt Clarke. *PLN* has examined 26 suits filed against PrimeCare since 2009, alleging negligence or inadequate medical care provided to prisoners. All but three resulted in death, including suicides and drug-withdrawals.

**June:** “Locked Up and Left to Die,” by Michael Barajas and Sophie Novack, Texas Observer. In at least 37 of the deaths reviewed by the Observer, jail staff actively dismissed signs of serious deterioration or cries for help, and in at least 20 cases, medics cleared people for incarceration before they died.

**July:** “Mission Creep: Prison Telecoms Scramble to Extend Their Reach,” by Alan Prendergast. Global Tel\*Link and Securus Technologies, two prison telecom companies, have been criticized for charging exorbitant rates for phone calls and services to incarcerated people and their families.

**August:** “The Filth & the Fury: Philly Jails Descend into Murderous Chaos,” by J.D. Schmidt. Over the course of two and a half years, Philadelphia’s jails have failed on nearly every level, from staffing and security to medical and mental health care, occupational opportunities, library and recreation time, and even the provision of the most basic human needs such as food and sanitation. The pandemic crisis in Philly jails has sparked protests by families of those incarcerated, as well as public defenders, community members, and prisoners’ rights advocates.

**September:** “Unconscionable and Unacceptable” Conditions in Georgia DOC With 57 Prisoners Murdered in Two Years,” by Casey Bastian. The Georgia Department of Corrections is responsible for managing 55 facilities across the state, plus another four privately run prisons. The prisons have a murder rate four times that of the entire Atlanta metropolitan area, and the staffing levels are so bad that the number of guards fell by 35% between 2010 and 2021. Mortality data published by the DOJ’s Bureau of Justice Statistics shows that 89 prisoner homicides occurred in Georgia prisons from 2001-2019, with 57 occurring in the next two years alone.

**October:** “Looking Deep Inside America’s Legalized Torture Chambers,” by Mark Wilson. Solitary confinement is as old as prisons themselves. Solitary confinement was not developed to deal with violent predators, but rather to control political activists and troublemakers amongst prisoners. Most people in solitary confinement are there because of mental illness or because they are ‘nuisance’ prisoners who repeatedly have low-level violations.

**November:** “Unending ‘Crisis’ in San Diego County Jails: Hundreds Dead, Millions in Legal Payouts,” by Jo Ellen Nott. When San Diego County jail inmates woke up on October 6, 2022, nothing had changed. A fellow detainee had been murdered the night before, but a lawsuit filed by eight other inmates suffered a procedural dismissal. The

county had “one of the highest mortality rates in California” nine years ago, and in 2022, the state auditor reported that San Diego had far more jail deaths over that period than all but one other California county.

**December:** “‘Plainly Grossly Inadequate’: Federal Court Finds Arizona Prison Healthcare Deliberately Indifferent to Prisoners’ Risk of Serious Harm,” by Matt Clarke. A federal court found that Arizona’s prison healthcare system is unconstitutionally inadequate, and that the state Department of Corrections, Rehabilitation, and Reentry (DCRR) is guilty of violating prisoners’ civil rights.

*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; 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 a substantial amount of mail throughout 2022, mostly 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 vast majority of people who contact us.

## CRIMINAL LEGAL NEWS

HRDC launched a new monthly publication 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 and prosecutorial misconduct, habeas corpus relief, ineffective assistance of counsel, sentencing, the militarization of police, the surveillance state, junk science and wrongful convictions, false confessions, eyewitness misidentification, paid/incentivized informants, Fourth Amendment search and seizure violations, Miranda warnings and due process rights, as well as criminal case law and court rulings. *CLN* had its fifth full year of publication in 2022, and published the following cover stories:

**January:** “If Everybody’s White, There Can’t Be Any Racial Bias”: The Disappearance of Hispanic Drivers From Traffic Records,” by Richard A. Webster, ProPublica. Law enforcement agencies have been misidentifying Hispanic drivers as white, making it difficult to track racial profiling. The ACLU of Louisiana has requested a federal investigation into the Jefferson Parish Sheriff’s Office, which has long been accused of racism.

**February:** “A Closer Look at Sex Offender Registries,” by Casey J. Bastian. The number of registered sex offenders in the US has skyrocketed to over 917,000, overwhelming law enforcement. Many are not dangerous predators, but are still subject to harsh punishments and lifetime registration requirements. This myth is perpetuated by legislative bodies, court opinions, and media stories.

**March:** “Acquitted Conduct Sentencing,” by Douglas Ankney. A defendant who was acquitted of 10 charges was sentenced to 192 months in prison because the judge concluded that the defendant had probably participated in the acts for which he had been acquitted.



**April:** “A Guide to Getting the Most Out of a Plea Bargain,” by Jacob Barrett. Lawyers use checklists as part of learning how to handle certain types of cases or defenses. This article will focus on how to use a negotiation checklist to become a more effective plea bargainer.

**May:** “The Pseudoscientific Practice of Blood Spatter Analysis How the Desire for Convictions Drives Flawed Prosecutions,” by Anthony W. Accurso. BPA is undergoing development, but law enforcement practitioners often lack scientific foundation for their conclusions. This can lead to flawed prosecutions, as seen in the case of David Camm, an innocent man wrongfully convicted of a violent crime due to unreliable expert testimony.

**June:** “Jury Nullification: The People’s Tool Against Bad Laws and Bad Legal Actors,” by J.D. Schmidt. Jury nullification is a practice where a jury refuses to apply a law as written or instructed by judges and prosecutors. It has a long history in the United States and is a highly contested but historically legal practice. Despite attempts to quash the practice, jury nullification has been recognized as a power of juries since the 17th century.

