



HUMAN RIGHTS DEFENSE CENTER 2014 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).

Throughout 2014, HRDC continued to lead the national Campaign for Prison Phone Justice, which seeks just and equitable rates for telephone calls made by prisoners. The Campaign successfully urged the Federal Communications Commission (FCC) to reduce the cost of exorbitant interstate prison and jail phone calls through rate caps that went into effect in February 2014. Both HRDC's director and associate director presented on panels at an FCC workshop on prison phone-related issues in Washington, D.C. on July 9, 2014.

We had several notable litigation successes in 2014, including settlements in three cases involving prisoners' wrongful deaths, plus a settlement in which a prisoner's infant son died due to inadequate medical care by jail staff. We also resolved a record number of censorship cases during the past year.

HRDC received a second award of *cy pres* funds in a class-action lawsuit in Washington State against prison phone companies. We celebrated the 24th year of publishing our monthly magazine, *Prison Legal News*, and published a new book in 2014, the *Disciplinary Self-Help Litigation Manual*.

PLN – The Magazine

HRDC's monthly publication, *Prison Legal News*, reports on corrections and criminal justice-related issues. PLN celebrated its 24th anniversary on May 1, 2014, continuing its distinction of being the longest-running independent magazine produced by and for prisoners.



PLN published the following cover stories in 2014:

- January: Doran Larson's "American Apartheid: Why Scandinavian Prisons Are Superior" examined prisons in Europe where detainees are allowed to live like regular citizens.
- February: A profile of reforms in Georgia's prison system, spurred by violence, deaths, security lapses and media attention, by David Reutter.

- March: An in-depth look at problems with privatized correctional healthcare in “Corizon Needs a Checkup,” by Greg Dober.
- April: An interview with Noam Chomsky, the foremost dissident intellectual in the U.S., addressed issues of criminal justice and human rights, by PLN editor Paul Wright.
- May: “A Home of Their Own” analyzed the state of reentry programs in New York City, by Lisa Riordan Seville and Graham Kates.
- June: A review of the consequences of California’s Realignment initiative, which transferred thousands of prisoners from state facilities to county jails, by Christopher Petrella and Alex Friedmann.
- July: John Dannenberg’s assessment of the systemic changes in Colorado’s prison system following the murder of DOC Director Tom Clements by a former prisoner.
- August: “Unfair Punishment,” a critique of California’s practice of barring former prisoners who are victims of crime from receiving funds from public victim assistance programs, by Sam Levin.
- September: Beth Schwartzapfel questioned why people don’t accept labor rights for prisoners, in “Modern-Day Slavery in America’s Prison Workforce.”
- October: HRDC’s representation of the family of a prisoner who died due to abysmal health care in Washington State’s prison system, by Rick Anderson.
- November: A comprehensive report on the national prevalence of prosecutorial misconduct, by Christopher Zoukis.
- December: Daniel Wagner provided a review of profiteering in prison financial services, in “Prison Bankers Cash in on Captive Customers.”

PLN works hard to maintain first-rate advertisers that offer quality services and products of interest to prisoners and their families. We have a target of 25% ad content to 75% news, editorial and legal content.

PLN has approximately 9,000 subscribers in all 50 states and an estimated 70% of our subscribers are incarcerated. PLN’s print readership is around 90,000 based on reader surveys that indicate 10 people share and read each copy of PLN.

PLN continued to receive an enormous volume of mail throughout 2014. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending news clippings, court decisions and other items of interest. Due to this large amount of mail, PLN is unable to respond to everyone who contacts 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 cases.

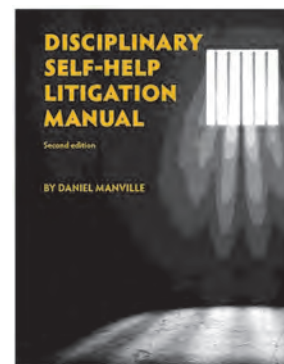
HRDC added several new titles to our book list in 2014, including *All Alone in the World: Children of the Incarcerated* by award-winning journalist Nell Bernstein, and *Win Your Lawsuit: Sue in California Superior Court Without a Lawyer*.

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 publishing.

Our goal is to produce a new title every year; previous books published by PLN include *The Habeas Citebook: Ineffective Assistance of Counsel* by Brandon Sample and the *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada* (3rd Ed.), by Jon Marc Taylor and edited by Susan Schwartzkopf.

In November 2014, PLN Publishing completed production of the *Disciplinary Self-Help Litigation Manual* (2nd Ed.), by Dan Manville. The book was reviewed and edited by HRDC staff members Paul Wright, Susan Schwartzkopf, Alex Friedmann and Panagioti Tsoikas.



HRDC, PLN and PPJ Websites

During 2014 we continued to expand PLN's website, increasing its content with hundreds of articles that have not been published anywhere else as well as news articles from other sites that are reposted with permission. PLN's website (www.prisonlegalnews.org) receives over 100,000 visitors per month and has become a significant resource for media and community outreach and public education on criminal justice issues.

