



**HUMAN
RIGHTS
DEFENSE
CENTER**

2018 Annual Report



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NOTABLE DEVELOPMENTS

The Human Rights Defense Center, a non-profit 501(c)(3) organization founded in 1990, is the parent organization of *Prison Legal News* (PLN) – our award-winning 72-page monthly publication that covers prison and jail-related news and court rulings – and *Criminal Legal News* (CLN), a 48-page monthly publication focused on policing and criminal law, which celebrated its first full year of publishing in December 2018.

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](#). We also launched a new Freedom of Information Act project, headed by staff attorney Deb Golden, to file and litigate FOIA and public records requests nationwide.

HRDC had several notable litigation successes during 2018, including settlements in First Amendment censorship cases against jails in Columbus County, North Carolina; Greene County, Ohio; Los Angeles County, California; and Knox County, Tennessee. HRDC also settled a FOIA case against the federal Bureau of Prisons. Further, we filed our first conditions of confinement lawsuit on behalf of juvenile offenders at a jail in Palm Beach County, Florida who were placed in solitary confinement and denied educational programs, and HRDC is representing the mother of a mentally ill Florida state prisoner who starved to death in a wrongful death suit.

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* celebrated its 28th anniversary on May 1, 2018, continuing its distinction of being the longest-running independent magazine produced by and for prisoners. *PLN's* contributing writers are all current or former prisoners, including Kevin Bliss, Dale Chappell, Matt Clarke, Derek Gilna, Gary Hunter, Ed Lyon, David Reutter, Joe Watson, Mark Wilson and Christopher Zoukis. *PLN* published the following cover stories in 2018:



- January:** “They Thought They were Going to Rehab. They Ended up in Chicken Plants,” by Amy Julia Harris and Shoshana Walter with *Reveal*, exposed the exploitation of a substance abuse rehab facility that served as an alternative to prison but required forced labor for the benefit of private companies.
- February:** In an article originally appearing in *The Pitch*, “Prison Broke: The Missouri Department of Corrections Can’t Escape its Own Worst Habits,” Karen Dillon outlined the sexual and racial harassment that many Missouri DOC workers have been forced to endure from their colleagues.
- March:** “From Cages to the Community: Prison Profiteers and the Treatment Industrial Complex,” by Christopher Zoukis, examined private prison companies that are seeking to rebrand and expand into community corrections and reentry services.

- **April:** Candice Bernd, Zoe Loftus-Farren and Maureen Nandini Mitr addressed harmful environmental conditions in correctional facilities in “America’s Toxic Prisons: The Environmental Injustices of Mass Incarceration,” originally published as a collaborative project by *Earth First Journal* and Truthout.
- **May:** Matt Clarke’s article, “In the Eye of the Storm: When Hurricanes Impact Prisons and Jails,” described the extent to which prisoners are affected by hurricanes, and how corrections officials often neglect to ensure their safety.
- **June:** In “While in Custody: The Fight to Stop Jail Deaths in Washington State,” Ciara O’Rourke with the *Seattle Met* reported on the death of one of many Washington prisoners – a frustratingly preventable death caused by medical negligence and neglect.
- **July:** Matt Clarke and Christopher Zoukis cited multiple incidents of human rights abuses in “Litigation Heats Up Over Extreme Temperatures in Prisons, Jails,” in regard to prisoners’ suffering and in some cases dying due to extremely hot temperatures in unconditioned correctional facilities.
- **August:** In “Prison Food and Commissary Services: A Recipe for Disaster,” David M. Reutter examined the privatization of prison food services, which has led to poor quality meals, protests by prisoners and other problems.
- **September:** Alan Prendergast with *Westword* looked at H Unit, the most restrictive unit in the Bureau of Prison’s ADX facility in Colorado, in “At the Federal Supermax, When Does Isolation Become Torture?”
- **October:** In “Washington State: Jail Phone Rates Increase as Video Replaces In-Person Visits,” Steve Horn and Iris Wagner extensively analyzed the high cost of phone calls and video calls in Washington State jails, with a detailed review of county-by-county rates and “commission” kickbacks from telecom companies.
- **November:** Jimmy Jenkins with KJZZ.org discussed persistent problems with medical care within the Arizona Department of Corrections in his article, “On the Inside: The Chaos of Arizona Prison Health Care.”
- **December:** In “Censorship in Prisons and Jails: A War on the Written Word,” Christopher Zoukis reported on often arbitrary restrictions on books and other reading materials faced by prisoners, contrary to their First Amendment 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 2018, 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 first full year of publication in 2018, and published the following cover stories:



- **January:** Matt Clarke reported on corruption in forensic testing in criminal cases and the daunting reality of evidence tampering in “Faulty Forensics and Lab Scandals Highlight Urgent Need for Enforceable Scientific Standards.”
- **February:** Derek Gilna probed the outcomes of misguided drug policies in the United States in his article, “Have the Wars on Drugs and Terror Transformed the U.S. into a Police State?”
- **March:** “Civil Asset Forfeiture: Unfair, Unjust, Un-American,” by Christopher Zoukis, focused on the growing problem of state and federal agencies being incentivized to seize (and pocket) assets from private citizens under the pretense of criminal activity.
- **April:** In his article “Indigent Defense in America: An Affront to Justice,” Christopher Zoukis examined the highly variable quality of – and access to – legal representation for poor defendants.
- **May:** Iris Wagner reviewed the deliberate concealment of the origins of evidence in “Parallel Construction: Building Criminal Cases Using Secret, Unconstitutional Surveillance,” and called for increased accountability to reform the norms that currently facilitate these unconstitutional practices.
- **June:** “Sex Offender Registries: Common Sense or Nonsense?” by Christopher Zoukis examined the ineffectiveness of sex offender registration databases and the necessity of creating a new system to better serve both the public and sex offenders.
- **July:** In his article “Cell-Site Simulators: Police Use Military Technology to Reach out and Spy on You,” Christopher Zoukis explained how the police can track cell phones and obtain information without the permission of the user, an increasingly common (and unregulated) practice with chilling implications for privacy.

- **August:** “Courts Have Made Social Media a Landmine for Defendants. Could it Change Soon?” by Steve Horn addressed the divergent expectations and realities of privacy on social media platforms, and described cases where information from social media platforms has been used as evidence in criminal cases.
- **September:** Christopher Zoukis highlighted discrepancies in DNA tests in “Secondary DNA Transfer: The Rarely Discussed Phenomenon That Can Place the Innocent (and the Dead) at a Crime Scene They’ve Never Been To.”
- **October:** In “From Abuse of the Body to Abuse of the Mind: Police Use Psychologically Coercive Interrogation Techniques to Produce False Confessions,” Christopher Zoukis examined wrongful convictions and the corrupt tactics that police investigators use to manipulate defendants into making false confessions.
- **November:** Steve Horn scrutinized infringements on First Amendment rights in his article, “Documents Reveal How Law Enforcement Partners with Private Companies to Surveil Schools.”
- **December:** “Eyewitness (Mis)Identification in the Criminal Justice System: Powerful, Persuasive, and Problematic,” by Christopher Zoukis, reviewed the prevalence and bases for eyewitness misidentification, as well as recommendations for reform.

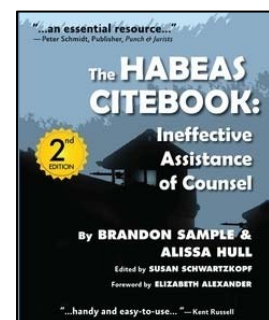
BOOK DISTRIBUTION

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 4,595 books in 2018, including over 1,000 books sent to prisoners at no cost.