**July:** “Blue Lies Matter,” by Nia T. Evans, Boston Review. To change the system of political manipulation, we must look beyond individual transgressions and acknowledge the political interests of police, both historically and today. These interests cannibalize public budgets and shape the type of care and support people can access.

**August:** “Drug Detection Dogs Are Unreliable and Reflect the Vicious Heritage of Their Slave-Hunting Dog and Police-Dog Predecessors,” by Matt Clarke. Law enforcement agencies often deploy trained dogs to detect drugs, but the dogs are unreliable and reflect the vicious heritage of their slave-hunting dog and police-dog predecessors. The dogs are also used for civil asset forfeiture, which profits law enforcement agencies from false drug detection dog alerts. Drug detection dogs and their handlers need national training and certification standards independent of organizations that have a monetary interest in making sure the dog is certified.

**September:** “Indirect DNA Transfer Can Result in Miscarriages of Justice,” by David Reutter. DNA evidence is considered to be virtually indisputable evidence by juries and even judges, but the public’s faith in DNA testing can be shaken when a lab performing the testing has a history of errors. While DNA is arguably incontrovertible evidence of identity, advances in DNA technology have raised crucial questions regarding how and when the DNA arrived at the location it was found. This has forced the medicolegal system to consider whether the DNA evidence was transferred via primary, secondary, or tertiary means.

**October:** “Government Snitches Rake in Millions as Their Testimony Is the Leading Cause of Wrongful Convictions,” by Jacob Barrett and Dale Chappell. The government negotiates tens of thousands of deals «off the record» with informants, many of whom are unreliable. False informant testimony is a leading cause of wrongful convictions, and there are calls to make the use of «incentivized witnesses» more transparent. The U.S. Supreme Court acknowledged the prosecutor’s inherent authority to enter into informal immunity agreements with accomplices in exchange for their cooperation.

**November:** “The Battle Against CSAM: The Front Line of the Government’s War on the Fourth Amendment,” by Anthony W. Accurso. As long as police and prosecutors prioritize identifying people who possess CSAM, they are failing to identify actual producers of CSAM. Governments could utilize the kind of resources only they possess to disrupt

these operations. We must also consider the vast sums of money being spent on efforts that have little or no effect on the root causes of these problems.

**December:** “The Pariah,” by Murtaza Hussain, *The Intercept*. The issue of reputational harm has come up in previous lawsuits that targeted the watchlisting system, though the courts have so far upheld the practice as constitutional. Khan’s reputation has been ruined and he has lost several friends since being put on the list. The government’s terrorist watchlisting system remains opaque, but a 2014 leak revealed that it had grown to 1.2 million people.

## BOOK DISTRIBUTION

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### BOOK SALES

HRDC offers a wide variety of books of interest to prisoners, including hard-to-find titles on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own appeals and lawsuits. HRDC distributed over 6,000 books in 2022, including over 1,000 sent at no cost to prisoners around the country.

### 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 six titles, including the *Prisoners’ Guerrilla Handbook to Correspondence Programs in the U.S. & Canada, 3rd Ed.*; *The Habeas Citebook: Ineffective Assistance of Counsel*, 1st and 2nd Eds.; the *Prison Education Guide*; the *Disciplinary Self-Help Litigation Manual*; the *Habeas Citebook: Prosecutorial Misconduct*; and *The PLRA Handbook: Law and Practice Under the Prison Litigation Reform Act* by John Boston.

*PLN* Publishing began work on two new book projects in 2022 that were still pending at the end of the year, including a revised version of *With Liberty for Some: 500 Years of Imprisonment in America*, an updated edition of *Protecting Your Health and Safety*, and the 3rd edition of the *The Habeas Citebook: Ineffective Assistance of Counsel*.

## HRDC WEBSITES

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We continued to expand HRDC’s online presence in 2022 by increasing our content, including articles, court pleadings and publications. *PLN*’s website ([www.prisonlegalnews.org](http://www.prisonlegalnews.org)) receives over 550,000 visitors each month and is a significant resource for media and community out-reach and public education on criminal justice-related issues. *CLN* separately receives over 170,000 visitors each month.

At the end of 2022, *PLN*’s site had over 40,000 articles and 33,000 cases in its searchable database. The publications section had more than 8,000 reports, audits and other documents, while our brief bank contained over 13,000 legal pleadings – including complaints, motions, briefs, verdicts, judgments and settlements. Some content was shared with *CLN*’s website, [www.criminallegalnews.org](http://www.criminallegalnews.org).

HRDC also maintains an organizational site, [www.humanrightsdefensecenter.org](http://www.humanrightsdefensecenter.org), as well as separate websites for our various projects, including [www.stopprisonprofiteering.org](http://www.stopprisonprofiteering.org), [www.prisonphonejustice.org](http://www.prisonphonejustice.org), [www.prisonecology.org](http://www.prisonecology.org), [www.privateprisonnews.org](http://www.privateprisonnews.org), and [www.wronglyconvicted.org](http://www.wronglyconvicted.org).

## HRDC BOARD OF DIRECTORS

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**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.

**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.

**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.

**Sheila Rule** (Secretary) – Sheila Rule is co-founder of the Think Outside the Cell Foundation, 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 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 years as a foreign correspondent in Africa and Europe, before retiring so she could embrace her current work.

**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 2022

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In 2022, 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 New World Foundation, the Sonya Staff Foundation, and Arnold Ventures. HRDC performs annual financial audits, and our Form 990s are available for review.

