



**HUMAN
RIGHTS
DEFENSE
CENTER**

2016 Annual Report



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NOTABLE DEVELOPMENTS

The Human Rights Defense Center, a non-profit 501(c)(3) organization founded in 1990, is the parent organization of *Prison Legal News (PLN)*, our award-winning monthly publication that covers criminal justice-related news and court decisions.

During the past year, HRDC continued to lead the national [Campaign for Prison Phone Justice](#), which seeks to reduce the high cost of telephone calls made by prisoners. Rate caps on intrastate prison and jail phone calls were scheduled to go into effect in March and June 2016, respectively, but were stayed after telecom companies and corrections officials challenged the reforms in federal court. Limits on ancillary fees did go into effect, though.

HRDC also continued to direct the [Stop Prison Profiteering](#) campaign and [Prison Ecology Project](#) throughout 2016, filing comments with regulatory agencies.

We had several notable litigation successes, including settling censorship lawsuits against four county jails and the Nevada Department of Corrections.

HRDC also released the *Prison Education Guide* and 2nd edition of *The Habeas Citebook* through our book publishing project, PLN Publishing, and began collecting donations to launch the William A. Trine Fellowship, in honor of one of our longstanding board members.

PLN— THE MAGAZINE

HRDC’s 72-page monthly publication, *Prison Legal News*, reports on corrections and criminal justice-related issues. *PLN* celebrated its 26th anniversary on May 1, 2016, continuing its distinction of being the longest-running independent magazine produced by and for prisoners.



PLN published the following cover stories in 2016:

- **January:** “Are We There Yet? The Promise, Perils and Politics of Penal Reform,” by University of Pennsylvania Professor Marie Gottschalk, examined the scope of the carceral system in the U.S. and the state of criminal justice reform.
- **February:** David Reutter described the abysmal state of affairs in Florida’s prison system, in “Florida’s Department of Corrections: A Culture of Corruption, Abuse and Deaths.”

- **March:** “Widespread Corruption in L.A. County Jails Leads to Federal Investigation, Indictments,” by David Reutter.
- **April:** “Jailhouse Medicine – A Private Contractor Flourishes Despite Controversy Over Prisoner Deaths,” by Brian Joseph with FairWarning.org, described deaths and medical neglect involving California Forensic Medical Group.
- **May:** In “Alabama Forced to Confront Criminal Justice Reform,” David Reutter provided a detailed look at problems within Alabama’s penal system.
- **June:** “Incarceration, Justice and the Planet: How the Fight Against Toxic Prisons May Shape the Future of Environmentalism,” by Panagioti Tsolkas, continued *PLN*’s ongoing series on prison environmental issues.
- **July:** Gary Hunter examined problems with the American Correctional Association and National Commission on Correctional Health Care in “Betraying the Promise of Accreditation: *Quis Custodiet Ipsos Custodes?*”
- **August:** In “Not so Securus,” Jordan Smith and Micah Lee with *The Intercept* reported on a data breach involving prison phone service provider Securus.
- **September:** Matthew Clarke provided a national perspective on the issue of jailing child support debtors in “Poor Parents Fail to Pay Child Support, Go to Jail.”
- **October:** *PLN* managing editor Alex Friedmann examined cost-shifting factors in the private prison industry in “Apples-to-Fish: Public and Private Prison Cost Comparisons.” This was a shortened version of his article previously published in the *Fordham Urban Law Journal*.
- **November:** “When Prison is Not Enough: The Rise (and Perhaps the Fall) of the Supermax Prison,” by Keramet Reiter, reviewed the history and current use of supermax facilities.
- **December:** “This Man Will Almost Certainly Die,” by Seth Freed Wessler, writing for *The Nation*, addressed prisoner deaths in for-profit federal prisons that house immigrant detainees.

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 fifty states and approximately 70% of our subscribers are incarcerated. *PLN*’s readership is much higher than the number of subscribers, as reader surveys indicate 10 people read each copy of *PLN*. We distributed our most recent reader survey in August 2016 and were still compiling the results at the end of the year.



PLN continued to receive an enormous volume of mail throughout 2016. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending news clippings, court decisions and other items of interest. Regretfully, due to this large amount of mail, *PLN* is unable to respond to the majority of people who contact us.

BOOK DISTRIBUTION

BOOK SALES

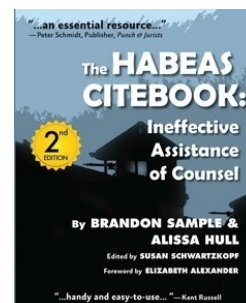
HRDC offers a wide variety of books of interest to prisoners, including hard-to-find works on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own appeals and lawsuits.

HRDC added several new titles to our book list in 2016, including *Caught: The Prison State and the Lockdown of American Politics* by Marie Gottschalk, and *Cell Workout* by former British prisoner L.J. Flanders. HRDC shipped over 5,460 books in 2016, mostly to prisoners.

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.

During 2016, *PLN* Publishing published the second edition of *The Habeas Citebook: Ineffective Assistance of Counsel*, by former federal prisoner Brandon Sample, in September 2016. We also released the *Prison Education Guide* by *PLN* contributing writer Christopher Zoukis in March 2016, as an updated title that replaced the *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada* (3rd edition), by Jon Marc Taylor.



HRDC, PLN AND PPJ WEBSITES

We continued to expand *PLN*'s website in 2016 by posting hundreds of articles, pleadings and publications in new content. *PLN*'s website (www.prisonlegalnews.org) receives over 150,000 visitors each month and has become a significant resource for media and community outreach and public education on criminal justice issues.

At the end of 2016, *PLN*'s site had almost 21,000 news and law articles in its searchable database. The publications section had more than 6,800 reports, audits and other documents related to criminal justice topics, and our brief bank contained over 9,000 legal pleadings – including complaints, motions, appeal briefs, verdicts, judgments and settlements.

HRDC's website, www.humanrightsdefensecenter.org, was also improved in 2016. The site includes updated staff and board profiles and a library of HRDC letters and comments filed with government agencies and legislative bodies.

We have continued to add content to our Campaign for Prison Phone Justice website, www.prisonphonejustice.org, as well as our Stop Prison Profiteering and Prison Ecology Project sites, www.stopprisonprofiteering.org and www.prisonecology.org, respectively.

HRDC STAFF

HRDC's executive team during 2016 included Paul Wright, executive director and editor of *PLN*; Alex Friedmann, associate director and *PLN*'s managing editor; chief financial officer and advertising director Susan Schwartzkopf; and general counsel Lance Weber. Lance left at the end of the year and was replaced by Sabarish Neelakanta as HRDC's general counsel and litigation director.

Staff members who continued from the previous year included Carrie Wilkinson, prison phone justice director; Rachel Stevens, paralegal; Frances Saucedo, customer service assistant; Panagiotti Tsolkas, special projects coordinator; Judith Cohen, advertising coordinator/office manager; Monte McCoin, social media director; Robert Pew, legal assistant; Emilee Sandoval, office assistant; and Melanie Abbott, research assistant.

Several new employees joined HRDC in 2016, including paralegal Kathy Moses, office assistant William Steinfeld and research assistant Jenny Wright. We also want to recognize our dedicated volunteers, including Wil Van Natta and Shauna Coolican, as well as the interns and work study students who assisted us during the past year.

HRDC BOARD OF DIRECTORS

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

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

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

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

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill was the senior partner in his own law firm for many years until his retirement. He started a national prison project through TLPJ in 2005 and has been plaintiff's counsel in prison 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 founder of the Human Rights Defense Center and its predecessor, Prisoners' Legal News. He is responsible for *PLN*'s editorial content and HRDC's public 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*, and joined HRDC's board in 2016.

FUNDING IN 2016

In 2016, HRDC was funded primarily through earned revenue from its publishing and litigation activities, as well as book sales and individual donations. We also received grant funding from The New World Foundation and Sonya Staff Foundation, and held a fundraising event in Boston on May 5, 2016 to fund the William A. Trine Fellowship; the keynote speaker at that event was former prisoner and CIA whistleblower John Kiriakou.