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. & Canada*, 3rd Ed.; *The Habeas Citebook: Ineffective Assistance of Counsel*, 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 2018 that were still pending at the end of the year, including *The Habeas Citebook: Prosecutorial Misconduct* and a revised version of *With Liberty for Some: 500 Years of Imprisonment in America*.

HRDC WEBSITES

We continued to expand HRDC's online presence in 2018 by increasing our content, including articles, court pleadings and publications. *PLN*'s website (www.prisonlegalnews.org) receives over 100,000 visitors each month and is a significant resource for media and community outreach and public education on criminal justice-related issues.

At the end of 2018, *PLN*'s site had over 22,000 articles and 16,000 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. Some content was shared with *CLN*'s website, www.criminallegalnews.org.

HRDC also maintains an organizational site, www.humanrightsdefensecenter.org, as well as separate websites for our various projects, including www.stopprisonprofiteering.org, www.prisonphonejustice.org, www.prisonecology.org, www.privateprisonnews.org and a new site on wrongful convictions that we created in 2018, www.wronglyconvicted.org.

HRDC STAFF

HRDC's executive team during 2018 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 our general counsel and litigation director Sabarish Neelakanta.

Additional staff included Richard Resch, managing editor of *CLN*; staff attorneys Daniel Marshall, Masimba Mutamba and Deb Golden; Frances Saucedo, office manager; Judith Cohen, advertising coordinator; Panagioti Tsolkas, special projects coordinator; Robert Pew, legal assistant; paralegals Kathy Moses and Tina Livingston; public records manager/development coordinator Michelle Dillon; and office assistants Shauna Coolican and Latoria Bowers.

Several new employees joined HRDC in 2018, including office assistant Alexis Montag, editorial assistant Betty Nelander and social media specialist Julia Ragsdale (who previously volunteered for HRDC in our Seattle office).

We also want to recognize our valued and dedicated volunteers and interns, including Janet Callis, Melanie Campbell, Mackenzie Russell, Connor Whitney, Manola Secaira, Isabel Place, Madison Meuler and Tessa Aiken, as well as our work study students: Iris Wagner, Sara Molaie, Eugene Choi, Kyla Evans, Nikita Minkin, Alexandra Portillo and Courtney Jackson.

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, 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.

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 2018

In 2018, 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 Borealis Philanthropy, the Sonya Staff Foundation, and the Laura and John Arnold Foundation. HRDC performs annual financial audits, and our Form 990s are available for review.


ACTIVISM & ADVOCACY

HRDC staff engaged in a number of activism and advocacy efforts in 2018, 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. Those efforts included:

- HRDC signed on in support of a [report by Face To Face Knox](#), released on January 29, 2018, concerning the end of in-person visitation at the jail in Knoxville, Tennessee, which was replaced by video calling. The report was titled “To What End?: Assessing the Impact of the Knox County Jail’s Ban on In-Person Visits.”

- On February 3, 2018, HRDC executive director Paul Wright spoke at Temple L’Dor Va-Dor in Boynton Beach, Florida about the Human Rights Defense Center and the Florida Department of Corrections. The gathering was for local area progressives, and presided over by Rabbi Barry Silver.
- HRDC staff attorney Deb Golden spoke at the William & Mary Journal of Women and the Law Symposium on February 9, 2018. She presented on a panel titled “Women and Prison,” along with Gail Deady and Behailu Weldeyohannes.
- On February 12, 2018, Deb Golden met with officials at the National Center for Youth Law to advise them on issues related to federally-contracted child immigration detention.
- HRDC associate director Alex Friedmann presented at the Volunteer State Community College in Gallatin, Tennessee on February 21, 2018, as part of a series of speakers on criminal justice topics. He discussed the private prison industry; HRDC social media director Monte McCoin also attended and spoke at the event.
- On February 22, 2018, Paul Wright appeared via Skype with Michelle Dietche’s law school class at the University of Texas to discuss public records requests and data requests that can be used to determine safety levels in prisons and jails.
- HRDC submitted a [letter](#) to U.S. Senator Patty Murray and Rep. Susan A. Davis on February 23, 2018, in support of legislation they had introduced that would restore Pell grant eligibility for incarcerated students (S.1136 and H.R.2451).
- In March 2018, Deb Golden spoke to students at the Capital City Public Charter School, a local D.C. high school, about women in prison and their treatment and conditions of confinement.
- Paul Wright spoke on two panels at the 2018 Free Movement Conference in Wilmington, North Carolina on March 23, 2018, about prison phone justice and HRDC’s Stop Prison Profiteering campaign. HRDC was the program track leader for the criminal justice mass incarceration part of the conference.
- On April 10 and 16, 2018, Alex Friedmann provided public testimony before the Tennessee House Government Subcommittee, concerning the sunset provision for the Tennessee Department of Correction and issues related to the Trousdale Turner Correctional Center, operated by CoreCivic (formerly Corrections Corporation of America).
- HRDC submitted [comments](#) on April 13, 2018 in opposition to a rule change by the Florida Department of Corrections that would have curtailed visitation at state prisons. HRDC also contacted all of our incarcerated Florida subscribers and urged them and their families to file comments, and we filed a [renewed comment](#) on the same topic on May 30, 2018. The FDOC’s rule change was subsequently withdrawn.



- On April 24, 2018, Alex Friedmann attended GEO Group’s annual shareholder meeting by phone, presented his shareholder resolution (see page 28), and questioned GEO board members about the huge disparity in CEO vs. average worker pay and the \$1.00/day wages paid to immigrant detainees at GEO-operated ICE facilities.
 - From April 25 to 27, 2018, HRDC general counsel and litigation director Sabarish Neelakanta participated in the Ninth Circuit Corrections Summit Working Group in Santa Ana, California, and discussed improvements to policies and procedures within the California Department of Corrections and Rehabilitation.
 - Monte McCoin and Alex Friedmann attended CoreCivic’s annual shareholder meeting in Nashville on May 10, 2018, and questioned the company’s board members. Monte asked how prisoners’ families can get answers or responses from CoreCivic, while Alex asked about the disparity in wages for CoreCivic employees vs. prison guards in the public sector, as well as the 62:1 ratio for the company’s CEO executive compensation to median employee wages.
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- On May 18, 2018, Alex Friedmann presented on a panel at Detention Watch Network’s 12th National Member Conference in Aurora, Colorado. He spoke about privatization of services at the Eloy Detention Center in Arizona, including medical care, food, transportation, money transfers and phone services, plus ACA accreditation. The other panelists were Grassroots Leadership director Bob Libal and Jamie Trinkle with Enlace.
 - HRDC signed on to a June 27, 2018 [joint letter](#) to U.S. Senators in support of the Private Prison Information Act (S.1728).
 - Alex Friedmann contributed an article on the private prison industry to the *Verdict*, a publication of the National Coalition of Concerned Legal Professionals, that ran in the July 2018 issue.
 - On July 17, 2018, Alex Friedmann contacted all members of the Metro Council in Nashville, Tennessee in support of a resolution to divest Metro pension funds from private prison stock. The resolution [subsequently passed](#).
 - Monte McCoin presented at the National Council for Incarcerated and Formerly Incarcerated Women and Girls’ Town Hall convergence in Nashville, Tennessee on July 21, 2018. She discussed the expanding impact of the school-to-prison pipeline on young girls and their communities, as well as the impact of disenfranchisement and prison gerrymandering on the nation’s larger electoral picture.
 - On September 8, 2018, Sabarish Neelakanta spoke on a panel at the 2018 ACLU Lawyers Conference titled “Prevailing over Prisons: Litigation and Policy Strategies for Reform,” held in Delray Beach, Florida.