## ACTIVISM & ADVOCACY

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HRDC staff engaged in a number of activism and advocacy efforts in 2022 aimed to effect reform in our nation's justice system and to educate the public, policymakers and the mainstream media about criminal justice and prison-related issues. Due to coronavirus, there were no physical conferences or events related to criminal justice reform; the ones that did take place were conducted online.

Those efforts included:

- Numerous television and radio interviews nationally and internationally around criminal justice issues.
- Engagement with the Consumer Financial Protection Bureau (CFPB) around abusive practices by financial institutions that exploit prisoners and their families and seeking the end and regulation of these practices.
- Virtual events and speaking engagements included speaking to college classes around the country on criminal justice issues in general and coronavirus impacts on prison and jail populations in particular.

## MEDIA OUTREACH

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HRDC's efforts to educate, advocate and litigate around prisoners' rights continued to receive national and international media attention in 2022. Coverage included newspapers, magazines, television, radio and online news outlets. HRDC staff members were interviewed and quoted, our advocacy work was profiled and our award-winning publications were cited. HRDC also issued two press releases during 2022. The following is a partial list of the media coverage that HRDC, *Prison Legal News* and *Criminal Legal News* received in 2022, excluding articles about our litigation. Links to these articles and many others are on our website under "In the News."

*Prison Legal News* is mentioned in the article about wrongful death payouts in the *San Diego Reader* on February 9, 2022.

Paul Wright is quoted in a *NewsNation* article on March 9, 2022, about Brittney Griner status as a political prisoner.

Paul Wright, HRDC's Executive Director, is quoted in an article in the *Norfolk Daily News* on March 12, 2022, regarding the unconstitutional book policy in the Nebraska prison system.

The *Indiana Daily Student* article from March 27, 2023, contains quotations from Dan Marshall, HRDC's Litigation Director, about the Indiana DOC's use of book restrictions and how this violates prisoners' First Amendment rights.



Paul Wright was interviewed on March 28, 2022, by *Rattling the Bars*, a *therealnews.com* program, regarding how the prisoners are now being charged to read their mail.

*Prison Legal News* is mentioned in the April 27, 2022, *Grunge* article about Danny Trejo's Life memoir.

*Prison Legal News* is referenced in a *NY Daily News* article on May 24, 2022, about learning problems such as dyslexia and how early treatment could end the pipeline to prison.

Mansa Musa from *Rattling the Bars* (*therealnews.com*) interviewed Paul Wright on May 31, 2022, regarding the hazardous conditions at the Rikers Island jail complex.

Paul Wright was quoted in a June 2, 2022 *NPR* article about the Michigan prison banning foreign language dictionaries.

*Prison Legal News* reporting is referenced in an article in the *Northwest Arkansas Democrat Gazette* on June 6, 2022, regarding the theft of prisoner funds in the Arkansas Correctional system.

Paul Wright was quoted in the June 7, 2022, ProCon.org article about the banned books policy in Michigan prisons.

*Prison Legal News's* reporting on the quality of food served to prisoners is mentioned in an article in *AZCentral* on July 10, 2022, about how prisoners band together to produce edible foods from the commissary.

*Prescott eNews* reported on the Human Rights Defense Center's litigation efforts to prevent censorship in the Arizona DOC on July 10, 2022.

*Prison Legal News's* censorship litigation is mentioned in an article in *AZCentral* on July 26, 2022, about the Arizona Department of Corrections' First Amendment violations.

Paul Wright was one of the speakers in an August 11, 2022, *NPR* interview about the rights of prisoners to get their message to the general public.

The Human Rights Defense Center's FOIA project is discussed in an article about CoreCivic in the *Tennessee Lookout* on September 21, 2022.

On September 23, 2022, Paul Wright was filmed by WESH 2, providing information on Prison phone Systems and how Florida's, specifically, compares.

On October 12, 2022, the *REAL News* reported on the Human Rights Defense Center's litigation against the Indiana DOC for violating prisoners' rights.

On December 20, 2022, *Centralmaine.com* reported on the Human Rights Defense Center's litigation against Kennebec County Jail for withholding public records, violating the Freedom of Information Act.

## LITIGATION PROJECT

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HRDC remains in the vanguard of prisoners' civil rights litigation in the United States. HRDC litigates censorship cases, public records lawsuits, prison conditions and wrongful death cases, as well as class-action suits against detention facilities nationwide. In addition to furthering prisoners' rights, all of HRDC's cases have a public education and media component to complement our criminal justice reform advocacy work.

The 2022 litigation year was the busiest in HRDC history. We had bench trials in Arkansas against the Baxter County jail, where we successfully challenged a jail's ban on publications. We had a bench trial in West Palm Beach, Florida where we unsuccessfully challenged the Florida DOC's ban on *Prison Legal News* and *Criminal Legal News*. We had a bench trial in Kennebec Maine where we successfully challenged a jail's withholding of public records, which was later upheld by the Maine Supreme Court. We also had a contested preliminary injunction hearing in Wyoming against the Park County jail. All of these trials consumed significant internal resources.

The year also saw organizational transitions. After several years as Litigation Director and General Counsel, Daniel Marshall moved to new challenges at Southern Legal Counsel. By the end of 2022, HRDC's legal team included new Staff Attorneys Hara Fischbein and Loree Stark; and for a few weeks in December, Miriam Nemeth was HRDC's litigation director and general counsel. Our litigation support staff were Paralegal Kathy Moses; Legal Assistant/Public Records Manager Tiffany Hollis; and Legal Assistant Steven Torres.

HRDC's litigation docket included the following cases. HRDC captioned its older censorship cases under the name of its flagship monthly publication, *Prison Legal News*. For many of these cases we partner with local and co-counsel for which we are exceedingly grateful for their time and support.