HRDC Boston fundraising event

ACTIVISM & ADVOCACY

HRDC staff engaged in a number of activism and advocacy efforts in 2016, to effect reform in our nation's justice system and to educate the public as well as policymakers and the mainstream media about criminal justice and prison-related issues. Those efforts included:

- In February 2016, HRDC associate director Alex Friedmann filed a complaint with the Tennessee Board of Judicial Conduct against Campbell County General Sessions Judge Amanda Sammons for, among other issues, 1) Requiring defendants to pay fees for court-appointed counsel when they are represented by retained counsel, claiming that such fees are not waivable when state law provides they are waivable; and 2) Delaying or refusing to issue orders of expungement when charges are dismissed in criminal cases, contrary to state law. The complaint remained pending at the end of the year.
- HRDC executive director Paul Wright and Julia Yoo, a partner at the law firm of Iredale and Yoo, APC, spoke at a panel on First Amendment and due process rights for prisoners at the Thomas Jefferson School of Law in San Diego on February 9.
- On March 2, 2016, Alex Friedmann testified before the Tenn. House State Government Subcommittee in support of HB2368, a bill to reinstate the Select Oversight Committee on Corrections to provide legislative oversight over the Tennessee Dept. of Correction.
- Paul Wright and HRDC special projects coordinator Panagioti Tsolkas presented on a panel at the Public Interest Environmental Law Conference in Eugene at the University of Oregon Law School on March 4, regarding the impact of prisons on the environment.
- On March 11, 2016, HRDC signed on to a letter to the U.S. Department of Justice regarding the overuse of solitary confinement in Florida's prison system. The letter was coordinated by the ACLU of Florida.
- Paul Wright participated as a panelist on March 18 at a National Lawyers Guild South Florida event, titled "Mass Incarceration: Prison Conditions and the Collateral Damage to Communities of Color."

- In April 2016, Paul Wright spoke at Yale University’s Arthur Liman Center for Public Interest Law at the center’s annual law school event, the Public Interest Law Colloquium, which brings together advocates, scholars and students from across the country for two days of discussion regarding prisoner-related law and legal representation.
- Paul Wright co-presented in Chicago at the Northwestern Pritzker School of Law on April 14, at the “De-incarceration through Civil Rights Litigation” conference. His panel focused on the consequences of the growing number of fees and fines imposed on people when leaving prison, often causing a revolving door of release and reincarceration.
- On April 20, 2016, Alex Friedmann gave a phone presentation to representatives of ISS Ethix in Stockholm, Sweden – a branch of the U.S.-based ISS proxy service company, on problems with private prisons. The presentation focused on how private prison employees are affected by the for-profit business model, as well as its impact on prisoners.
- Panagioti Tsolkas gave a lecture at the University of California, Santa Barbara on April 25, entitled “Just Transitions Not Toxic Prisons: Organizing around the Intersections of Incarceration and the Environment,” as part of HRDC’s Prison Ecology Project.
- Alex Friedmann attended the annual shareholder meeting of the GEO Group, the nation’s second-largest private prison company, in Boca Raton, Florida on April 27, 2016. He asked questions of GEO’s board and presented a shareholder resolution related to proxy access, to allow shareholders to nominate candidates for the company’s board.
- On April 29, HRDC joined 177 other civil rights organizations in writing to Attorney General Loretta Lynch and the U.S. Department of Justice, urging them to stop the practice of pursuing deportation of immigrant children who do not have counsel.
- HRDC social media director Monte McCoin and Alex Friedmann attended the annual shareholder meeting of Corrections Corporation of America (now known as CoreCivic) in Nashville on May 12, 2016. Both asked questions of CCA’s board and Alex spoke to protestors outside the meeting, which generated local media coverage.
- Alex Friedmann spoke at a community forum on private prisons held at the International Brotherhood of Electrical Workers Local 429 in Nashville on May 14. The event was sponsored by HRDC, the Nashville NAACP and the No Exceptions Prison Collective.
- Paul Wright participated and spoke at the Economic Justice in the Courts, Litigation and Advocacy Summit on May 23-24, 2016 in Montgomery, Alabama. The Southern Poverty Law Center sponsored the event, and Paul’s panel focused on “pay to stay” fees assessed against those who are incarcerated, as well fees related to phone calls and visitation, sending money to prisoners and debit release cards.



Protest at CCA’s 2016 annual meeting

- In May 2016, HRDC assisted Illinois advocates in efforts to reduce the cost of prison phone calls via HB 6200, including participating in a conference call with representatives from the Illinois Department of Corrections and the governor's office. HB 6200 passed and was signed into law on August 22, 2016, capping prison phone rates at \$.07/minute.
- The report "How Private Prison Companies Increase Recidivism," by In the Public Interest, a public policy and research organization, was released in June 2016. Alex Friedmann contributed to the report and was thanked in its acknowledgments.
- Panagioti Tsoikas and Alex Friedmann presented at the Convergence on Toxic Prisons event in Washington, D.C. on June 11, 2016. They both also attended a meeting and spoke with representatives of the Environmental Protection Agency (EPA) regarding prison pollution and its impact on prisoners and the environment.
- On June 23, Alex Friedmann spoke at the Knox County Incarceration Collective regarding HRDC's litigation against the jail in Knox County, Tennessee over censorship and a "postcard only" policy at the facility.
- Monte McCoin attended a protest at Corrections Corporation of America's office in Nashville on June 28, 2016 related to immigration detention; the event was coordinated by Workers' Dignity.
- HRDC submitted an opposing [comment](#) to the Surface Transportation Board, a federal agency, on August 8, concerning the merger of Prisoner Transportation Services (PTS) and U.S. Corrections, another for-profit transport company. As a result of the comment, approval of the merger by the Board was delayed.
- On September 1, 2016, HRDC filed a [comment](#) with the U.S. Census Bureau regarding how prisoners should be counted during the next census, concluding, "We submit that counting prisoners as residents of the local communities where correctional facilities are located is inaccurate and skews the census results."
- HRDC and over 340 other advocacy organizations signed on to a September 14 letter to the Department of Homeland Security to end the use of private, for-profit immigration detention facilities. The letter was coordinated by Detention Watch Network.
- Alex Friedmann spoke on a panel presentation at the Restoring Justice in the City summit in Nashville on October 1, 2016; he spoke about private prisons on a panel organized by Vanderbilt University Professor Lisa Guenther. Monte McCoin also attended.
- HRDC signed on to an October 3, 2016 joint [letter](#) expressing concern with the proposed implementation of the Deaths in Custody Reporting Act (DICRA); the letter, coordinated by the ACLU, requested that "the Office of Justice Programs (OJP) condition federal criminal justice grants on data collection and reporting on police-civilian encounters."

- Paul Wright, Alex Friedmann and HRDC prison phone justice director Carrie Wilkinson participated in the Solutions 2020 Policy Forum hosted by FCC Commissioner Mignon Clyburn at the Georgetown University Law Center in Washington, D.C. on October 19. Paul spoke on a panel entitled “Combating Inequality in the Communications Sector.” On November 13, HRDC followed up with a letter to Commissioner Clyburn, calling for a ban on monopoly contracts for prison and jail phone services “to allow for a competitive marketplace and correct the market failure created by exclusive contracts.”
- HRDC organized and signed on to a joint October 27, 2016 letter addressed to the federal Bureau of Prisons, seeking the elimination of the BOP’s monthly limit on prisoner phone calls – the only prison system in the U.S. that imposes such restrictions. Other signatories included representatives from the Yale Law School’s Arthur Liman Public Interest Program, the National Association of Women Judges’ Committee on Women in Prison, and Columbia Law School.
- On October 28, Alex Friedmann gave a presentation on private prisons and other criminal justice-related issues to an Osher Lifelong Learning class in Nashville. The event was arranged by Joe Ingle, a prominent local criminal justice advocate.
- Alex Friedmann spoke at an after-protest event following an Oct. 29, 2016 demonstration outside the residence of Corrections Corporation of America CEO Damon Hininger in Brentwood, Tennessee. The protest was organized by immigrants’ rights activists.
- HRDC signed on to an October 31 letter to Jeh Johnson, Secretary of the Department of Homeland Security, urging him not to renew the contract for the GEO Group-operated South Texas Detention Complex in Pearsall, which was set to expire the following month. The letter, coordinated by Grassroots Leadership, included requests to protect the safety and health of immigrant detainees.
- On November 3, 2016, HRDC prison phone justice director Carrie Wilkinson submitted a letter to the Washington Statewide Reentry Council, recommending that the council “call on the Governor to issue an Executive Order eliminating all commissions, effectively nothing more than kickbacks, from prison phone and video visitation contracts executed by the Washington State Department of Corrections (DOC). We also recommend that in the future, such contracts be bid on the basis of which contractor can provide the best service at the lowest cost to the consumers who actually pay the bills.”
- Paul Wright gave a presentation via Skype on November 11 for students at Northeastern University School of Law in Boston, organized by Professor Gabriel Arkles, regarding prisoner rights, the Prison Rape Elimination Act (PREA), the Prison Litigation Reform Act (PLRA) and LGBT prisoners.
- On November 18, 2016, Alex Friedmann attended an invitation-only conference in Austin, Texas, “Out of the Shadows,” organized by Michele Dietch, on prison oversight. He co-facilitated a panel on private prisons with Bob Libal of Grassroots Leadership.