- In September 2018, Deb Golden volunteered for a project of the American Constitution Society and the D.C. Bar for Constitution Day, to teach a 3rd/4th grade class about governmental separation of powers. She spoke with a class at the Burrville Elementary School in the District of Columbia.
- On September 18, 2018, HRDC staff writer Steve Horn participated in a Q&A session with the student newspaper staff at Palomar College in San Diego, California as part of one of their journalism classes. Horn, a guest speaker, also took part in a dialogue with students in the class regarding prison conditions.
- Alex Friedmann hosted an author tour/book signing event at the Parnasus Book store in Nashville, Tennessee on September 22, 2018 for *Mother Jones* senior reporter Shane Bauer, for his newly-released book [“American Prison.”](#)
- On September 25, 2018, HRDC’s William A. Trine Law Fellow & staff attorney Masimba Mutamba participated as a roundtable mentor at the Florida Association for Women Lawyers’ annual Constitution Day event at Florida Atlantic University.
- Alex Friedmann provided input for a report by Arabella Advisors, “Understanding and Confronting the Prison-Industrial Complex: An Overview for Philanthropists,” that was released in October 2018. He was thanked in the credits.
- From Oct. 4 to 7, 2018, Deb Golden spoke at the Prisoners’ Advocates Conference at the Sturm College of Law in Denver. She was on panels titled “Starting Out as a Prisoners’ Rights Lawyer: What You Need to Know” and “Prisoners’ Rights Litigation 101.”
- HRDC signed on to an October 5, 2018 [letter](#) to members of the U.S. Senate in support of the Inmate Calling Technical Corrections Act ([S.2520](#)), which would grant authority to the FCC to ensure just and reasonable charges for prison and jail phone calls and advanced communications services.
- On October 12, 2018, Deb Golden presented at the 5th Annual Lara D. Gass [Symposium on Women in the Law](#) at the Washington and Lee School of Law. She spoke on a panel titled “On the Inside: Efforts to Improve Women’s Prison Conditions.”
- HRDC signed on to an October 15, 2018 [letter](#) to the D.C. Council in favor of the Fare Evasion Decriminalization Act (Bill 22-408), which would make subway fare evasion a civil offense punishable by a fine rather than a criminal offense.
- Alex Friedmann contributed to an October 19, 2018 report on private prisons by *CQ Researcher*, published by SAGE Publications, and was quoted throughout the report.
- Alex Friedmann contributed to a Prison Policy Initiative report on how to shorten excessive prison sentences, titled [“Eight Keys to Mercy.”](#) The report, released in November 2018, mentioned him in the credits.



- On November 4, 2018, Alex Friedmann participated in a podcast, [Decarceration Nation](#), produced by Josh Hoe; he spoke about tablets, phone calls and video visits in jails.
- Alex Friedmann took part in a video conference with a journalism class at Ohio Wesleyan University on November 7, 2018, by invitation of Prof. Shari Stone-Mediatore, and spoke about prison censorship, prisoners' rights and the justice system. The class was on "Free Speech in Theory & Practice: Mobilizing Voices across Prison Walls."
- On November 8, 2018, Paul Wright and HRDC staff attorney Daniel Marshall spoke at Yale Law School and gave a presentation on prisoners' First Amendment rights.
- Deb Golden was a speaker at an American Constitution Society symposium at William & Mary Law School on November 9, 2018; she spoke on a panel titled "The Dawn of a New Jurisprudence? Jails, Prisons, and Equal Rights."
- Deb Golden participated in a November 15, 2018 round-table discussion convened by the U.S. Attorney's Office for the Eastern District of Virginia, about the civil rights of people with disabilities. She discussed HRDC's lawsuit filed on behalf of juveniles held in solitary confinement at the jail in Palm Beach County, Florida.
- On November 27, 2018, Sabarish Neelakanta was a panelist on an ACLU Juvenile Justice Campaign webinar titled "Advocating for Youth Charged as Adults," which was broadcast to ACLU members across the country. He highlighted the legal issues and facts in the juvenile solitary confinement case filed by HRDC in Palm Beach County, Florida.
- On December 15, 2018, Monte McCain spoke at an event hosted by the No Exceptions Prison Collective in Nashville, Tennessee on the motivation to move from concerned citizen to advocate. She offered tips for effective communication strategies at a Community Lobbyist Training to discuss criminal justice reform bills, prisoners' rights litigation and advocacy at both legislative and administrative levels.



MEDIA OUTREACH

HRDC's efforts to educate, advocate and litigate around prisoners' rights continued to receive national and international media attention in 2018. 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 seven press releases during 2018. The following is a partial list of the media coverage that HRDC, *Prison Legal News* and *Criminal Legal News* received in 2018, excluding articles about our litigation. Links to these articles and many others are on our website under "[In the News](#)."

- Throughout 2018, HRDC executive director Paul Wright, and occasionally associate director Alex Friedmann and staff attorney Deb Golden, appeared on "Loud and Clear," a program of [Sputnik News radio](#) hosted by Brian Becker and John Kiriakou.

- Paul Wright was quoted in a January 9, 2018 article in *The New Yorker* regarding book restrictions imposed on New York state prisoners, and related issues over censorship by prison officials.
- Alex Friedmann was quoted on January 18, 2018 in an article published by the *Metro Times* about Michigan's problematic experience with privatized prison food services. "The emphasis is not on safety or security. It's not on adequate, nutritious meals. It's on how to make a profit for the company," he said.
- Paul Wright was included in a January 19, 2018 article by *The Guardian* titled, "The book that changed my life ... in prison." He discussed reading *The State and Revolution* by Vladimir Lenin while incarcerated in Washington State.
- On February 2, 2018, Paul Wright appeared on a CBS12 [news report](#) about a federal court ruling in a lawsuit over voting rights for ex-prisoners in Florida.
- A February 6, 2018 *Forbes* article repeatedly quoted Paul Wright on problems with telecom companies providing prison video and phone services.
- Alex Friedmann was [interviewed](#) by a Spanish language radio station, Catalunya Radio, about private prisons on February 19, 2018.
- The *Washington Post* quoted Paul Wright in a March 16, 2018 article about immigrant detainees being forced to work for \$1.00 a day.
- Paul Wright was quoted several times by CBS News in an April 19, 2018 article about violence and contraband cell phones in South Carolina prisons.
- Alex Friedmann was quoted in an Associated Press article about private prisoner transportation services, on April 24, 2018.
- Paul Wright was quoted by the *ABA Journal* in a May 2018 article concerning the excessive costs of prison phone calls.
- Paul Wright was interviewed by Spanish language station [Univision](#) on June 8, 2018, concerning the placement of asylum seekers in prison.
- On June 12, 2018, [The Crime Report](#) reported on the censorship of *PLN* by the Florida Department of Corrections in an article titled, "The Silencing of Prison Legal News."
- A letter to the editor by Alex Friedmann, in rebuttal to an editorial extolling the virtues of private prisons, was published by the *Daily Collegian*, a publication of Pennsylvania State University, on June 19, 2018.