## **I. FIRST AMENDMENT CENSORSHIP CASES**

HRDC keeps increasing its reach and impact by continuing our First Amendment cases. HRDC's First Amendment litigation seeks to protect the rights of prisoners, and their correspondents, to receive books, magazines, and letters free from government censorship. The first issue of *Prison Legal News (PLN)* was banned by prison officials on the pretext that it posed a security risk. In fact, *PLN* and many of HRDC's publications and books have been targeted for censorship because they highlight constitutional abuses, misconduct and corruption within prisons and jails. These unconstitutional attempts to thwart HRDC's mission to inform and educate prisoners about their legal rights have largely been unsuccessful when challenged in court. HRDC has a lengthy track record of prevailing in First Amendment cases.

The determined effort by HRDC's legal team to challenge such censorship and ensure that detention facility officials do not violate the First Amendment has been one of the hallmarks of our litigation project. Even though prisons and jails have adopted new and creative ways to hinder access to constitutionally-protected publications, HRDC continues to fight censorship and expand the jurisprudence on the First Amendment rights of prisoners and those who correspond with them and supporting their access to material they need to advocate on their own behalf as well as for others.

### **New Cases Filed in 2022**

***Human Rights Defense Center v. Park County, WY*** - County rejected HRDC's books and magazines based on policy that prevented prisoners from receiving publications; and didn't give HRDC due process notice. Co-Counsel: Joshua M. Halen and Laura K. Granier of Holland & Hart LLP.

***Human Rights Defense Center v. Strafford County, NH*** – County refused to deliver HRDC materials and failed to give HRDC appeal opportunities when materials were rejected. HRDC sued in March for violations of its First and Fourteenth Amendment rights.

Co-Counsel: Edward J. Sackman and Matthew Miller at Bernstein, Shur, Sawyer & Nelson, P.A.

***Human Rights Defense Center v. St. Joseph County, IN*** – This case involved a jail that refused to deliver HRDC materials because of content and because of the staples used in the magazines. At no time did HRDC get an opportunity to be heard about the materials' censorship. HRDC remained represented by staff attorney Hara Fischbein, and Stevie J. Pactor and Kenneth J. Falk at the ACLU of Indiana.

### **Cases Still Pending in 2022:**

***Human Rights Defense Center v. Union County, AR*** – In 2017, HRDC filed a lawsuit challenging a postcard-only policy at the jail in Union County, Arkansas. Proceedings in this case were stayed pending the outcome of the appeal in the Baxter County case. In opinions almost opposite those found in Baxter County, though, the District Court ruled against HRDC. HRDC has already filed briefing into its Eighth Circuit appeal. HRDC remained represented at the District Court by General Counsel Daniel Marshall; by local counsel Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson and Caesar Kalinowski with Davis Wright Tremaine, LLP; it is represented on appeal by Rabea Jamal Zayed, Alex P. Hontos, Charles J. Pults, and Samuel Audley of Dorsey & Whitney LLP.

***Human Rights Defense Center v. Baxter County, AR*** – After appealing and winning most of the issues that followed an unfavorable first trial, HRDC fought the remanded case over postcard-only policies to a second trial that yielded almost complete success. Baxter County has appealed to the Eighth Circuit, and briefs are still being filed in 2023. HRDC remained represented by General Counsel Daniel Marshall; by local counsel Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson and Caesar Kalinowski with Davis Wright Tremaine, LLP.

***Human Rights Defense Center v. NC Dept of Adult Corrections, NC*** – NCDAC rejected HRDC's magazines due to articles' content. Discovery has now closed, and summary judgment cross-motions are pending as of 2023. HRDC co-counsels the case with Ari Meltzer and Kyle Gutierrez at Wiley Rein, and Elizabeth Simpson at Emancipate NC.

***Human Rights Defense Center v. Henderson County, KY*** – The case filed in 2020 against Henderson County, KY to ensure delivery of HRDC's publications and mail at that jail. HRDC remained represented by General Counsel Daniel Marshall, as well as attorneys Greg Belzley of Belzley, Bathurst & Bentley and Bruce E.H. Johnson and Caesar Kalinowski of Davis Wright Tremaine, LLP.

***Prison Legal News v. Director Charles Ryan (Arizona DOC)*** – HRDC filed suit against the Arizona DOC in 2015 over the censorship of certain issues of *Prison Legal News* on the spurious basis that they contained sexually explicit content, and the DOC's failure to provide due process notice. After numerous discovery disputes, the parties filed cross motions for summary judgment in 2020. Oral arguments were conducted in May of 2021 and parties are awaiting judgment. In March 2019 the Court granted summary judgment to HRDC. Defendants' appeal to the Ninth Circuit Court of Appeal affirmed most of the lower court ruling. HRDC remained represented by General Counsel Daniel Marshall; by attorneys Sanford Rosen, Lisa Ells, and Amy Xu with Rosen Bien Galvan & Grunfeld, LLP; and by David Bodney and Michael A. DiGiacomo with Ballard Spahr, LLP in Phoenix, Arizona.