- Paul Wright was a guest speaker at the Vox Captae media event in Chicago, Illinois on November 18, concerning criminal justice reform; the event organizers included HRDC, as well as former NFL Hall of Famer Richard Dent and human rights activist Kristi Dunn Kucera, who both have had incarcerated family members. The event was held on the one-year anniversary of the White House’s Criminal Justice Reform Initiative.



Richard Dent, Kristi Dunn and Paul Wright at Vox Captae event

- HRDC submitted a [public comment](#) to the Tennessee Office of Open Records Counsel on December 14, 2016 regarding that agency’s proposed model public records policy. Previously, HRDC successfully litigated a Tennessee public records suit against CCA.

MEDIA OUTREACH

HRDC and *PLN* continued to make the news in 2016, with news reports that cited our articles or quoted our staff members. This media coverage included newspapers, magazines, radio programs, TV shows and online news sources. HRDC also issued four press releases this year. The following is a “Top 50” list of the media coverage that *PLN* and HRDC received in 2016, which excludes articles about our litigation. While this is not a complete list, it is illustrative of our media footprint. Links to these articles and hundreds more are available on *PLN*’s website under “[PLN in the News.](#)”

- Slate.com cited a *PLN* article in a January 6, 2016 news report on mentally ill prisoners, titled “Prisons Have Become America’s New Asylums.”
- On January 10, *In These Times* published an interview with *PLN* contributing writer Christopher Zoukis, titled “My Words Are Dangerous.”
- As part of its “Truth and Power” series on Pivot TV, TakePart.com released a video and article on January 21, 2016 that included [interviews](#) with HRDC executive director Paul Wright and associate director Alex Friedmann, on the topic of private prisons.
- On February 8, Alex Friedmann was quoted in a Nashville WSMV Channel 4 article on two prisoners who committed suicide at a Tennessee jail.
- An article published by *Tulsa World* on February 10, 2016 about prison education cited *PLN* contributing writer Christopher Zoukis.
- *PLN* was mentioned in a March 1 Newsmax.com article on the declining number of state prisoners in Texas.
- Paul Wright appeared on [Crime Beat](#), an ArtistFirst World Radio program, on March 10, 2016, along with Seth Ferranti, owner of the Gorilla Convict website, and Kevin Chiles, publisher of *Don Diva Magazine*. The topic was “Prison reform: issues and solutions.”

- Alex Friedmann was interviewed for a [report](#) on prison privatization by CGTV (Chinese TV), which aired on April 1.
- KKFI radio, a community station in Kansas City, Missouri, interviewed Alex Friedmann about privatized probation systems on April 18, 2016.
- On April 19, Law360.com highlighted HRDC's criticism of a non-disclosure issue that involved a Securus employee who testified at an FCC hearing about cell phone detection technology without indicating his affiliation with Securus, which has an economic interest in curtailing the use of contraband cell phones by prisoners.
- A *PLN* report was cited in a *San Diego Union-Tribune* article on May 4, 2016 concerning the death of a Russian immigrant detainee at a CCA-operated facility in California. *PLN* had reported five other deaths at the facility since 2004.
- On May 10, Alex Friedmann was quoted by Truth-out.org in a news report on private prison investments and divestment.
- *The Atlantic* discussed HRDC's Prison Ecology Project in a May 24, 2016 article about the environmental impact of prisons, titled "Behind Bars on Polluted Land."
- In a June 9 report on the departure of Tennessee Department of Correction Commissioner Derrick Schofield, NBC News quoted Alex Friedmann, who criticized some of the policies that Schofield had enacted during his tenure.
- Paul Wright was interviewed by WHDT World News for a [video report](#) on prison labor, which aired on June 13, 2016.
- HRDC was cited in an article about prisons and the environment, titled "Kentucky Lawmakers Want to Revitalize Coal Country by Building a Prison," published by ThinkProgress.org on June 16.
- *PLN* was mentioned in a *Mother Jones* exposé released on June 23, 2016 that featured an undercover reporter at a CCA-managed prison in Louisiana.
- On June 25, *Talking Points Memo* quoted Alex Friedmann in a lengthy article about the private prison industry.
- HRDC and *PLN* were [profiled](#) by *Courthouse News Service* on July 12, 2016 in an article that detailed *PLN*'s 26-year history, noting it is the "most-censored publication in the United States."
- *PLN* contributing writer Christopher Zoukis profiled *PLN* in "Prison publication provides a voice for those behind bars," published in the *New York Daily News* on July 19.

- On July 22, 2016, Politico.com quoted Alex Friedmann regarding an FCC proposal to slightly increase rate caps for intrastate prison phone calls.
- A Colorlines.com article on July 29 discussed HRDC's comment to the EPA on prisoners and environmental justice issues in that agency's EJ 2020 Plan.
- In an August 1, 2016 article, *The Nation* cited HRDC's litigation and quoted Paul Wright regarding the release debit card industry.
- HRDC's data was mentioned by *The Verge* in an August 9 article on monopoly contracts in the prison phone industry.
- On August 9, 2016, *The Marshall Project* covered HRDC's comment in opposition to a private prison transportation merger.
- In an August 18 article, "Obama Administration Isn't Planning to End Private Prison Contracts," Shadowproof.com cited *PLN*.
- Fusion.com extensively quoted *PLN* managing editor Alex Friedmann in an August 19, 2016 article on the Department of Justice's decision to phase out private prisons.
- On August 30, Vice News quoted *PLN* managing editor Alex Friedmann on the practice of housing immigrant detainees in for-profit facilities.
- *The Atlantic* magazine's blog quoted *PLN* in a September 2, 2016 article on Tasers being issued to guards at the Rikers Island jail complex in New York City.
- Alex Friedmann spoke on a [panel](#) on "The Heat," a program of CGTV (Chinese TV), on a Department of Justice memo phasing out private prisons as well as bail reform and criminal justice reforms under the Obama administration. The show aired on September 7. The other panelists included Arjun Sethi, an adjunct law professor at Georgetown University, and Hilary Shelton, Washington Bureau Director of the NAACP.
- The *Palm Beach Post* in Florida [profiled](#) Paul Wright and *PLN* in a September 9, 2016 article, "How a Lake Worth ex-convict became a national prisoner rights advocate."
- On September 19, *Mother Jones* magazine quoted Paul Wright on the nationwide prison work strike, and CBS News quoted Alex Friedmann on the same topic.
- Paul Wright spoke on a September 22, 2016 NPR radio show on a [segment](#) titled "The trouble with reporting on prisons."
- *PLN*'s editor was quoted on September 25 by *The Guardian* (UK), in an article entitled "The banning of books in prisons: 'It's like living in the dark ages,'" which noted Dan Slater's book *Wolf Boy* was one of the latest to be banned in U.S. prisons "for reasons that seem capricious, illogical and vindictive."

- Alex Friedmann was [interviewed](#) by District Sentinel Radio in Washington, D.C. on September 27, 2016, on the nationwide prison work strike earlier that month.
- The American Bar Association [profiled](#) *PLN* and our litigation team in the October 2016 issue of the *ABA Journal*, in an article titled “Ex-con fights for prisoner rights and battles censorship.”
- *PLN*’s comments on prison labor were referenced by the BBC on October 3 in regard to the nationwide prison work strike.
- On October 3, 2016, *The Guardian* (UK) published an article on the September prison work strike that coincided with the anniversary of the Attica prison uprising 45 years earlier, quoting *PLN*’s managing editor. The story was titled “Inside America’s biggest prison strike: The 13th Amendment didn’t end slavery.”
- Alex Friedmann was quoted in the *Tennessean* on October 3 after three top officials at the Tennessee Prison for Women were placed on leave. “The public deserves to know what is happening within our state prison system, and what processes or protocols are not being adequately followed by TDOC employees,” he stated.
- On October 4, 2016, Alex Friedmann appeared on the Roach Brown radio show in Washington, D.C., along with Rev. Kenneth Glasgow, and spoke about the nationwide prison work strike.
- Paul Wright was [interviewed](#) on the use of prisoners as firefighters by a Chinese news media agency; the video was posted on October 13. That same day, he spoke on KPFA radio in San Francisco regarding the prison work strike.
- *The Capitol Forum* cited *PLN* in an October 23, 2016 article about GEO Group’s protest of the Department of Justice’s decision to phase out private prisons.
- On October 25, *The Marshall Project* quoted Paul Wright regarding the censorship of a prisoner’s book by the Washington Department of Corrections in an article titled, “Does the First Amendment end at the prison gate?”
- Alex Friedmann was [interviewed](#) by National Geographic’s “Explorer” for an episode on prison privatization, which included a helicopter tour of three prisons in Virginia (USP Lee, Wallens Ridge and Red Onion). The show aired in November 2016.
- RT TV (Russian Television) mentioned *PLN* and the Campaign for Prison Phone Justice in an article about Securus on November 5, 2016, titled, “Securus from what? A look at the company blocking FCC efforts to cap prison calls.”
- Paul Wright was quoted by *The Daily Beast* on November 9 on issues related to censorship and the nationwide prison work strike.