- Alex Friedmann was quoted in a June 22, 2018 article by CNBC on privately-operated immigrant detention centers.
- *Reason* included *Prison Legal News* in its July 2018 [review](#) of “controversial and oft-censored publications.”
- Paul Wright appeared in the CNN documentary “[American Jail](#),” produced by Roger Ross Williams, on July 1, 2018.
- Paul Wright appeared on [American Freedom Radio](#) and spoke about mass incarceration on July 3, 2018.
- *Correctional News* quoted Alex Friedmann on July 11, 2018 in an article on the private prison industry, titled “Is ‘Doing Time’ Money for Private Prisons?”
- On July 17, 2018, Alex Friedmann was quoted in a Healthline.com article on hepatitis C treatment for prisoners. “While the cost of treatment is expensive, the cost of nontreatment, which not only results in prisoner deaths but also in the spread of the disease both within prisons and outside, is also expensive,” he noted.
- A July 18, 2018 article in *U.S. News and World Report* quoted Paul Wright about tablet computers being made available to prisoners, with fee-based content. “This is just a means to monetize human contact,” he said.
- On July 23, 2018, Paul Wright participated in a panel discussion on radio show [Felony Miami](#) and spoke about problems with private prisons.
- Paul Wright appeared on the Washington, D.C. WPFW radio show “[Crossroads](#)” on July 24, 2018, and discussed the financial exploitation of prisoners and their families.
- Oxygen.com mentioned *PLN* in a July 24, 2018 article about prison overcrowding and the differences between minimum- and maximum-security facilities.
- Paul Wright was interviewed by Spanish language channel [Univision](#) on August 2, 2018, concerning the sexual abuse of immigrant children held in U.S. detention centers.
- On August 12, 2018, HRDC staff attorney Daniel Marshall was interviewed by radio station [Felony Miami](#) about medical care in prisons and jails.
- Paul Wright was [interviewed](#) by RT (Russian Television) on August 23, 2018, regarding a national prison strike in the U.S. over inhumane conditions and slave labor.



- Paul Wright was quoted by *The New York Times* on August 26, 2018 concerning the national prison work strike. “Prisoners aren’t oblivious to their reality,” he said. “They see people dying around them. They see the financial exploitation. They see the injustice.”
- *Newsweek* quoted Alex Friedmann on August 28, 2018 in an article about prison slave labor. “Prisons cannot operate without prison labor,” he noted. “They would simply be unaffordable.”
- An August 28, 2018 article by the [Freedom of the Press Foundation](#) profiled *PLN*, HRDC and our censorship litigation against the Florida Department of Corrections.
- A September 11, 2018 article in *The Crime Report* quoted Paul Wright regarding the national prison work strike that occurred that month.
- HRDC staff attorney Deb Golden was quoted by *The Virginian-Pilot* on September 18, 2018 in an article about the increasing number of women prisoners in Virginia.
- An [editorial](#) by Paul Wright, in opposition to a Florida ballot initiative called Amendment 4 to restore voting rights to ex-prisoners after they serve their sentences, was published by the *Tallahassee Democrat* on September 19, 2018. HRDC opposed Amendment 4 because it excluded former prisoners convicted of homicide and sex offenses, and since the ballot initiative would amend Florida’s constitution, it would be almost impossible to restore voting rights in the future to those who were excluded. “All the talk of Amendment 4 being about second chances, redemption and reintegration into the community rings hollow when it excludes certain former prisoners,” Paul wrote. Amendment 4 was approved by voters in November 2018.
- *Criminal Legal News* was mentioned in a September 28, 2018 article by Courthouse News on criminalization and draconian sentencing laws.
- *Talking Points Memo* profiled HRDC’s opposition to Amendment 4 in Florida in an October 1, 2018 article that quoted Paul Wright.
- On October 13, 2018, Deb Golden was quoted by the *Virginian-Pilot* in an article about a prisoner’s death due to the flu and MRSA at the Virginia Correctional Center. “She shouldn’t have died of that,” Deb said. “That’s totally treatable.... That’s outrageous.”
- On December 7, 2018, Paul Wright was [interviewed](#) by “The Big Picture” program on RT (Russian Television), about the for-profit prison industry; he was on the show again on December 21, and spoke about the First Step Act after it was signed into law by President Trump.
- Alex Friedmann was quoted by *The Intercept* in a December 22, 2018 article about how the First Step Act could benefit private, for-profit prison companies.



Litigation Project

HRDC's legal team in 2018 consisted of general counsel and litigation director Sabarish Neelakanta, staff attorneys Masimba Mutamba, Daniel Marshall and Deb Golden, paralegals Kathy Moses and Tina Livingston, and legal assistant Robert Pew. HRDC litigates censorship cases, public records lawsuits, prison conditions and wrongful death cases, as well as class-action suits against correctional facilities nationwide. HRDC remains at the forefront of prisoners' civil rights litigation in the United States. Additionally, all of HRDC's cases have a public education and media component to complement our criminal justice reform advocacy work.

Our litigation continued to generate news media coverage in 2018, including articles in the *Dayton Daily News*, *The Palm Beach Post*, *The Crime Report*, *Bloomberg*, *Courthouse News*, the *Tallahassee Democrat*, *Reason*, *The Seattle Times*, Associated Press, *Miami New Times*, *Orlando Sentinel*, *Charlotte Observer*, *Santa Fe New Mexican*, CBS and *USA Today*.

HRDC's litigation docket included the following cases; those that were both filed and resolved during 2018 are listed in the "Cases Resolved" sections. HRDC captions some of its censorship cases under the name of its flagship monthly publication, *Prison Legal News*.



HRDC general counsel
Sabarish Neelakanta

I. FIRST AMENDMENT CENSORSHIP 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* was banned by corrections 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. However, these unconstitutional attempts to thwart HRDC's mission to inform and educate prisoners about their legal rights have largely been unsuccessful when challenged in court. HRDC 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 corrections 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.

A. New Cases Filed in 2018

1. ***Human Rights Defense Center v. Director John R. Baldwin (Illinois DOC)*** – On Feb. 2, 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. On April 19, 2018, the district court initiated a settlement conference to resolve the issues raised in HRDC's complaint and preliminary injunction motion, and to schedule periodic status

conferences throughout the remainder of 2018 to allow the parties to identify and correct problems at various prison mailrooms concerning the delivery of HRDC publications. In November 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. As of the end of 2018, counsel for HRDC and *Black and Pink* have been investigating censorship at prison mailrooms and providing reports to the court. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba, as well as attorneys Marc Zubick, Malorie Medellin, Jason Greenhut, Kristopher Jensen and Sarah Wang with the law firm of Latham & Watkins, LLP, and Nicole Schult, Elizabeth Mazur and Alan Mills with the Uptown People's Law Center.