***Human Rights Defense Center v. Director John R. Baldwin (Illinois DOC)*** – In 2018, HRDC filed suit against the Illinois Department of Corrections for censorship of *Prison Legal News* and the failure to provide due process notice of the censorship decisions. In late March 2018, HRDC also filed a motion for a preliminary injunction seeking to end the censorship of *Prison Legal News* while the case is pending. Later in 2018, another lawsuit brought on behalf of the publication *Black and Pink*, based on similar censorship and due process violations, was re-assigned to the same district court. At the end of 2020, the DOC has revised its mail policy, and the parties continued to seek a negotiated resolution which proved fruitless. HRDC filed an amended complaint and the case has progressed through the discovery phase. HRDC remained represented by General Counsel Daniel Marshall, as well as attorneys Marc Zubick, Malorie Medellin, Sarah Wang, and Greer Gaddie with the law firm of Latham & Watkins, LLP, and Nicole Schult, Elizabeth Mazur, and Alan Mills with the Uptown People’s Law Center.

***Human Rights Defense Center v. Inch (Florida DOC)*** – Censorship due to advertisements. Trial and post-trial briefing litigated in 2022 with a bench trial before the court. Co-counsel Mike McGinley, Dechert LLC.

***Human Rights Defense Center v. Uttecht (Washington DOC)*** – Censorship of HRDC books, and failure to offer adequate opportunities to appeal rejected mailings. HRDC spent the first half of 2022 preparing for trial and presenting its motion for summary judgment, though the district court granted summary judgment to the Washington DOC. HRDC appealed the judgment to the Ninth Circuit, and completed part of the briefing schedule by year’s end. HRDC was represented by General Counsel Daniel Marshall with co-counsel Katherine C Chamberlain and Nathaniel Flack of MacDonald Hoague & Bayless.

***Prison Legal News v. Newsom (originally Schwarzenegger)*** – Ongoing monitoring of mail receipt by prisoners of the California Department of Corrections and Rehabilitation (CDCR). HRDC remained represented by General Counsel Daniel Marshall, and Sanford J. Rosen and Ernest Galvan of Rosen, Bien, Galvan & Grunfeld.

***Human Rights Defense Center v. Nevada DOC*** – Ongoing monitoring of mail receipt under terms of 2015 agreement.

## Cases Resolved in 2022

***Human Rights Defense Center v. Canyon County, ID*** – In 2020, HRDC filed suit against Canyon County, CA due to the censorship of HRDC’s books, and the failure to provide due process notice of the censorship decisions. HRDC also filed a motion for a preliminary injunction seeking to end the censorship while the case was pending. Defendants quickly modified their mail policies and agreed to settle the case. HRDC was represented by General Counsel Daniel Marshall and Jesse Isom; Elijah Watkins, Jennifer Palmer and J.B. Evans from Stoel Rives.

***Human Rights Defense Center v. Heidi Washington (Michigan DOC)*** – In March, HRDC settled its claims against Michigan prisons with agreements to retrain staff on refusing incoming mail, and providing appeal opportunities for refused items. HRDC remained represented by General Counsel Daniel Marshall; Andrew M. Pauwels and Rian C. Dawson at Detroit’s Honigman LLP; and Daniel E. Manville at Michigan State University’s Civil Rights Clinic.

***Human Rights Defense Center v. Nebraska DOC*** – In June, the Nebraska DOC agreed to admit HRDC books and magazines, treating HRDC as an approved vendor, and also agreed to an appeal process for any materials the DOC might reject. HRDC was represented by General Counsel Daniel Marshall, as well as co-counsel Richard P. Jeffries and Nathan D. Clark at Cline Williams Wright Johnson & Oldfather, L.L.P. of Lincoln, Nebraska.

***Human Rights Defense Center v. Lincoln County, WI*** – Also in June, settlement resulted in modified jail policies to provide prisoners with HRDC publications, and to offer HRDC appeal opportunities in case of denied distribution. HRDC was represented by General Counsel Daniel Marshall, and Brady C. Williamson at Godfrey & Kahn, S.C. in Madison, Wisconsin.

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

### **New Cases Filed in 2022**

***Human Rights Defense Center v. Will County State's Attorney's Office (IL)*** – County merged several records requests into omnibus request that added response time beyond statutory allowances, then denied HRDC's request to break the large request into its smaller, original pieces. Co-Counsel includes Matthew Topic, Josh Loevy, Merrick Wayne, and Shelley Geiszler at Chicago's Loevy & Loevy.

***Human Rights Defense Center v. Illinois Department of Corrections*** – HRDC started the open records year with a suit to overturn the Illinois Department of Corrections' willful withholding of records under the Illinois Freedom of Information Act. By September, HRDC had settled the case and retrieved the subject records. Co-Counsel included Matthew Topic, Josh Loevy, Merrick Wayne, and Shelley Geiszler at Chicago's Loevy & Loevy.

***Human Rights Defense Center v. McHenry County Sheriff's Office (IL)*** – In January, HRDC sued the McHenry County Sheriff's Office for willful violation of the Illinois Freedom of Information Act, in asserting that complaints and payments of legal claims involving a contractor performing a governmental function on MCSO's behalf are not public records. Co-Counsel included Matthew Topic, Josh Loevy, Merrick Wayne, and Shelley Geiszler at Chicago's Loevy & Loevy.

### **Public Records Cases Resolved in 2022**

***Human Rights Defense Center v. Illinois Department of Corrections*** – See "New Cases" above

***Human Rights Defense Center v. USDOJ/United States Marshals Service*** – See. HRDC was represented by General Counsel Daniel Marshall, with co-counsel Alan Pemberton and Blake Hulnick of Covington & Burling LLP, from its D.C. offices.

**Public Records Cases Still Pending in 2022**

***Human Rights Defense Center v. United States Park Police*** – On May 23, 2019 HRDC filed suit against the United States Park Police after that agency failed to respond to a FOIA request for litigation and claims against the agency. The parties entered into an agreement for the defendant to produce some responsive records. The agency is still in the process of producing documents. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.