- Alex Friedmann was [interviewed](#) with Jeannie Alexander, director of the No Exceptions Prison Collective, for a Nashville News Channel 5 program that aired on November 18, 2016, concerning prison reform.
- On November 26, Alex Friedmann spoke on the WZBC-FM radio show in Boston about compassionate release, mainly in the federal prison system.
- Alex Friedmann was interviewed on the topic of private prisons by the Japanese online news publication Nikkanberita.com on December 8, 2016.
- *PLN* was mentioned in an article published by *The Intercept* on December 17 about a riot at a CCA-operated facility, titled, “Fatal Corrections: Inside the Deadly Mississippi Riot that Pushed the Justice Department to Rein in Private Prisons.”

Litigation Project

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

Our litigation efforts continued to generate media coverage in 2016, including articles in the *Chicago Law Bulletin*, *Rutland Herald*, *Livingston Daily*, *Kane County Chronicle*, *Civil Beat*, *WCYB (TN)*, *Santa Fe New Mexican*, *Bizjournals*, *Arizona Public Media*, *Reuters*, *Detroit News*, *Las Vegas Review-Journal* and *Las Vegas Sun*.

HRDC’s 2016 litigation docket included the following cases; cases that were both filed and resolved during the year are listed in the “Cases Resolved” section. HRDC captions many of its censorship cases under the name of its monthly publication, *Prison Legal News*.



HRDC Counsel
Sabarish Neelakanta

NEW CASES FILED IN 2016

Prison Legal News v. Management & Training Corporation (Otero County Prison Facility, New Mexico). In October 2016, *PLN* filed suit against private prison contractor Management & Training Corporation (MTC) over its operation of the Otero County Prison Facility in New Mexico. The complaint alleged that MTC had enforced a policy and practice of censoring books mailed to prisoners at the facility because *PLN* was not on a pre-approved publishers list or otherwise pre-authorized by the company. The suit also claimed that MTC failed to provide *PLN* with due process notice of the censorship or any opportunity to appeal the same. As of the end of 2016, *PLN*’s motion for a preliminary injunction remained pending. *PLN* is represented by Laura

Schauer Ives with the law firm of Kennedy, Kennedy & Ives, along with Bruce E.H. Johnson with Davis Wright Tremaine, LLP and HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Cook County. In June 2016, *PLN* filed suit against the Cook County Jail in Chicago, Illinois for censoring books and magazines sent by *PLN* to prisoners, and for the jail's failure to provide due process notice as required under the First and Fourteenth Amendments to the U.S. Constitution. *PLN* filed a motion for preliminary injunction requesting that these unconstitutional practices end, which was denied by the district court in November 2016. Nevertheless, the court expressed reservations about the constitutionality of the defendants' policies and suggested that further discovery may identify reasons to warrant injunctive relief. At the end of 2016, *PLN* was engaged in discovery over the defendants' policies and practices. *PLN* is represented by Jon Loevy and Matthew Topic with the law firm of Loevy & Loevy in Chicago, and by HRDC counsel Sabarish Neelakanta and Lance Weber

Prison Legal News v. Corizon Health. In March 2016, *PLN* filed a public records complaint against Corizon Health in New Mexico for its failure to disclose documents related to litigation, settlements and verdicts concerning the company's contract with the New Mexico Department of Corrections. Corizon argued it was not subject to the public records law because it is not a public entity, despite the fact that it performs a governmental function by providing medical care to prisoners. Corizon filed a motion to dismiss, which remained pending at the end of the year. *PLN* is represented by Laura Schauer Ives with the law firm of Kennedy, Kennedy & Ives in Albuquerque, New Mexico, and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Walker v. Cook County. In September 2016, HRDC and the law firm of Loevy & Loevy in Chicago, Illinois filed a federal lawsuit against Cook County, its police officers and investigators with the State Attorneys' Office on behalf of Jermaine Walker, who spent a decade in prison after being [wrongfully convicted](#) of a drug offense due to misleading photographic evidence taken by the State Attorneys' Office. Jermaine's conviction was vacated on March 25, 2016, and the charges against him were dismissed; he is seeking compensation for his wrongful conviction. Walker is represented by Jon Loevy, Russell Ainsworth, Elizabeth Mazur and Gretchen E. Helfrich with the law firm of Loevy & Loevy in Chicago, and by HRDC counsel Sabarish Neelakanta and Lance Weber.

PRIOR CASES STILL PENDING

Prison Legal News v. Ryan. *PLN* continued its litigation against the Arizona Department of Corrections (ADOC) over its ban of certain issues of *Prison Legal News* on the spurious basis that they contained sexually explicit content, and the failure of prison officials to provide due process notice. In October 2016, *PLN* filed an amended complaint that alleged in addition to issues of its monthly publication, the ADOC had improperly censored one of *PLN*'s books, *The Celling of America: An Inside Look at the U.S. Prison Industry*. Discovery into censorship practices at ADOC facilities continued throughout 2016. The defendants moved to dismiss the amended complaint and *PLN*'s response is due in early 2017. *PLN* is represented by Lisa Ells, Jenny Yelin, Krista Stone-Manista and Andrew Pope Spore of Rosen, Bien, Galvan & Grunfeld, LLP in San Francisco, California; David Bodney, Michael A. DiGiacomo and Heather Horrocks with Ballard Spahr, LLP in Phoenix; and HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Federal Bureau of Prisons. *PLN*'s lawsuit against the federal Bureau of Prisons' supermax facility in Florence, Colorado – the Administrative Maximum Facility (ADX) – due to censorship of *Prison Legal News* and the lack of constitutionally adequate due process notice, remained ongoing in 2016. The BOP moved to dismiss *PLN*'s complaint, arguing that its claims were moot because federal prison officials had amended their policies to allow issues of the magazine to reach prisoners at the ADX. *PLN*'s response to the motion to dismiss is due in the early part of 2017. *PLN* is represented by Peter Swanson, Matthew Shapanka and Stephen Kiehl of Covington & Burling, LLP in Washington, D.C.; by Steven Zansberg of Levine Sullivan Koch & Schulz, LLP in Denver, Colorado; by Prof. David Shapiro at the Northwestern University Pritzker School of Law in Chicago, Illinois; by Elliot Minberg with the Washington Lawyers' Committee for Civil Rights & Urban Affairs in Washington, D.C.; and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Knox County Sheriff. At the start of 2016, *PLN* filed a reply brief in support of its motion for a preliminary injunction seeking to end policies at the Knox County Jail that only permit postcards to be sent to prisoners and censor books and magazines. The parties agreed to attend mediation to resolve the claims, but this resulted in an impasse. After further discovery into the censorship policies at the Knox County Jail, the defendants filed an amended answer admitting liability for censoring *PLN*'s publications and other mail, as well as the lack of due process notice. The parties continued to litigate the issue of injunctive relief, damages, attorneys' fees and costs throughout 2016. *PLN* is represented by Tricia Herzfeld, Elliott Ozment and Will York of Ozment Law in Nashville, Tennessee and by HRDC counsel Sabarish Neelakanta and Lance Weber.