2. ***Human Rights Defense Center v. Board of County Commissioners of the County of Santa Fe (NM)*** – On April 2, 2018, HRDC filed suit in federal court against Santa Fe County for the unlawful censorship of *Prison Legal News* and several books distributed by HRDC, including *The Habeas Citebook: Ineffective Assistance of Counsel*, *Protecting Your Health and Safety*, and the *Prisoners' Guerilla Handbook: A Guide to Correspondence Programs in the United States & Canada*. Further, the censorship of the publications at the county jail was implemented without any due process notice or opportunity to appeal, prompting HRDC to seek a preliminary injunction. After the filing of the lawsuit, the jail revised its policies to allow receipt of HRDC publications and ensure that any censored mail provides due process protections. The defendants then moved to dismiss HRDC's injunctive and declaratory claims on grounds of mootness, which was granted by the district court on June 21, 2018. The court then dismissed the individual defendants in August 2018. At the end of the year, the parties were engaged in settlement discussions concerning the remaining claims for damages and attorneys' fees. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; by Laura S. Ives of Kennedy Kennedy Ives; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
3. ***Human Rights Defense Center v. Board of County Commissioners of the County of San Miguel (NM)*** – On April 17, 2018, HRDC filed suit against San Miguel County for censoring books and magazines mailed to prisoners at the county jail, and sought a preliminary injunction to prevent future censorship and provide for due process protections. The jail immediately changed its mail policy to allow for the receipt of all HRDC publications and ensure due process in the event that mail is censored. On August 20, 2018, the court found that the policy revisions mooted HRDC's claims for injunctive and declaratory relief, and dismissed those claims and granted qualified immunity to the individual defendants. At the close of 2018, the parties were involved in settlement negotiations over attorneys' fees, costs and damages. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; by Laura S. Ives of Kennedy Kennedy Ives; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
4. ***Human Rights Defense Center v. Sheriff Irwin Carmichael (Mecklenburg County, NC)*** – On April 24, 2018, HRDC sued the Sheriff of Mecklenburg County for the unlawful censorship of HRDC's magazines, books and correspondence, and for failing to provide due process notice of censorship decisions. HRDC further sought a preliminary

injunction preventing the jail from continuing to censor HRDC's mail without due process. Prior to a hearing on the preliminary injunction, in June 2018, Sheriff Irwin Carmichael entered into a consent decree that required explicit due process notice for censorship of any mail, and allowed the delivery of HRDC publications. At the end of 2018, the defendants had filed a motion primarily seeking to dismiss the individual claims against Sheriff Carmichael, which remained pending. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; by Paul Cox and Jonathan Sasser with Ellis & Winters LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.

5. *Human Rights Defense Center v. Board of County Commissioners (Pontotoc, OK)* –

On May 9, 2018, HRDC filed suit over the censorship of books at the Pontotoc County Jail in Oklahoma. HRDC had sent 30 books to prisoners at the jail, which were all censored without due process notice. HRDC also sought preliminary injunctive relief. The defendants changed their mail policy to ensure that HRDC and other publishers can send books to prisoners at the jail without censorship or lack of due process notice. Consequently, the preliminary injunction motion was withdrawn and the parties entered into settlement negotiations. As of the close of 2018, the parties were working on the final contours of a settlement agreement. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba, and by Robert D. Nelon with the law firm of Hall Estill.

6. *Human Rights Defense Center v. Southwest Virginia Regional Jail Authority (VA)* –

On March 28, 2018, HRDC filed suit and sought a preliminary injunction against the Southwest Regional Authority, which consists of four detention facilities, for censoring HRDC's books, magazines and correspondence without due process. The parties fully briefed the preliminary injunction motion and an evidentiary hearing was scheduled for June 25, 2018. The district court took testimony from jail officials and HRDC's expert, John Clark, concerning the defendants' claims that HRDC's mail was a security threat. Following that hearing, the court issued an order and preliminary injunction requiring delivery of HRDC's publications and the implementation of due process protocols. The parties then filed a joint Rule 26(f) report and a scheduling order was entered by the court. As of the end of 2018, the parties were engaged in discovery. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Thomas Hentoff, Sean Douglass and Chelsea Kelly with Williams & Connolly; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.



*HRDC staff attorney
Daniel Marshall*

7. *Human Rights Defense Center v. Forrest County (MS)* –

HRDC and the Mississippi Center for Justice filed suit in federal court on October 24, 2018 against Forrest County, Mississippi, Sheriff Billy McGee and staff members at the Forrest County jail. The complaint noted that “most books and most publications are banned” at the facility, and “For the most part, prisoners are allowed to read only the Bible and sometimes other

Christian publications.” Jail officials censored issues of *PLN* as well as books and copies of court rulings sent to prisoners, and did not provide due process notice or any opportunity for HRDC to appeal or challenge the censorship. The case remained pending at the end of the year. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Beth L. Orlansky, advocacy director with the Mississippi Center for Justice; and by Rob McDuff, who directs MCJ’s George Riley Impact Litigation Initiative.

B. Cases Still Pending in 2018

- 1. *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. 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. The parties continued engaging in discovery in 2018, including an inspection of the jail’s mailroom and operations. By the end of the year, the parties had filed cross-motions for summary judgment and pre-trial disclosures. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; by Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 2. *Human Rights Defense Center v. Sheriff Ricky Roberts (Union County, AR)*** – On October 30, 2017, HRDC filed a lawsuit challenging a postcard-only policy at the jail in Union County, Arkansas. After initial discovery and due to changes to the jail’s mail policy, HRDC withdrew its motion for a preliminary injunction without prejudice to bring a subsequent motion seeking permanent injunctive relief. The defendants moved for dismissal of claims against the individual defendants based upon qualified immunity, which was granted by the court. As of the close of 2018, a final scheduling order was issued by the court and the parties were engaged in discovery. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 3. *Prison Legal News v. Sheriff Thomas Dart (Cook County, IL)*** – Since June 2016, HRDC has pursued a federal lawsuit over the censorship of books and magazines sent to prisoners at the Cook County jail in Chicago, and the jail’s failure to provide due process notice of such censorship. In January 2018, the parties attended a settlement conference but no settlement was reached. After further discovery the parties agreed to a tentative injunctive and damages settlement agreement. As part of the agreement, HRDC will submit a brief to the court for attorneys’ fees and costs. As of the close of 2018, the parties were finalizing the terms of the settlement and the court set a briefing schedule in early 2019. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall, and by local counsel Matthew Topic with the law firm of Loevy & Loevy.

4. *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 that extended into early 2018, the parties filed cross motions for summary judgment. As of the end of the year, both motions were fully briefed and remained pending. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by attorneys Lisa Ells, Jenny Yelin, Krista Stone-Manista and Andrew Pope with Rosen Bien Galvan & Grunfeld, LLP; and by David Bodney and Michael A. DiGiacomo with Ballard Spahr, LLP in Phoenix, Arizona.

5. *Prison Legal News v. Federal Bureau of Prisons (ADX)* – HRDC’s lawsuit against the federal Bureau of Prisons’ highest-security facility, ADX Florence in Colorado, due to censorship of *Prison Legal News* and lack of adequate due process notice, entered its final phase in 2018. HRDC filed a motion for summary judgment seeking injunctive and declaratory relief, while the defendants sought summary judgment on the grounds that a December 2017 policy change, which they claimed allows for delivery of HRDC publications, effectively mooted the requested injunctive relief. HRDC opposed the motion, arguing that the policy change did not prevent prison officials from censoring HRDC publications in the future. In October 2018, the court granted summary judgment to the defendants and denied HRDC’s motion. A notice of appeal to the Tenth Circuit was filed in December 2018. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Peter Swanson, Matthew Shapanka and Stephen Kiehl with Covington & Burling, LLP in Washington, D.C.; by Steven Zansberg with Levine Sullivan Koch & Schulz, LLP in Denver; by Professor David Shapiro with the Northwestern University Pritzker School of Law; and by Elliot Minberg with the Washington Lawyers’ Committee for Civil Rights & Urban Affairs in Washington, D.C.