***Human Rights Defense Center v. Washington Metropolitan Area Transit Authority*** – On July 16, 2019 HRDC sued WMATA seeking records concerning claims, verdicts, and settlements against WMATA's police force. Defendant filed a motion to dismiss; however, the agency began producing documents when the Court indicated the motion would be denied and has continued to do so into 2022. At the end of the year, HRDC and WMATA had both entered motions for summary judgment regarding outstanding records. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.

***Human Rights Defense Center v. United States Customs & Border Protection*** – On December 10, 2019 HRDC filed suit against the United States Customs and Border Protection over the non-disclosure of records regarding claims, verdicts, and settlements against that agency. At the end of 2020 the year the defendant was in the process of producing records and continues to do so into 2021. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.

***Human Rights Defense Center v. GEO Group (Texas)*** – HRDC filed suit against the GEO Group on August 28, 2018, after the company failed to produce records related to verdicts and settlements involving GEO facilities in Texas. Despite numerous legal maneuvers to avoid production, including petitions to the Supreme Court of Texas and the Attorney General's Office, GEO produced many of the records as ordered during 2022; HRDC was forced to file a Seconded Amended Petition, though, in July 2022. HRDC is represented by General Counsel Daniel Marshall; by Ethan Nutter and Michelle Arishita with the law firm of Vinson & Elkins LLP; and by Thomas Leatherbury who recently moved into retirement from Vinson & Elkins.

***Human Rights Defense Center v. Wellpath*** – HRDC's case against Wellpath in Vermont State Court continued with the Court ruling on the parties' cross-motions for summary judgment. HRDC is arguing to extend the state's functional equivalence test to private companies that provide health care to prisoners. Although the trial court granted summary judgment to Wellpath, HRDC's appeal was to the Vermont Supreme Court was successful and Wellpath has begun producing documents. HRDC is represented by General Counsel Daniel Marshall and attorney Robert Appel.

***Human Rights Defense Center v. Armor Correctional Health Services, Inc.*** – In May 2021, HRDC filed suit in Florida state court against Armor Correctional Health Services for its refusal to provide documents concerning claims, verdicts, and settlements against Armor related to its provision of medical services at the Palm Beach County Jail. Armor filed a motion to dismiss, which was erroneously granted by the Court. In 2021 HRDC won the appeal and the case was sent back to the trial court, where Armor finally answered the complaint in late 2022. HRDC is represented by General Counsel Daniel Marshall and attorney Sabarish Neelakanta of SPN Law.

***Human Rights Defense Center v. Drug Enforcement Agency*** – Also that past May, HRDC sued the U.S. Department of Justice and the Drug Enforcement Agency over its failure to respond to a FOIA request for documents related to lawsuits against the agency. The DEA began releasing documents almost immediately, although HRDC is still disputing many redactions. At year's end, the DEA was continuing periodic document productions, and the parties had filed cross motions for summary judgment. HRDC is represented by General Counsel Daniel Marshall and attorneys Caesar Kalinowski and Eric M. Stahl with Davis Wright Tremaine, LLP.

***Human Rights Defense Center v. GEO Group and Human Rights Defense Center v. Management & Training Corporation*** — In July HRDC filed two cases against private prison companies in New Mexico, GEO Group and MTC, due to their refusal to respond to public records requests. Both companies released the requested documents after the Court denied MTC's motion to dismiss. At the end of the year the parties were in negotiations to resolve the cases. HRDC is represented by General Counsel Daniel Marshall and Staff Attorney Eric Taylor, as well as attorneys Mark Donatelli and K.C. Manierre of the firm Rothstein Donatelli.

***Human Rights Defense Center v. U.S. Dept. of Veteran's Affairs*** — In September HRDC sued the Department of Veteran's Affairs for its refusal to provide documents concerning claims, verdicts, and settlements against the agency. At the end of the year the defendant had agreed to produce records, and HRDC was awaiting the initial production. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.

***Human Rights Defense Center v. Cook County State Attorney's Office, IL*** – Verdict and Settlements request to Cook County. Defendant did not produce documents within statutory deadline. Co-Counsel Matt Topic, Merrick Wayne, Joshua Burday, Shelly Geiszler at Loevy & Lovey.

***Human Rights Defense Center v. Kennebec County, ME*** – County failed to produce documents related to a lawsuit about mistreatment of a prisoner in the Kennebec County Correctional Facility. Co-Counsel Zach Heiden, Carol Galvan, and Anahita Sotoohi at the ACLU of Maine.

***Human Rights Defense Center v. County of Los Angeles, CA*** – LA County refused to produce Verdicts and Settlement documents until HRDC filed its complaint. Document productions then continued on a rolling basis throughout 2022, after HRDC's complaint. Co-Counsel is Professor Susan Seager at UC Irvine School of Law Media Clinic.

***Human Rights Defense Center v. Transportation Security Administration, VA*** – TSA failed to produce requested documents on Verdicts and Settlements. Co-Counsel, Deb Golden.

***Human Rights Defense Center v. United States Secret Service, DC*** – Agency failed to produce Verdict and Settlement documents. Co-Counsel, Deb Golden.

***Human Rights Defense Center v. Centurion Correctional Health Care of New Mexico LLC*** – Agency failed to produce Verdict and Settlement documents. Co-Counsel, Mark H. Donatelli and Caroline K.C. Manierre of Santa Fe's Rothstein Donatelli LLP.

***Human Rights Defense Center v. Centurion of Vermont*** – Agency failed to produce Verdict and Settlement documents. Co-Counsel, Robert Appel.