PLN's site now has over 18,000 news and law articles in its searchable database. The publications section has more than 5,600 reports, audits and other documents related to criminal justice topics, and our brief bank contains over 7,500 assorted legal pleadings – including complaints, motions, appeal briefs, verdicts, judgments and settlements in prison and jail cases.

Due to the proliferation of websites that offer free access to published court rulings, we have stopped loading new published court decisions into our site and instead are only loading unpublished rulings that are otherwise not available or difficult to find elsewhere.

HRDC's website (www.humanrightsdefensecenter.org) was also improved in 2014. The site includes updated staff and board profiles and a library of HRDC letters and comments filed with government agencies and legislative bodies.

We completed a transition of the PLN and HRDC websites to updated sites in 2014, and continued to add content to our Prison Phone Justice site, www.prisonphonejustice.org.

HRDC Staff

HRDC's executive team includes 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 litigation project director and general counsel Lance Weber.

Staff members who continued from the previous year included Judith Cohen, office manager; Maricela Garcia, research and office assistant; Frances Saucedo, office assistant; and Carrie Wilkinson, prison phone justice director for Washington State.

Throughout 2014 several new employees were hired, including Sabarish Neelakanta, staff attorney; Rachel Stevens, paralegal; Ryan Barrett, online communications director; and Panagioti Tsolkas, special projects coordinator.



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 is part of the legal team litigating 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 nearly 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 (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 cases 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.

Mike Godwin – Mike Godwin is an attorney and author specializing in free speech and intellectual property issues.

Judy Greene – Judith 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 has been the senior partner in his own law firm for many years and presently is in the process of trying to retire to do more writing and teaching. 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 organization, Prisoners' Legal News. He is responsible for PLN's editorial content and HRDC's public advocacy and outreach efforts and fundraising. Mr. Wright was incarcerated for 17 years in Washington State; he was released in 2003.



Funding in 2014

HRDC received foundation support from the Open Society Institute in 2013 that extended into 2014; we received no additional foundation support during the past year. Our annual revenue comes from PLN magazine subscriptions, book sales and advertising income, plus HRDC's litigation project and donations.


PLN subscription revenue in 2014 was \$120,000 (up 13% from 2013), while advertising income increased to approximately \$133,000. Book sales generated around \$87,000 in revenue.

Additionally, HRDC was awarded \$130,000 in *cy pres* funds in April 2014, in a Washington State class-action suit related to state law violations by prison phone companies. The lawsuit, *Judd v. AT&T*, had resulted in a \$46 million settlement in January 2013, which included millions of dollars in unclaimed funds for class members who had died while the case was pending or who could not be located. Dozens of non-profit organizations applied for these *cy pres* funds, and HRDC previously received two awards from the court in 2013. The *cy pres* funds will be used for HRDC's Washington Prison Phone Justice Campaign, to address the high cost of phone calls and video visits in correctional facilities in Washington State.

Activism & Advocacy

HRDC staff engaged in a number of activism and advocacy efforts in 2014, to effect reform in our nation's criminal justice system and to educate the public, policymakers and mainstream media about criminal justice and prison-related issues. These efforts included:

- The Human Rights Defense Center signed on to a [letter](#) with 30 other civil rights organizations opposing the transfer of prisoners in West Virginia to for-profit prisons in other states. The January 7, 2014 letter stated there are economical and common sense alternatives to out-of-state transfers that will keep people safe, better spend taxpayer money and don't separate West Virginia prisoners from their families. The joint letter was coordinated by the ACLU of West Virginia and Grassroots Leadership.
- HRDC associate director Alex Friedmann appeared on a live Al Jazeera America TV program on January 11, opposite Adrian Moore from the Reason Foundation, to discuss the topic of prison privatization.
- On January 16, Alex Friedmann attended a Journalists & Judges event sponsored by the Society for Professional Journalists, which included a panel discussion on issues involving the intersection between journalists and courtroom reporting. He spoke with a number of judges and distributed copies of *Prison Legal News*.
- HRDC joined 130 civil rights, legal services, faith-based and human rights organizations that signed on to separate [letters](#) sent to President Obama and members of Congress on January 24, urging them not to include immigration detention bed mandate language in the FY 2015 appropriations bill for the Department of Homeland Security. The mandate requires ICE to maintain at least 34,000 immigrant detention beds based on a quota rather than "individualized case-by-case assessments of whether detention is warranted."