*HRDC staff attorney
Masimba Mutamba*

6. *Prison Legal News v. Northwestern Virginia Regional Adult Detention Center (VA)* – After the district court granted partial summary judgment, the parties appeared before Judge Elizabeth Dillon for a bench trial in November 2018 as to the defendants’ liability on HRDC’s First Amendment claim and compensatory damages on both its First and Fourteenth Amendment claims. As of the end of 2018, the court had taken the evidence presented at trial under advisement and a decision was pending. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by local counsel Jeff Fogel and Steve Rosenfield.

7. *Human Rights Defense Center v. Commissioner Rodney Ballard (Kentucky DOC)* – HRDC filed suit against the Kentucky Dept. of Corrections in July 2017 for censoring books mailed to prisoners. The defendants denied any constitutional violations, and the parties engaged in discovery throughout 2018. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Gregory Belzley with the law firm of Belzley Bathurst.

8. *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 prison officials 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. In May 2018, the Court of Appeals affirmed the district court's finding that the FDOC had violated HRDC's due process rights, warranting injunctive relief, but that the censorship did not violate its First Amendment rights. HRDC then filed a petition for writ of certiorari with the U.S. Supreme Court. The petition was supported by eight separate amicus briefs from faith organizations, law professors, civil rights advocates, conservative and libertarian organizations, prison book clubs, advertisers, press organizations and former corrections officials. As of the end of the year, HRDC's petition remained pending before the Supreme Court. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Randall Berg and Dante Trevisani with the Florida Justice Institute; by Benjamin Stevenson and Nancy Abudu with the ACLU of Florida; and on appeal by Paul Clement and Michael McGinley with the law firm of Bancroft PLLC.

C. Cases Resolved in 2018

- 1. *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 correspondence. The defendants immediately changed their mail policy and revised their practices to allow prisoners to receive publications, and to provide proper due process notice of censorship decisions. In 2018, HRDC accepted the defendants' Rule 68 offer for damages, attorneys' fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Paul Cox and Jonathan D. Sasser with the law firm of Ellis & Winters, LLP in Raleigh; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 2. *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 negotiations, a settlement agreement enjoining the defendants from further censorship of HRDC publications was filed with the district court in late November 2017. In 2018, the parties entered into a final settlement as to the court's continued jurisdiction to enforce the injunctive terms, as well as payment of damages, attorneys' fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Robert Newman with Newman & Meeks Co., LPA in Cincinnati; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.

3. ***Prison Legal News v. Sheriff James Jones (Knox County, TN)*** – At the start of 2017, the defendants in this First Amendment censorship case had already conceded liability for rejecting HRDC’s publications and other mail at the Knox County jail, as well as their lack of due process notice in violation of the Fourteenth Amendment. Accordingly, the parties entered into settlement negotiations that were finalized in 2018. Under the terms of the settlement, HRDC received \$25,000 in damages as well as the ability to distribute its publications to prisoners at the Knox County jail. The defendants also agreed to pay \$62,000 in attorneys’ fees and costs. Because the case settled, the legal merits of the jail’s postcard-only mail policy were not reached. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Tricia Herzfeld with the law firm of Branstetter, Stranch & Jennings, PLLC in Nashville, Tennessee.

4. ***Human Rights Defense Center v. County of Los Angeles (CA)*** – On July 3, 2017, HRDC filed suit against Los Angeles County’s jail system for censorship of *Prison Legal News* and correspondence from HRDC without due process. After the court’s denial of HRDC’s motion for a preliminary injunction, dismissal of claims against the individual defendants and dismissal of a claim brought pursuant to California’s Bane Act, HRDC appealed to the Ninth Circuit. Following further settlement discussions in 2018, the parties agreed to an injunctive settlement requiring delivery of HRDC publications and payment of \$253,000 in damages, attorneys’ fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Sanford Rosen, Jeffrey Bornstein and Christopher Hu with Rosen Bien Galvan & Grunfeld, LLP; and by Brian Vogel with the law office of Brian A. Vogel, P.C.

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. During 2018, HRDC’s FOIA Project was headed by staff attorney Deb Golden in Washington, D.C.



*HRDC staff attorney
Deborah Golden*

A. New Cases Filed in 2018

1. ***Human Rights Defense Center v. Bureau of Prisons*** – On May 4, 2018, HRDC filed suit requesting records related to the BOP’s phone, video visitation and debit card contracts, as the agency had previously denied our FOIA request. As of the end of 2018, the district court entered an order setting a briefing schedule and deadlines for filing dispositive motions, and the parties were in settlement discussions. HRDC is represented by staff attorney Deb Golden.

2. ***Human Rights Defense Center v. GEO Group (Vermont)*** – HRDC filed suit against private prison operator GEO Group on May 9, 2018, after the company failed to respond to a public records request related to litigation and claims involving Vermont prisoners housed at a GEO facility. The complaint, filed in Superior Court under the Vermont Public Records Act, remained pending at the end of the year. HRDC is represented by staff attorney Deb Golden and Vermont attorney Robert Appel.
3. ***Human Rights Defense Center v. Corizon (FL)*** – On July 26, 2018, HRDC filed a lawsuit against Corizon Health, Inc. – the former medical provider for the Florida Dept. of Corrections – seeking disclosure of verdicts and settlements involving the company over a six-year period. Corizon failed to produce the documents or admit that it was subject to the public records law in Florida. The case remained pending in Circuit Court at the close of 2018. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by local counsel Deanna Shullman and Giselle M. Girones with Shullman Fugate, PLLC.
4. ***Human Rights Defense Center and Michelle Dillon v. Dept. of Homeland Security & Immigration and Customs Enforcement*** – On August 3, 2018, HRDC requested records related to litigation against ICE and its employees or agents created since January 1, 2010. Because ICE failed to produce responsive documents, HRDC filed suit in the Western District of Washington alleging that the non-disclosure violated the Freedom of Information Act. By the end of the year, the defendants had responded to HRDC’s complaint by claiming the requested records were protected under the Privacy Act and FOIA exclusions. HRDC is represented by general counsel Sabarish Neelakanta and staff attorney Deb Golden, and by Eric M. Stahl with Davis Wright Tremaine, LLP.
5. ***Human Rights Defense Center v. Otero County (NM)*** – On August 31, 2018, HRDC filed suit seeking disclosure of records concerning claims and lawsuits against the Otero County Detention Center, after the county failed to produce the documents in violation of New Mexico’s Inspection of Public Records Act. As of the close of 2018, the defendants had moved to dismiss arguing mootness, as the records were provided to HRDC prior to the filing of the lawsuit. HRDC is represented by staff attorney Deb Golden, and by Mark Donatelli and Caroline Manierre with the law firm of Rothstein Donatelli, LLP.
6. ***Human Rights Defense Center and Michelle Dillon v. U.S. Dept. of Health and Human Services & Office of Refugee Resettlement*** – HRDC filed suit on October 1, 2018, seeking records related to litigation against the U.S. Dept. of Health and Human Services and Office of Refugee Resettlement. The defendants responded in November 2018, denying that they had any obligation to disclose the records. The court entered a scheduling order for discovery and the case is pending. HRDC is represented by staff attorney Deb Golden and by Jeremy E. Roller with Yarmuth Wilsdon, PLLC.
7. ***Human Rights Defense Center v District of Columbia*** – On December 4, 2018, HRDC filed suit against Muriel Bowser, Mayor of the District of Columbia, and Quincy Booth, director of the District of Columbia Department of Corrections, seeking records and written statements related to the shackling and confinement of pregnant prisoners. As of the close of 2018, the parties had reached a tentative agreement to disclose the requested documents. HRDC is represented by staff attorney Deb Golden.