Prison Legal News v. Macomb County Sheriff. *PLN*'s lawsuit against the Macomb County, Michigan jail concerning the facility's postcard-only policy and lack of due process notice continued throughout 2016. The parties were primarily focused on resolving *PLN*'s injunctive claims, and by June 2016 the defendants agreed to be bound by a stipulated injunction that prohibited them from instituting a postcard-only policy and required due process notice when any mail is censored. Accordingly, the only issues remaining for the district court were *PLN*'s claims for declaratory relief, damages, attorneys' fees and costs. *PLN* is represented by James Stewart with Honigman Miller Schwartz and Cohn, LLP; by Bruce E.H. Johnson with Davis Wright Tremaine, LLP; by Dan E. Manville, former HRDC staff attorney and director of the Civil Rights Clinic at the Michigan State University College of Law; and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Northwestern Regional Detention Center. *PLN* filed suit against the Northwestern Regional Detention Center in Virginia in February 2014 over its policy of banning incoming books and magazines; further, jail officials had announced that any publications currently possessed by prisoners would be destroyed if not sent to "family members" within 30 days. After two years of litigation, the jail agreed to a consent decree in which prisoners were allowed to receive publications. Discovery continued during 2016, and *PLN* filed a motion to compel which remained pending at the end of the year. *PLN* is represented by Jeff Fogel and

Steve Rosenfield of Charlottesville, Virginia and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Pottawatomie County Public Safety Center Trust. In October 2015, *PLN* filed suit against a regional jail in Shawnee, Oklahoma that banned incoming publications. In response to our complaint, the jail abandoned most of its unconstitutional mail practices by the close of 2015, and the court asked the parties to file supplemental briefing on *PLN*'s motion for a preliminary injunction. Both parties submitted supplemental briefs in early 2016 and a summary judgment motion was filed by the defendants in December of last year. Both motions remained pending at the close of 2016. *PLN* is represented by Robert Nelon and Ashley Roche with the law firm of Hall Estill in Oklahoma City; Bruce E.H. Johnson of Davis Wright Tremaine, LLP in Seattle, Washington; and HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Samuels I. In September 2005, *PLN* filed a Freedom of Information Act (FOIA) suit in the District of Columbia against the federal Bureau of Prisons, seeking records related to all cases over a multi-year period in which the BOP paid \$1,000 or more to resolve claims or lawsuits. The BOP responded by denying *PLN*'s status as a media agency and trying to charge an exorbitant fee to search for and copy the requested records. The district court ruled in *PLN*'s favor on June 26, 2006 and ordered the BOP to provide the records at no charge. The BOP then produced some of the requested records, but many were redacted or incomplete. In March 2009, the court ordered the BOP to "conduct anew its searches for the records sought by plaintiff," or to demonstrate the adequacy of its search. *PLN* filed five motions for summary judgment in this case, and on July 23, 2013 the district court granted summary judgment to the defendants. *PLN* appealed to the D.C. Circuit Court of Appeals, and also moved for attorneys' fees and costs as the prevailing party because the lawsuit resulted in the BOP producing the requested records. In May 2015, an amicus brief in support of *PLN*'s appeal was filed by nine organizations, including the Reporters Committee for Freedom of the Press, American Society of News Editors, First Amendment Coalition, the National Press Club and the Society of Professional Journalists. The D.C. Circuit Court of Appeals reversed and remanded the district court's grant of summary judgment. Accordingly, throughout 2016 the BOP made additional document disclosures to *PLN* but disputes concerning the breadth of those disclosures continued through the close of the year and the case remains pending. *PLN* was represented before the district court by Washington, D.C. attorney Ed Elder, the Partnership for Civil Justice Fund and HRDC counsel Lance Weber. On appeal and in subsequent proceedings, *PLN* is represented by Lisa Zycherman and Ronald London with Davis Wright Tremaine, LLP and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Samuels II. As part of its continued efforts to provide accurate information to the public about the operations of the Bureau of Prisons, *PLN* requested records, pursuant to the Freedom of Information Act, related to settlements and judgments in lawsuits against the BOP that resulted in payments of more than \$1,000 since *PLN*'s Samuels I case was filed. No records were produced. On June 3, 2015, *PLN* filed suit in the U.S. District Court for the District of Columbia seeking declaratory, injunctive and other relief. During the course of 2016, the BOP made six separate releases of documents to *PLN* totaling over 6,000 pages. The lawsuit remains pending, and *PLN* is represented by Ronald London and Ashley Vulin with

Davis Wright Tremaine, LLP in Washington, D.C. and Portland, Oregon, respectively, and by HRDC counsel Sabarish Neelakanta and Lance Weber.

FOIA Lawsuit for UNICOR Records. In July 2012, *PLN* requested, via the Freedom of Information Act, copies of records from the Bureau of Prisons or Federal Prison Industries (also known as UNICOR). The records related to UNICOR's electronics recycling program, with a focus on hazardous or toxic materials and dangerous working conditions, deaths or injuries, and related litigation involving UNICOR that resulted in settlements or verdicts in favor of claimants. The BOP responded to *PLN*'s FOIA request by assessing \$2,744 in search and copying fees. *PLN* appealed the fee assessment and followed up by letter but never received a response. *PLN* then filed suit for FOIA violations. The BOP made additional disclosures throughout 2015 and 2016, and by stipulation agreed not to assess additional fees. At the close of 2016, the court issued an order outlining a briefing schedule for summary judgment motions. *PLN* is represented by attorneys Carl Messineo and Mara Verheyden-Hilliard with the Partnership for Civil Justice Fund in Washington, D.C., and by HRDC counsel Sabarish Neelakanta and Lance Weber. The case is *Prison Legal News v. Federal Bureau of Prisons*.

Pope v. EZ Card and Kiosk, LLC. John Pope was arrested by the Ft. Lauderdale police during a sit-in protest over the police shooting of Michael Brown; he was charged with a first-degree misdemeanor and booked into the Broward County Jail in Florida. The \$178 in cash he had on his person was confiscated when booked into the jail, and upon his release the next morning he received a preloaded debit card instead of cash. No one asked him whether he wanted to receive his funds in the form of a debit card that assessed numerous fees. Further, Mr. Pope did not recall receiving a cardholder agreement or terms and conditions with the debit card, nor did he agree to arbitrate his claims. Represented by HRDC, he filed a class-action suit that alleged violations of the Electronic Funds Transfer Act and the Florida Deceptive and Unfair Trade Practices Act, as well as conversion and unjust enrichment claims. The defendants moved to compel arbitration, and in response Mr. Pope argued the arbitration clause was unenforceable. The district court subsequently granted the defendants' motion and submitted the case for arbitration. In 2016, Mr. Pope agreed to dismiss the claims against Central National Bank of Kansas City; the case against EZ Card and Kiosk remained pending at the end of the year. Mr. Pope is represented by attorneys Raymond Audain and Oren Giskan, and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Brown v. Stored Value Cards. Danica Brown was charged with interfering with an officer during a peaceful protest of the police shooting death of Michael Brown, and was 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 was confiscated. After releasing her the next day, the jail did not return Ms. Brown's cash but instead gave her a preloaded debit card that assessed various exorbitant fees. No one asked her whether she wanted to receive her money in cash or in the form of a debit card, nor did she assent to receiving the card instead of cash. She also did not receive any cardholder agreement or terms and conditions, and never agreed to arbitrate any claims associated with the card. HRDC filed a class-action suit alleging that returning Ms. Brown's funds in the form of a fee-laden debit card violated the Electronic Funds Transfer Act and the Oregon Unfair Trade Practices Act. The defendants filed a motion to compel arbitration, which the court denied in February 2016. A subsequent motion to dismiss was denied as moot after Ms. Brown filed an amended complaint in April 2016 that added a

federal Takings Clause claim. Another motion to dismiss was granted in part and denied in part, essentially allowing Ms. Brown’s state law claims to proceed. She filed a second amended complaint in December 2016 that re-alleged a Takings Clause claim, unjust enrichment and conversion. Ms. Brown is represented by attorneys Mark Griffin, Laura Gerber and Lisa F. Petak with the law firm of Keller Rohrback, LLP in Seattle, Washington; and HRDC counsel Sabarish Neelakanta and Lance Weber.

Virginia Beach Correctional Center Censorship Suit. On July 30, 2013, *PLN* filed suit in federal court against Sheriff Kenneth Stolle and the Virginia Beach Correctional Center – the largest jail in the Commonwealth of Virginia. The lawsuit alleged that the jail censored *PLN*’s books, magazine and correspondence pursuant to an unlawful policy and without adequate due process, in violation of the First and Fourteenth Amendments, in part because the jail claimed that *PLN* contained “sexually explicit” content. The jail later agreed to change its policy to allow delivery of *Prison Legal News* but refused to pay attorneys’ fees. *PLN*’s application for fees was granted in September 2015, though it was significantly reduced by the district court. *PLN* then appealed to the Fourth Circuit and oral argument was held in December 2016. *PLN* is represented by Charlottesville, Virginia attorneys Jeffrey E. Fogel and Steven D. Rosenfield, and by HRDC counsel Lance Weber. The case is *Prison Legal News v. Stolle*.