### III. CONSUMER CLASS-ACTIONS

As part of its Stop Prison Profiteering campaign, 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 lawsuits against some of those companies. Specifically, we have been tackling the practice of issuing fee-laden debit cards to prisoners upon their release in lieu of a check or cash. Prisoners have no choice but to accept the cards, and must pay a variety of fees that reduce their available funds.

#### **Cases Still Pending in 2022**

##### ***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. Upon his release a short time later, he received a prepaid debit card instead of the cash he had surrendered. The 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 cash, and never agreed to any contract with the defendants, including Keefe Commissary Network. A class-action lawsuit was filed 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. Mr. Reichert is represented by HRDC General Counsel Daniel Marshall; and by Chris Youtz, Rick Spoonemore, and Eleanor Hamburger with the firm of Sirianni Youtz Spoonemore Hamburger, PLLC.

***Brown v. Stored Value Cards*** – HRDC scored a resounding victory in this case in March 2020 when the Ninth Circuit Court of Appeals reversed the trial court’s grant of summary judgment to the defendants, rejecting the debit card companies’ primary defenses and allowing the case to proceed. In 2021 we were back in trial court where the court certified a class of Oregon plaintiffs, although the ruling on national class certification is still pending. Plaintiffs fought off yet another attempt to compel arbitration and defendants have appealed that as well—decision pending.

Danica Brown was charged with interfering with an officer during a peaceful protest of the 2014 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 in 2015 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. At the close of the year the parties are awaiting the trial court’s decision on the defendants’ new motion for summary judgment. Ms. Brown is represented by HRDC General Counsel Daniel Marshall; by Chris Youtz and Rick Spoonemore with the firm of Sirianni Youtz Spoonemore Hamburger, PLLC; and by Karla Gilbride with Public Justice, P.C., and by Megan Glor in Portland, Oregon.



**Cain v. JPay, CA** – Same issues as previous debit card challenges above. In 2021, litigating defendants' motion to compel arbitration (as in all former challenges). Adam Cain was released on parole from the California prison system and given his gate money and trust account funds on a fee laden debit card. HRDC filed suit on his behalf against JPay in a class action suit. Mr. Cain is represented by HRDC General Counsel Daniel Marshall; by Chris Youtz and Rick Spoonemore with the firm of Sirianni Youtz Spoonemore Hamburger, PLLC and John Burton of John Burton Law.

**Albert v. Global Tel\*Link (GTL), MD** – This is an antitrust lawsuit against prison telecom companies Global Tel Link and Securus for antitrust violations. The lawsuit alleges the companies entered into an antitrust conspiracy to defraud consumers by charging them \$9.95 and \$14.95 for a single 15-minute phone call. The case has been vigorously litigated and by the end of 2022 had been appealed to the Fourth Circuit. Co-counsel includes Benjamin D Brown, Brent W Johnson, Christopher Bateman, and Robert Abraham Braun of Cohen Milstein Sellers and Toll PLLC; Benjamin David Elga and Mariyam Hussain of Justice Catalyst Law; George Farah, Nicholas J Jackson, Rebecca Pearl Chang, Stephen Pearson III, William H Anderson, and Matthew Keith Handley of Handley Farah and Anderson PLLC; and Jacqueline Kutnik Bauder of the Washington Lawyers Committee for Civil Rights & Urban Affairs.

#### **IV. PRISON CONDITIONS / DEATH CASES**

##### **Cases Still Pending in 2022**

**Robert DuBoise v. City of Tampa, et al, FL** – Case on behalf of a person exonerated by DNA evidence after 37 years behind bars after being wrongfully convicted of a rape murder he did not commit. Suit was brought against the police officers, dental odontologist, and the city whose actions led to his wrongful conviction. Co counsel is the Chicago law firm of Loevy and Loevy.

#### **V. AMICUS BRIEFS**

The Human Rights Defense Center joined in the following amicus briefs in 2022:

**Brodrick Jamar Jenkins, Plaintiff-Appellant, v. United States (Fed. Cir.)** – Appeal from civil forfeiture of two vehicles. HRDC filed amicus briefing to support Plaintiff Jenkins in his quest for compensation in lieu of the two seized vehicles sold by the Government without compensation.

#### **OTHER ACTIVITIES**

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##### **CAMPAIGN FOR PRISON PHONE JUSTICE**

HRDC co-founded the national Campaign for Prison Phone Justice 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 extensively with the Federal Communications Commission (FCC) from 2011 through 2016, speaking at FCC workshops and filing comments on the docket for the Wright Petition – an FCC proceeding seeking to reduce the high cost of prison and jail calls.

The FCC initially capped the cost of interstate (long distance) prison and jail phone calls in 2013 and later capped rates for intrastate (in-state) calls, but on June 13, 2017, the D.C. Circuit Court of

Appeals issued a ruling that vacated the intrastate rate caps. Further, the appellate court vacated reporting requirements for video calling services, 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.” Under the leadership of then Chairman Ajit Pai, the FCC did not defend its intrastate rate caps before the Court of Appeals.

In 2020 the California Public Utilities Commission announced rulemaking regulations against prison phone providers in that state. Since then HRDC has been working closely with the Center for Accessible Technology to ensure prisoners in local, state and federal detention facilities have access to low cost telephone technology. Paul Wright, HRDC’s Executive Director, has served as an expert witness in the proceeding analyzing and commenting on the prison telecom industries’ submissions to the CPUC.

The CPUC proceedings continued through 2022 with HRDC playing a significant role in the proceedings. Driven by the proceedings, the California Department of Corrections and Rehabilitation rebid its contract significantly reducing the cost of its phone calls provided by Global Tel Link.