8. ***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. The company filed a motion to dismiss, which was denied by the court, and the parties were engaged in discovery as of the end of the year. HRDC is represented by staff attorney Deb Golden, and by Thomas Leatherbury and Michelle Arishita with the law firm of Vinson and Elkins.

B. Cases Resolved in 2018

1. ***Prison Legal News v. Bureau of Prisons (Samuels II)*** – On June 3, 2015, HRDC filed suit against the federal Bureau of Prisons in 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 from January 2008 through November 2013, pursuant to the Freedom of Information Act. The BOP subsequently began releasing documents responsive to HRDC's request, including document productions that totaled over 18,700 pages 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 production in late summer and fall 2017. In 2018, the parties agreed to the production of the rest of the documents responsive to HRDC's FOIA request, and settled attorneys' fees and costs for \$180,000. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Ronald London, Will Helmuth and Ashley Vulin with Davis Wright Tremaine, LLP.

C. Cases Still Pending in 2018

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

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.

A. New Cases Filed in 2018

1. ***Reyes v. JPay, Inc.*** – On January 12, 2018, Joe Rudy Reyes [filed a class-action lawsuit](#) against JPay, Inc., Sunrise Bank and Praxell, Inc. for issuing fee-laden debit cards in lieu of cash or checks to prisoners released from the California Department of Corrections and Rehabilitation (CDCR). Mr. Reyes, like thousands of other CDCR prisoners, was given a pre-activated debit card containing the funds from his prison trust account. He had no choice but to accept the card, and was not provided with any terms and conditions detailing the numerous fees and surcharges associated with its use and maintenance. Mr. Reyes filed suit asserting violations under the Electronic Funds Transfer Act, California consumer protection laws, and common law claims of conversion and unjust enrichment. The defendants filed a motion to compel arbitration, claiming that by accepting the debit card, Reyes was subject to its arbitration provisions. In June 2018, the court granted the defendants' motion. On December 28, 2018, Mr. Reyes filed a petition for writ of mandamus and/or prohibition seeking intervention from the Ninth Circuit due to the improper grant of arbitration. The case remained pending before the Court of Appeals at the close of 2018. Mr. Reyes is represented by HRDC general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; and by Lisa Faye Petak, Mark Griffin and Laura Gerber with the law firm of Keller Rohrback. On the petition for mandamus, he is also represented by Karla Gilbride with Public Justice, P.C.

B. Cases Still Pending in 2018

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. 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. The defendants filed a motion to compel arbitration that was denied by the district court in May 2018. As of the end of the year, the parties were engaged in discovery. Mr. Reichert is represented by HRDC general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; and by Mark Griffin and Laura Gerber with the law firm of Keller Rohrback.
2. ***Brown v. Stored Value Cards*** – 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 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 district 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. The defendants moved for summary judgment, which was granted by the court in August 2018. Ms. Brown filed a notice of appeal and the case remained pending before the Ninth Circuit at the close of the year. Ms. Brown is represented by HRDC general counsel and litigation director Sabarish Neelakanta; by attorneys Mark Griffin and Laura Gerber with Keller Rohrback; by Benjamin Haile in Portland, Oregon; and by Karla Gilbride with Public Justice, P.C. on appeal.

IV. PRISON CONDITIONS / DEATH CASES

A. New Cases Filed in 2018

- 1. *H.C. v. Palm Beach County Sheriff's Office (FL)*** – After a nearly seven-month investigation, HRDC, the Legal Aid Society of Palm Beach County and the law firm of Cohen Milstein filed a [class-action lawsuit](#) in June 2018 against the Palm Beach County Sheriff's Office and the School Board of Palm Beach County over the placement of juvenile offenders in solitary confinement at the county jail and the failure to provide them with educational programming in violation of the Eighth and Fourteenth Amendments, the Rehabilitation Act, the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). Along with the complaint, a motion for a preliminary injunction was filed to end the unconstitutional practices at the jail and ensure that juveniles received educational services. The district court ordered expedited discovery, and a hearing on the preliminary injunction was set for October 2018. Prior to the hearing and after several months of discovery, including a review of over 10,000 documents, 18 depositions, a jail inspection and expert reports, the defendants agreed to a settlement that will effectively end solitary confinement and ensure educational programming for juvenile offenders held at the jail. Additionally, the settlement calls for five years of monitoring. The case remained pending final approval of the settlement at the end of 2018. The class members were represented by HRDC general counsel and litigation director Sabarish Neelakanta, and HRDC staff attorney Masimba Mutamba; by Melissa Duncan with the Legal Aid Society of Palm Beach County; and by Theodore Leopold and Diana Martin with Cohen Milstein Sellers & Toll, PLLC.
- 2. *Lorine Gaines v. Julie Jones (FL)*** – On August 1, 2018, HRDC filed a [wrongful death lawsuit](#) in federal court on behalf of the mother of a Florida state prisoner, Vincent Gaines, who died of starvation and inadequate medical and mental health care in December 2015. Vincent was serving a five-year sentence; he had previously been hospitalized twice for mental health care, and diagnosed with bipolar disorder and mania with psychotic features. He was transferred to the Florida Department of Correction's

(FDOC) Transitional Care Unit at the Dade Correctional Institution in March 2014, due to hallucinations and delusions. As part of his treatment plan, Vincent was placed on a “boneless diet” served without utensils. Following a disciplinary report in April 2015 for trying to enter the facility’s food service area without permission, he was transferred to the Florida State Prison in Raiford, then to the Union Correctional Institution, where he was placed in Close Management status (solitary confinement). While held by the FDOC, his psychotropic medications were discontinued. On December 1, 2015, a Corizon Health social worker intern wrote that Vincent was “alert, calm and cooperative and his speech was appropriate.” However, two days later he was found unresponsive in his cell and pronounced dead. According to the Medical Examiner, at the time of his death Vincent was 5’9” and weighed just 115 pounds. During his two-and-a-half years in FDOC custody, while under Corizon’s medical and mental health care, he had lost 75 pounds – around 40 percent of his body weight. He essentially starved to death. The lawsuit was brought by Vincent’s mother, Lorine Gaines, and raises claims under the Americans with Disabilities Act and the Eighth and Fourteenth Amendments. The defendants named in the complaint include FDOC Secretary Julie Jones, prison employee Kevin D. Jordan, Corizon Health – the FDOC’s former medical contractor – and a number of unknown “John Doe” defendants. The case remained pending at the end of the year. Mrs. Gaines is represented by HRDC general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; and by Edwin Ferguson with The Ferguson Firm, PLLC.