Florida Statewide Ban on *Prison Legal News*. On November 17, 2011, *PLN* filed a lawsuit challenging a statewide ban on *Prison Legal News* by the Florida Department of Corrections (FDOC); the ban is purportedly based on *PLN*’s advertising content, including pen pal ads. *PLN* previously sued the FDOC over a similar policy in 2003, but that case was dismissed as moot after the defendants changed their policy on the eve of trial and assured the court that *PLN* would not be banned based on its ads. Private prison companies Corrections Corporation of America and GEO Group were also named as defendants, as they also censored *PLN* at their Florida facilities. A bench trial was held in January 2015, and in August 2015 the district court ruled that FDOC’s censorship of *PLN* was permissible but prison officials had violated *PLN*’s due process rights; the court issued an injunction against the FDOC on those grounds. *PLN* appealed to the Eleventh Circuit and argued the case on June 10, 2016. A decision remains pending. *PLN* was represented on appeal by Paul Clement and Michael McGinley of Bancroft PLLC, by Randall Berg and Dante Trevisani with the Florida Justice Institute, by Benjamin Stevenson with the Florida ACLU, and by HRDC counsel Sabarish Neelakanta and Lance Weber. The case is *Prison Legal News v. Jones*.



Livingston County, Michigan Jail Censorship Suit. *PLN* filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011. The complaint alleged that the county jail adopted and implemented “written mail policies and practices that unconstitutionally restrict correspondence to prisoners via postcards only,” and raised claims under the First and Fourteenth Amendments. Summary judgment briefing was completed in April 2014. *PLN* continued to engage in discovery in 2015, and was granted leave to file an amended complaint that added Lt. Thomas Cremona, the Jail Administrator, as a defendant along with violations of the Takings Clause and conversion claims. In 2016, the parties filed cross-motions for summary judgment which remain pending. *PLN* is represented by attorneys Thomas M. Loeb, Brian J. Prain and Dan

E. Manville, and by HRDC counsel Sabarish Neelakanta and Lance Weber. The case is *Prison Legal News v. Bezotte*.

CASES RESOLVED IN 2016

Prison Legal News v. Cleveland County. In March 2016, *PLN* filed a lawsuit against Cleveland County, Oklahoma over its operation of the F. Dewayne Beggs Detention Center. The suit alleged that the jail unlawfully censored *PLN*'s books, magazines and enveloped mail based on a postcard-only policy that restricted all correspondence to postcards except for legal mail. By October 2016, *PLN* had received and accepted an offer of judgment for payment of \$25,001 in nominal and compensatory damages, preliminary and permanent injunctive relief that prevented the jail from reinstating its postcard-only policy, and a consent decree. *PLN* also received attorneys' fees and costs in the amount of \$63,000. *PLN* was represented by Bruce E.H. Johnson with Davis Wright Tremaine, LLP; by Robert D. Nelson and Ashley K. Roche with the law firm of Hall Estill; and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Prison Legal News v. Tulare County Sheriff. Sometime in 2014, the Sheriff of Tulare County, California adopted a new policy banning the delivery of any publications bound with staples at the Tulare County jail. The new policy prevented the delivery of *Prison Legal News* to its subscribers at the facility, along with many other publications. *PLN* filed suit in federal court in October 2015 and moved for a preliminary injunction in early 2016. By July 2016, the defendants had agreed to a consent decree requiring delivery of publications, plus payment of damages in the amount of \$15,000, and attorneys' fees and costs of \$140,000. *PLN* was represented by Lisa Ells, Sanford Rosen and Christopher Hu of Rosen, Bien, Galvan & Grunfeld, LLP in San Francisco, and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Marshall County, Tennessee Public Records Case. After the sheriff of Marshall County, Tennessee refused to produce records requested by HRDC associate director Alex Friedmann, and demanded that he appear in person to make the request, Alex filed a public records suit in state court in May 2014. A trial was held the following month and the court ruled against the sheriff, ordering him to produce the records – related to the county jail – at no cost. However, the court declined to award fees to Alex's attorney, Robert Dalton. Alex appealed the decision to the Tennessee Court of Appeals, and in June 2015 the appellate court reversed the decision to deny attorney's fees, finding the chancery court had abused its discretion. The case was remanded for further proceedings, and the chancery court awarded \$8,982.50 in attorney fees and costs against the county on January 26, 2016. The case was *Friedmann v. Marshall County*.

Prison Legal News v. Kane County. The Kane County, Illinois jail banned publications bound with staples and refused to provide due process to senders of censored mail. *PLN* filed a lawsuit and motion for a preliminary injunction in October 2015, and the case settled in 2016 with a stipulated agreement enjoining the defendants from enforcing the staple ban and requiring due process notice as well as payment of \$75,000 in damages, attorneys' fees and costs. *PLN* was represented by Arthur Loevy, Jon Loevy and Matthew Topic with the law firm of Loevy & Loevy in Chicago, Illinois and by HRDC counsel Sabarish Neelakanta and Lance Weber.

Nevada Department of Corrections Censorship Case. *PLN* filed a federal lawsuit against the Nevada Department of Corrections on June 27, 2013 over censorship of *PLN*'s books, magazines and correspondence pursuant to the prison system's "approved vendors" and "unauthorized correspondence" policies, as well as policies that prohibited the use of address labels and required books to be sent to prisoners via first-class mail. In 2000, the state had settled a censorship suit filed by *PLN* over similar issues. Soon after the second suit was filed, the DOC amended its policies to address all of *PLN*'s concerns. *PLN* agreed to settle the case in 2015 on terms enforceable by the district court, as well as damages, attorneys' fees and costs. In January 2016 the parties entered into a settlement that included injunctive relief, attorneys' fees for monitoring DOC facilities for at least 10 years, and payment of \$475,000 in damages, fees and costs. *PLN* was represented by Staci Pratt and Allen Lichtenstein; by Lisa Ells, Sanford Rosen and Ernest Galvan with Rosen, Bien, Galvan & Grunfeld, LLP in San Francisco, California; and by HRDC counsel Sabarish Neelakanta and Lance Weber. The case was *Prison Legal News v. Cox*.

Sullivan County, Tennessee Jail Censorship Case. *PLN* filed suit in federal court against the Sullivan County Jail and Sheriff Wayne Anderson on October 10, 2013. The lawsuit alleged that prisoners could only send and receive postcards, which prevented them from receiving *PLN*'s magazines and books. In 2016, *PLN* accepted an offer of judgment in the amount of \$50,000 for attorneys' fees, costs and damages. *PLN* was represented by Tricia Herzfeld and Will York with the Nashville firm of Ozment Law, and by HRDC counsel Lance Weber. The case was *Prison Legal News v. Anderson*.

AMICUS BRIEFS

The Human Rights Defense Center joined in the following amicus briefs in 2016. Also, on July 12, 2016, the Ninth Circuit Court of Appeals ruled in favor of the plaintiff in *Clarence D. Brown v. Allison Taylor*, a case involving whether the prison mailbox rule should be applied to civilly committed sex offenders, in which HRDC filed an amicus brief in December 2015.



Jonathan Michael Castro v. County of Los Angeles. The Los Angeles Sheriff's Department (LASD) detained Jonathan Castro in a sobering cell at a police station. Several hours later, a combative prisoner, who had been arrested on a felony charge, was placed in the same cell. Castro banged on the cell's window to try to attract the guards' attention, but his attempts to seek help were ignored. The LASD had not equipped the cell with audio monitoring and the cell was checked only sporadically. Within hours, the other prisoner severely beat and injured Castro. He sued individual LASD officials, the County of Los Angeles and the LASD under 42 U.S.C. § 1983, for violating his due process rights as a pretrial detainee to be protected from harm. After a trial, a jury found all the defendants liable. They appealed. In February 2016, HRDC along with the ACLU, the National Police Accountability Project, and the Roderick and Solange MacArthur Justice Center filed an amicus brief in support of Castro in the Ninth Circuit arguing that: 1) *Monell* claims brought against municipal entities are governed by an objective deliberate indifference standard such that the plaintiff need not show that the municipality subjectively knew of a serious risk to detainee safety, so long as the municipality had constructive knowledge of the risk; and 2) a fair reading of the Supreme Court's decision in *Kingsley v. Hendrickson*, 135

S.Ct. 2466 (2015), requires the use of an objective standard for failure to protect claims brought by pretrial detainees. In August 2016, the Ninth Circuit affirmed the district court. See: *Castro v. County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016).