HRDC continues to advocate for accessible and affordable communications nationally for prisoners and their families and published numerous articles, social media posts and media commentary on the topic

## **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 that provide prison and jail-related services. Such exploitation includes the egregious cost of video calling, commissary items, money transfers, and secure email and tablet services, as well as the growing practice of releasing prisoners with fee-laden debit cards. Compounding these practices are monopoly contracts between corrections agencies and private companies, which are frequently awarded in exchange for “commission” kickbacks.

Our Stop Prison Profiteering activities in 2022 focused on obtaining data and contracts underlying these exploitive practices through public records requests submitted to corrections agencies, as well as litigation over the practice of issuing debit release cards. As noted in the litigation section, HRDC continues litigating an anti trust class action suit against Securus and Global Tel Link for their practice of charging consumers \$14.95 for a single 20 minute call. We also continue to press for regulation of the prison telephone industry and the reduction and/or elimination of prison phone costs.

During 2022 we continued litigating our three ongoing cases in Washington (Reichert v. Keefe Commissary Network, LLC), Oregon (Brown v. Stored Value Cards), and California (Cain v. JPay). For details on those cases, see the litigation section above.

HRDC continues to engage with various regulatory agencies including the Consumer Financial Protection Bureau (CFPB), the California Public Utilities Commission (CPUC) and others around the country seeking to curb or outright ban the most abusive and exploitive practices of the criminal justice system.

## 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.

In 2022 HRDC continued its environmental advocacy by continuing to investigate the exposure of prisoners to radon gas, a naturally occurring odorless colorless gas linked to cancer. We published numerous articles on the topic of toxic waste exposures to prisoners around the country and also the increased vulnerability of prisoners to extreme weather conditions exacerbated by climate change.

HRDC continues to raise the issue of negative environmental impact that mass incarceration has and how it continues to worsen. The increasing frequency of weather-related disasters ranging from hurricanes, floods, tornados, wild fires and more, impacting prisoners who are rarely evacuated to safety is an issue of growing importance and a media priority for HRDC.

## FOIA PROJECT

HRDC launched an ambitious national public records project in October 2017 with the help of a generous donor. This initiative aims to expose the scope of abuses and misconduct in law enforcement agencies, prisons and jails, and prosecutor's offices nationwide – including the money paid by the government to settle lawsuits over such issues. The goal of HRDC's Freedom of Information Act (FOIA) Project is to 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 criminal justice system. Through this campaign we also hope to expand our long-standing goal of challenging and improving accessibility to public records.

Throughout 2022, HRDC public records manager and development coordinator Tiffany Hollis continued to submit Freedom of Information Act and public records requests to law enforcement and detention agencies nationwide. Our FOIA Project filed several lawsuits in 2022 over denials of our public records requests and continued litigating several others. For details on those cases, see the litigation section above.

As we received documents from public records requests, we continue using them in our reporting in *Prison Legal News* and *Criminal Legal News* and we make them available to the public at large by posting them on our websites.

## HRDC SOCIAL MEDIA

HRDC maintains a robust social media presence, including three accounts on Facebook ([PLN](#), [CLN](#) and [HRDC](#)), a [Twitter](#) account and a free [email newsletter](#) published five days a week. At the end of 2022, HRDC had over 4,500 e-newsletter members, over 16,000 combined Facebook likes, over 20,000 Twitter followers and over 600 followers on LinkedIn.

## COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2022 on a variety of advocacy efforts, reports, campaigns and other projects – including Justice Catalyst, Working Narratives, Uptown Peoples' Law Center, Emancipate NC, the Prison Policy Initiative and the Private Corrections Institute. Additionally, HRDC staff members 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 general counsel and litigation director Daniel Marshall is a member of the National Lawyers Guild's National Police Accountability Project, the Florida Association of Criminal Defense Lawyers and the Palm Beach County Association of Criminal Defense Lawyers.
- HRDC staff attorney and William A. Trine Fellow Jesse Isom is a member of the National Lawyers Guild's National Police Accountability Project.

## LOOKING FORWARD: GOALS FOR 2023

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HRDC plans to continue our criminal justice reform and public education efforts in 2023 with respect to our media outreach, litigation project, publishing, advocacy 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 with an interest in criminal justice-related issues.

HRDC's litigation project expanded in 2021 due to ongoing censorship of *Prison Legal News*, *Criminal Legal News* and the books we distribute by prison and jail officials, and we expect that trend to continue in 2023. We plan to file additional legal challenges through our FOIA Project due to denials of our public records requests, and to pursue additional litigation through our Stop Prison Profiteering campaign. A developing area we are monitoring is the small but growing trend of digitizing prisoner mail.

HRDC continues to participate in the national Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates, due to the lack of resources we have had to significantly scale back the project. Though it could be quickly scaled up again if funded. We are significantly involved in the effort to regulate prison and jail phone calls in California by the state utilities commission.

Our Prison Ecology Project will continue to collect data and report on environmental issues affecting prisoners, and to advocate for prisoners' environmental health rights and against prisons and jails located in or near areas with significant ecological hazards. We will report on issues related to prison environmental concerns in *PLN*.

Other 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.

A critical priority for HRDC has been, and will be, to maintain the safety of its staff during the Covid pandemic to ensure we have the organizational capacity to continue publishing, advocating and litigating on behalf of prisoners and their families. As 2021 closed, no HRDC staff had contracted Covid. In 2022 nearly all of our employees contracted Covid, fortunately with no serious or long lasting consequences. Despite the challenges of remote work for most HRDC staff, we have maintained our organizational capacity to effectively publish, litigate and advocate on behalf of our prisoner constituency and we plan to continue that into 2023.



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