V. AMICUS BRIEFS

The Human Rights Defense Center joined in the following amicus briefs in 2018:

1. ***McDonough v. Smith*** – Edward McDonough was prosecuted on felony charges based on fabricated evidence. After being acquitted, he sued the prosecutor in his case, who allegedly forged witness affidavits and falsified other evidence that was used at trial and in preliminary proceedings. Mr. McDonough brought his claim under 42 U.S.C. § 1983, which allows individuals to file lawsuits for damages against state officials who violate their constitutional rights. However, the U.S. Court of Appeals for the Second Circuit held that Mr. McDonough could not pursue his claims because he filed suit after the statute of limitations had expired. That limitations period, the appellate court said, began running as soon as Mr. McDonough knew, or should have known, that fabricated evidence was used against him. In November 2018, HRDC and other criminal defense and civil rights organizations joined an [amicus brief](#) in support of Mr. McDonough’s petition for writ of certiorari to the United States Supreme Court. The brief was authored by the law firm of Arnold & Porter Kaye Scholer, LLP.
2. **Update on *In re Simmons*** – On April 5, 2018, the Washington Supreme Court issued an [opinion](#) in the case of Tarra Simmons, a former prisoner who had gone to law school but was denied permission to practice law in Washington State because she had been incarcerated. The state Supreme Court ruled unanimously in favor of allowing Simmons to take the bar exam, stating, “we affirm this court’s long history of recognizing that one’s past does not dictate one’s future.” HRDC was among numerous organizations and individuals who joined in an amicus brief filed on her behalf, which was authored by attorneys with the Seattle law firm of Keller Rohrbach.

OTHER ACTIVITIES

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 Chairman Ajit Pai, the FCC did not defend its intrastate rate caps before the Court of Appeals.

On July 13, 2018, HRDC filed a [comment](#) with the FCC calling for Chairman Pai to recuse himself from all matters involving prison telecom Securus Technologies, because he had represented the company while in private practice prior to his appointment to the FCC. HRDC also objected to Securus’ merger with another prison telecom, ICSolutions, “as that would further increase the duopoly nature of the ICS industry” and result in “even less competition.”

Additionally, on July 16, 2018, HRDC and several other organizations joined the Wright petitioners in filing a [Petition to Deny](#) on the FCC docket, in opposition to the proposed merger between Securus Technologies and ICSolutions. The petition noted that “Securus has clearly demonstrated that it lacks the character qualifications to remain a holder of Commission-issued authorizations.” The merger remained pending before the FCC at the end of 2018.



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 2018 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.

During 2018 we filed a new lawsuit in California over debit cards issued to prisoners released from state prisons (*Reyes v. JPay*), and continued litigating two ongoing cases in Washington (*Reichert v. Keefe Commissary Network, LLC*) and Oregon (*Brown v. Stored Value Cards*). For details on those 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.

HRDC special projects coordinator Panagiotti Tsolkas continued to work on prison environmental issues in 2018, including opposition to the construction of a new federal prison in Letcher County, Kentucky on the site of a former coal mine. A [lawsuit](#) was filed by federal prisoners and the Abolitionist Law Center in November 2018; the prisoners claimed they had not been properly informed about the proposed Letcher County prison so they could submit comments during the Environmental Impact Statement (EIS) process.

As part of the PEP campaign, *Prison Legal News* ran a [cover story](#) in April 2018 titled, "America's Toxic Prisons: The Environmental Injustices of Mass Incarceration," which was originally published by *Earth Island Journal* and Truthout. *PLN* also published an [article](#) in November 2018 about a lawsuit filed by Connecticut prisoners over exposure to radon gas at the Garner Correctional Institution, as well as a February 2018 [article](#) concerning environmental dangers in Louisiana prisons.



CORECIVIC / GEO GROUP RESOLUTIONS

In November 2017, HRDC associate director Alex Friedmann, who owns a small amount of stock in both CoreCivic and GEO Group as an activist investor, submitted shareholder resolutions to both companies. CoreCivic claimed it did not receive the resolution before the deadline, thus it did not proceed. The resolution filed with GEO Group would have required the company to allow proxy access – the ability of certain large shareholders to make their own nominations to the company's board of directors, rather than only the company being able to nominate board members. The resolution went before shareholders at GEO Group's annual meeting in May 2018, and failed to pass after receiving around 27% of the voting shares.



Alex [submitted shareholder resolutions](#) with both CoreCivic and GEO Group in late 2018, which would have prohibited the companies from housing immigrant children who have been separated from their parents, or immigrant parents who have been separated from their children. While both companies have strongly denied holding separated children, they do house separated parents – thus perpetuating the problem of family separation. Further, the resolutions noted that CoreCivic and GEO may change their policy “in the future or may enter into future contracts to house separated immigrant children and/or parents.”

“If CoreCivic’s executives don’t believe they should profit from families being separated, then they should have no objection to this resolution and should let it go before shareholders for a vote,” Alex stated. “But detaining immigrant families – including children – has been very profitable for the company.”

Alex is represented in his shareholder resolutions *pro bono* by attorney Jeffrey Lowenthal with the New York law firm of Stroock Stroock Lavan, LLP. The CoreCivic and GEO Group resolutions related to family separation remained pending at the end of 2018.

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 2018, HRDC public records manager and development coordinator Michelle Dillon continued to submit Freedom of Information Act and public records requests to law enforcement and corrections agencies nationwide. Our FOIA Project, overseen by staff attorney Deb Golden in Washington, D.C., filed eight lawsuits in 2018 over denials of our public records requests. For details on those cases, see the litigation section above.

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 2018, HRDC had 3,354 e-newsletter members, 11,921 combined Facebook likes, 15,664 Twitter followers and 224 connections on LinkedIn.



HRDC launched a [GoFundMe campaign](#) in August 2018, to raise funds to support shareholder resolutions filed with private prison companies CoreCivic and GEO Group that would prohibit them from housing immigrant children and parents who had been separated by ICE (see the “CoreCivic / GEO Group Resolutions” section, above).

In December 2018, HRDC launched another GoFundMe campaign titled “Bulldozer: The Prison & Immigration Reform Vehicle.” The campaign stated: “We need heavy equipment to bulldoze the Prison Industrial Complex, and our equipment comes in the form of funding to support our mission to advocate for the rights of people held in prisons, jails and other detention facilities, including immigrant detention centers.”

COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2018 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, 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 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 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 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 Lawyers Guild's National Police Accountability Project, the Trial Lawyers Association of Metropolitan Washington D.C., American Bar Association, Kentucky Bar Association, Washington Council of Lawyers, D.C. Bar Association and the Criminal Law, DC Affairs, Litigation and Individual Rights communities of the D.C. Bar.
- **HRDC staff attorney 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 Masimba Mutamba** is a Florida Bar Delegate to the American Bar Association House of Delegates, a representative on the Florida Bar Young Lawyers Division Board of Governors, and an appointed member of the Florida Bar's Standing Committee on Media & Communications Law. He is also a member of the National Lawyers Guild's National Police Accountability Project. In his local community, Masimba is actively involved in the Palm Beach County Judicial Diversity Initiative, the F. Malcolm Cunningham, Sr. Bar Association, the Palm Beach County Bar Association's standing Committee for Diversity and Inclusion, and that Bar's Young Lawyers Section.

LOOKING FORWARD: GOALS FOR 2019

HRDC plans to continue our criminal justice reform and public education efforts in 2019 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 2018 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 2019. 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.

While HRDC continues to coordinate the national Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates, due to the lack of interest in that issue by the FCC under its current leadership, we intend to focus on state-level reforms and advocacy.

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*.

Our book publishing plans for 2019 include an updated edition of *With Liberty for Some* by Scott Christianson, and *The Habeas Citebook: 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.

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.



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www.humanrightsdefensecenter.org

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www.prisonphonejustice.org

www.stopprisonprofiteering.org

www.prisonecology.org

www.privateprisonnews.org

www.wronglyconvicted.org