Ross v. Blake. On March 10, 2016, HRDC and the National Police Accountability Project filed an amicus brief with the U.S. Supreme Court, urging the high court to definitively establish that prisoners who make objectively reasonable mistakes in the grievance process are not precluded from having their cases heard on the merits. The defendants in *Ross v. Blake*, a prison brutality suit, argued that a prisoner should not be allowed to pursue civil rights claims in federal court if he fails to follow all the steps in any grievance system – even if that system is not effectively available because it is a dead end, confusing or manipulated by prison officials. In June 2016, the Supreme Court ruled in favor of the appellant and ordered the Court of Appeals for the Fourth Circuit to determine whether the prison had effectively made the grievance system unavailable. See: *Ross v. Blake*, 136 S.Ct. 1850 (2016).

Does v. Snyder. In January 2016, HRDC and several other prisoners' rights organizations filed an amicus brief in the Sixth Circuit Court of Appeals, arguing that Michigan's Sexual Offender Registration Act (SORA) criminalizes conduct that is ordinarily innocent, and that even law enforcement officials disagree on what conduct SORA makes criminal. In August 2016, in a unanimous decision, the Sixth Circuit held that retroactively imposing punishment without an individual risk assessment or due process violates the Constitution, noting that the 2006 and 2011 SORA amendments added geographic exclusion zones, imposed strict new reporting requirements and extended registration up to life for the vast majority of registrants, without providing any review or appeal (with rare exceptions). The appellate court therefore reversed the decision of the district court, holding SORA cannot be applied retroactively under the Ex Post Facto Clause of the U.S. Constitution. See: *Does v. Snyder*, 834 F.3d 696 (6th Cir. 2016).

Stanley v. Israel. In February 2016, HRDC, the National Employment Lawyers Association and the Florida Justice Institute filed an amicus brief in support of reversing a district court's finding that a Florida sheriff was entitled to Eleventh Amendment immunity when acting in his capacity as chief correctional officer in the hiring and firing of his deputies, such that he was an arm of the state entitled to immunity. The Eleventh Circuit reversed the district court in December 2016, finding the sheriff was not acting as an arm of the state. See: *Stanley v. Israel*, 843 F.3d 920 (11th Cir. 2016).

OTHER ACTIVITIES & ACHIEVEMENTS

CAMPAIGN FOR PRISON PHONE JUSTICE

While the national Campaign for Prison Phone Justice (co-founded by HRDC in 2011) experienced significant setbacks in

2016, the campaign continued to challenge the predatory practices of the Inmate Calling Service (ICS) industry on both the national and state levels.



In October 2015, the Federal Communications Commission (FCC) issued a landmark order that capped the cost of *all* phone calls from U.S. detention facilities and restricted ancillary fees. Prison telecom firms, led by Global Tel*Link (GTL) and Securus, as well as corrections officials, appealed the FCC's order to the D.C. Circuit Court of Appeals. In a March 2016 ruling, the appellate court stayed portions of the order that capped intrastate (in-state) rates for calls from detention facilities. The Court of Appeals did, however, allow the elimination of all but three ancillary fees ordered by the FCC to go into effect in state and federal prison systems on March 17, 2016, and in jails on June 20, 2016. After those implementation dates, ICS providers could not charge more than \$3.00 to electronically deposit money into a prepaid phone account, or \$5.95 if a live customer service agent is used, and a fee of \$2.00 per month could be charged if a customer receives a monthly billing statement. The FCC banned all other ICS fees including surcharges and connection fees as well as flat-rate phone calls from prisons and jails.

Not surprisingly, some ICS providers quickly found loopholes in the FCC's order that enabled them to continue price-gouging prisoners and their families. HRDC experienced a significant increase in contact from prisoners' families in June 2016 after elimination of most ancillary fees, surcharges and connection fees; families reported that in some cases, fees and the costs of calls had actually increased. Some ICS providers reduced the maximum deposit amount into prepaid accounts, requiring multiple deposit fees, and created a first-minute rate for intra-state calls that shifted the cost of fees to phone rates that were unregulated due to the stay issued by the D.C. Circuit.

HRDC filed nine comments on the FCC docket related to prison phone issues in 2016, including a [comment](#) and [reply comment](#) on the FCC's Third Final Notice of Proposed Rule-making on January 19 and February 8, respectively.

Our other filings on the FCC docket included:

- April 5, 2016 – [Comment](#) related to an FCC field hearing in South Carolina organized by Commissioner Ajit Pai, regarding contraband cell phone detection, that raised concerns about the scope of the hearing and the fact that many cell phones are smuggled in by corrections staff.
- April 7, 2016 – [Comment](#) related to the FCC field hearing on contraband cell phones, noting that a Securus employee who participated in the hearing failed to disclose his affiliation with Securus, which has a financial incentive to curtail the use of contraband cell phones.
- June 17, 2016 – [Comment](#) regarding GTL's petition for a waiver of the deadline to implement phone justice reforms in local jails, and a follow-up comment on June 22 related to the same issue.
- June 24, 2016 – [Comment](#) about rate increases after the FCC's rate caps and other reforms went into effect at local jails, as telecoms instituted policies to circumvent the reforms.

- June 29, 2016 – [Comment](#) detailing HRDC’s efforts to obtain ICS contracts involving the Pennsylvania Department of Corrections – which included GTL filing suit against HRDC executive director Paul Wright and *PLN* to prevent disclosure of financial information related to the contracts – as an example of the lack of transparency in the ICS industry.
- July 15, 2016 – [Comment](#) about the Davidson County Jail in Nashville, Tennessee eliminating ICS commissions and reducing phone rates to \$.05 per minute, indicating that such low rates are entirely possible in local jails.

In March 2015, *Prison Legal News* had submitted a public records request for copies of ICS contracts entered into by the Pennsylvania Department of Corrections. The request was partially denied, with the DOC withholding bidder financial information, and *PLN* appealed to the Office of Open Records (OOR), which granted the appeal in part and denied it in part. Both GTL and Securus moved to intervene in the case, and GTL appealed the OOR’s ruling by filing suit against HRDC executive director Paul Wright and *PLN* in the Commonwealth Court in an effort to prevent disclosure of the bidder financial information. The court ruled in favor of GTL on September 22, 2016, and HRDC filed a petition to appeal to the Pennsylvania Supreme Court the following month; that petition remained pending at the end of the year. *PLN* is represented by attorneys Arleigh P. Helfer III and Stephen A. Fogdall with the law firm of Schnader Harrison Segal & Lewis LLP. The case is *GTL v. Paul Wright and Prison Legal News*, Commonwealth Court of Pennsylvania, Case No. 1678 CD 2015.

In an attempt to eliminate the uncertainty of litigation and to obtain financial relief to prisoners and their families more quickly, the FCC issued an order in August 2016 that slightly increased the ICS rate caps to allow for recovery of costs incurred by correctional facilities to provide phone services, even though such costs have never been adequately articulated on the FCC docket. That order also was appealed by ICS providers and corrections officials.

On September 16, 2016, HRDC and several other parties moved to intervene in the appeal filed by Securus Technologies that challenged prison phone reforms implemented by the FCC, including intrastate rate caps. The motion was granted, and HRDC and the other intervenors, represented by attorney Andrew Jay Schwartzman at the Georgetown University Law Center, filed a brief in support of the FCC reforms on September 29. The appeal, *Securus Technologies v. FCC*, remained pending at the end of the year.



Paul Wright at Solutions 2020 Policy Forum

Meanwhile, Carrie Wilkinson, Paul Wright and Alex Friedmann attended the Solutions 2020 Policy Forum at the Georgetown University Law Center in Washington, D.C. on October 19, 2016. The event was hosted by FCC Commissioner Mignon Clyburn, and Paul presented on a panel titled “Combating Inequality in the Communications Sector.”

Commissioner Clyburn’s office contacted HRDC in November 2016, requesting that we provide data points to support the “12 Days of #PhoneInjustice” campaign sponsored by the Commissioner from December 1 to 12, 2016, as well as the “12 Days of #PhoneJustice” campaign that began on December 13, 2016.

On the state level, HRDC assisted Illinois phone justice advocates in efforts to reduce the cost of prison phone calls via legislation, HB 6200. That bill was signed into law on August 22, 2016, capping prison phone rates in Illinois prisons at \$.07 per minute.

In addition to continuing our efforts to reduce the cost of prison and jail phone calls, HRDC increased its presence and involvement with the issue of video calls during 2016. While the industry refers to “video visitation,” our position is that video calls, equivalent to a Skype call, are not the same as a visit and should not be construed as such in any context. An alarming number of jails have adopted video calling as the only way for families to “see” their loved ones while incarcerated, while doing away with in-person visitation.

In order to accurately assess the landscape of video calling in detention facilities, HRDC increased its efforts to collect video calling contracts through public records requests in 2016 in addition to sharing information about video calling with prisoners, families and other partners/stakeholders in criminal justice reform efforts. For more information on the Campaign for Prison Phone Justice, visit www.prisonphonejustice.org and www.phonejustice.org.

STOP PRISON PROFITEERING CAMPAIGN

HRDC’s Stop Prison Profiteering campaign, founded in 2015, continues to focus on its

primary goal of challenging the companies and government agencies that financially exploit prisoners and shift the costs of mass incarceration to prisoners’ family members through fee-based money transfer services, debit release cards, video calling, high commissary prices, pay-to-stay and booking jail fees, and probation supervision fees.

HRDC staff Paul Wright, Alex Friedmann and Carrie Wilkinson met with the Consumer Finance Protection Bureau in October 2016 to provide input on a proposed rule the CFPB issued in May 2016 with respect to arbitration clauses that require prepaid card “customers” to arbitrate issues that arise from use of the cards, effectively denying access to the courts. HRDC explained that while prisoners use prepaid cards that contain their funds when they are released from jail or prison, it is only because such debit cards are foisted on them at the time of their release. Prisoners are often required to pay exorbitant fees to access their own money; they are not given the option to receive cash or a check in lieu of a debit release card, and the cards are subject to arbitration clauses to which they do not consent.

As described in the Litigation Project section above, HRDC is representing plaintiffs in two lawsuits challenging the use of debit release cards, in Florida and Oregon.

On August 22, 2016, HRDC submitted a [comment](#) to the CFPB regarding a proposed rule related to arbitration agreements, “as they relate to prepaid accounts that consumers must establish to receive telephone calls from loved ones in prison or jail, to place money on trust or commissary accounts used by prisoners to buy items within the facility and to release debit cards issued to prisoners upon their release from custody.” HRDC filed a [supplemental comment](#) on the same issue on August 26, noting the “CFPB should protect these captive consumers from mandatory arbitration agreements.”

Debit release cards are just one of several new exploitive technologies promoted by the for-profit prison industry. Others include fee-based money transfers to prisoner accounts, video calling, e-messaging, MP3 players and tablets.



HRDC anticipates an upswing in activity with the Stop Prison Profiteering campaign during 2017 to challenge such products and services, which typically generate profit for both private companies and detention facilities. The SPP website is www.stopprisonprofiteering.org.

PRISON ECOLOGY PROJECT

HRDC unveiled its Prison Ecology Project (PEP) in the spring of 2015; the project addresses issues that intersect environmental justice and criminal justice, by examining the impact of correctional facilities on the environment and the environment's impact on prisoners and prison staff. Such issues include prisons built on landfills or former coal mining sites or uranium mills, prisons and jails that have contaminated water supplies, and prison sewage discharges that pollute local waterways.

HRDC significantly increased the content on the PEP website (www.prisonecology.org) during 2016. Panagioti Tsolkas, HRDC's special projects coordinator, expanded our networking with organizations and individuals working on environmental justice issues, and wrote six PEP-related articles published in *PLN* – including our June 2016 cover story, “Incarceration, Justice and the Planet: How the Fight Against Toxic Prisons May Shape the Future of Environmentalism.”

In April 2016, HRDC sent a letter to Mayor Ed Murray in Seattle, Washington to express concerns “about toxic contamination in the groundwater and soil surrounding the proposed King County Children and Family Justice Center.” The letter urged the city to deny a master use permit for the Justice Center, and to address environmental concerns at the facility.

Activists with the PEP campaign and Fight Toxic Prisons convened in Washington, D.C. for the Convergence on Toxic Prisons on June 11, 2016. Panagioti and HRDC associate director Alex Friedmann presented on a panel at the event, then met with representatives from the EPA to express concerns about environmental issues that impact prisoners.

And on July 28, 2016, HRDC submitted an [updated comment](#) on the EPA's EJ 2020 Action Agenda to the Office of Environmental Justice. The comment urged the EPA to include prisoners in its environmental justice policy; 138 organizations and individuals signed on to HRDC's comment.



CCA/GEO SHAREHOLDER RESOLUTIONS

In November 2015, HRDC associate director Alex Friedmann, who owns a small amount of stock as an activist shareholder in both Corrections Corporation of America and GEO Group, the nation's two largest for-profit prison firms, filed shareholder resolutions on a technical issue called proxy access. Under proxy access policies, long-term investors that hold large amounts of stock in a company are able to nominate their own candidates for positions on the company's board of directors, which dilutes the company's power in terms of selecting its own nominees for board positions.

CCA agreed to alter its bylaws to implement a proxy access policy in exchange for the withdrawal of the shareholder resolution, and finalized that process in early 2016. GEO Group, however, indicated it would not object to the resolution but would allow it to proceed to a vote at the company's annual shareholder meeting on April 27, 2016. The vote took place but the resolution failed to pass, receiving around 36% of the voting shares.

In November 2016, citing the findings of a report by the Department of Justice’s Office of the Inspector General (OIG), Alex submitted shareholder resolutions to both CCA and GEO Group that would require them to conduct independent operational audits of all their correctional and detention facilities every two years. According to the resolutions, which remained pending at the end of 2016, “Such audits shall examine operational benchmarks at the Company’s correctional and detention facilities that include, but are not limited to, those examined in the August 2016 OIG report – including rates of violence and use of force incidents, disciplinary and grievance systems, contraband, lockdowns and positive drug tests.” The resolutions also require that the results of the operational audits be made available to stockholders within 30 days after each final audit report is completed.

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

HRDC SOCIAL MEDIA

HRDC has maintained social media accounts for many years, including [Facebook](#) and [Twitter](#) accounts as well as a free [email newsletter](#) five days a week. As of the end of 2016, social media director Monte McCoin reported that HRDC had 2,358 e-newsletter members, 4,712 Facebook likes and around 10,100 Twitter followers.



COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2016 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, the Prison Policy Initiative, In the Public Interest, Nation Inside and Grassroots Leadership. Additionally, HRDC staff maintained the following affiliations with other organizations:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG’s National Police Accountability Project. He is also a member of the American Bar Association, American Correctional Association and American Jail Association.
- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He also volunteers as a consultant to the Presbyterian Criminal Justice Network, serves on the advisory board of the Prison Policy Initiative and is a member of the National Lawyers Guild and National CURE.
- **HRDC general counsel and litigation project director Sabarish Neelakanta** is a member of the First Amendment Lawyers Association, the National Lawyers Guild’s National Police Accountability Project, the American Constitution Society, the American Civil Liberties Union, the Trial and Public Interest sections of the Florida Bar, and the Palm Beach County Bar Association.

LOOKING FORWARD: GOALS FOR 2017

We are pleased with HRDC's progress during 2016 with respect to our media outreach, litigation project, advocacy efforts and other activities. Our websites continue to be an important source of news and legal research for prisoners' rights advocates, policy makers, academics, journalists, attorneys and other people involved in criminal justice-related issues.

Our litigation project expanded throughout 2016 due to continued censorship by corrections officials of *Prison Legal News* and the books we distribute. We anticipate filing additional legal challenges next year related to public records and FOIA requests, censorship and postcard-only policies enacted by county jails, as well as continuing litigation against companies that exploit prisoners by returning their funds on fee-laden debit cards upon their release.

Further, HRDC will continue to co-coordinate the Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates. Our advocacy before the FCC will depend on the outcome of the pending appeal filed by telecom companies and corrections officials challenging the FCC's order related to intrastate rate caps and other prison phone reforms.

Our Prison Ecology Project will continue to conduct research and publish its findings, expand HRDC's networking with the environmental movement, and to advocate for prisoners' environmental health rights and protection of communities surrounding prisons.

Another major goal for 2017 is to further develop our Stop Prison Profiteering campaign by researching and exposing corrections officials who profit from prisoners and their families by charging fees for money transfers, release debit cards, video visits and other fee-based services.

Our future book publishing plans include publishing an updated edition of *With Liberty for Some*, by Scott Christianson. We continue to seek new books to distribute that are of interest to prisoners, and encourage book ideas and submissions from qualified authors.

Further, we plan to continue seeking donations to fund the William A. Trine Fellowship, which will allow us to hire an additional HRDC staff attorney.

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



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