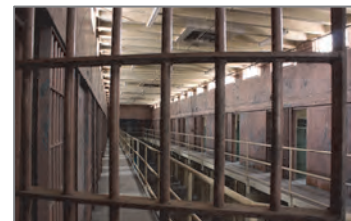
- On January 31, HRDC staff attorney Robert Jack spoke at the Prisoners' Rights in the Modern Era Symposium on a panel about the effects of prison privatization on prisoners, hosted by the Law Journal at Northeastern University School of Law in Boston, Massachusetts.
 - Alex Friedmann attended the Convening on Mass Incarceration and Barriers to Employment for the Formerly Incarcerated in Washington, D.C. on February 4-5, organized by the Center for Community Change, and spoke on a panel about organizing prisoners and their families as stakeholders in the Campaign for Prison Phone Justice.
 - HRDC executive director Paul Wright, Alex Friedmann and HRDC General Counsel Lance Weber attended the Prisoners' Advocates Conference at Loyola University in New Orleans on February 7-8. The event brought together the top names in prison litigation. Paul gave a presentation on Internet resources and participated in a panel discussion on damages in prison litigation. Alex gave two presentations on shareholder actions, litigation and activism involving private prisons.
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- Citizens for Responsibility and Ethics in Washington (CREW) released a [report](#) on February 18, titled "Private Prisons: A Bastion of Secrecy," that profiled HRDC's public records suits against CCA in Tennessee and Vermont. The report noted that "... Prison Legal News and its [managing] editor, Alex Friedmann, have fought hard for greater transparency in the private prison systems and litigated in efforts to extend state information laws to private prisons."
 - On February 20, Alex Friedmann attended a community meeting at the Village Church in Nashville to discuss a plan of action to end mass incarceration based on *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander. Alex distributed copies of *Prison Legal News* at the well-attended event.
 - Alex attended the Working in the Public Interest conference at the University of Georgia/Athens School of Law on March 1, and spoke on a panel about prison privatization. Co-panelists included Alec Karakatsanis with Equal Justice Under Law and Kathryn Hamoudah with the Southern Center for Human Rights.
 - On March 4, the Human Rights Defense Center submitted a formal [statement](#) to the U.S. Senate Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, for a hearing on solitary confinement held the previous week. This was the Subcommittee's second hearing on solitary confinement, which addressed fiscal and public safety issues.
 - HRDC and 25 other organizations signed on to a March 7 [letter](#), sponsored by Enlace, that called on the Bill Gates Foundation to stop investing in private prison company GEO Group. The Foundation had \$2.2 million invested in GEO stock at the time.


- On March 10, Alex Friedmann spoke on a two-person panel at the Peace & Justice Center in Nashville, about felon disenfranchisement and an overview of the U.S. prison system. The other panel member was Tennessee State University professor Pippa Holloway.
- Alex Friedmann assisted with an [infographic](#) produced by the Prison Policy Initiative, “Mass Incarceration: The Whole Pie,” released on March 12, and was acknowledged in the credits.
- HRDC sent a [letter](#) to California Assembly Member Bill Quirk on March 18 in support of his bill, AB 1876, that would prohibit county jails from “accepting a ‘commission’ or other form of payment or kickback from a telephone company as an incentive to enter into a contract for the provision of inmate phone services at the jail.”
- On March 18, HRDC prison phone justice director David Ganim participated in a discussion with Ann Fisher on NPR’s “All Sides” program. Other guests on the radio show included the communications director of the Ohio ACLU and a reporter from the *Columbus Dispatch*.
- HRDC and twelve other organizations signed on to a joint letter sent to Idaho officials on March 20, calling for the return of state prisoners from a CCA-operated facility in Colorado. Alex Friedmann was quoted in a [press release](#) announcing the letter, saying, “It defies comprehension why the state of Idaho continues to do business with CCA – a company that has admitted defrauding the state, which ran a facility with levels of violence four times higher than all other Idaho state prisons *combined*, and which is currently the subject of an FBI criminal investigation.” The sign-on letter was coordinated by Grassroots Leadership.
- On March 26, Alex Friedmann gave a three-hour presentation for a corrections/criminal justice class at the Volunteer State Community College in Gallatin, Tennessee on the U.S. criminal justice system. He was joined by Ndume Olatushani, an exonerated former death row prisoner.
- Paul Wright was a panelist at the Seventeenth Annual Liman Colloquium on April 3-4, at Yale Law School. He also attended a round table session at the event. The colloquium explored aspects of incarceration in order to understand what interventions can reduce the isolation of prisoners, both in terms of the distance they live from their communities and the degree to which they are isolated within prisons.
- On April 9, 2014, Paul Wright and HRDC staff attorneys Robert Jack and Sabarish Neelakanta attended the young lawyer’s lunch community meeting at the Joshua Café at the Lord’s Place homeless shelter in West Palm Beach, Florida. Each year the Palm Beach County Bar Association Young Lawyer’s Section volunteers at Café Joshua to meet with and serve their clients during their lunch period. The nonprofit, non-sectarian shelter is dedicated to breaking the cycle of homelessness in Palm Beach County.



- Alex Friedmann spoke at an Osher Lifelong Learning class at Vanderbilt University on April 10. He gave an hour-long presentation on the private prison industry by invitation of United Church of Christ minister and prisoners' rights advocate Joe Ingle.
- The Vanderbilt Prison Project had Alex Friedmann as a guest speaker at an event on April 17, and he spoke about the business of prison privatization and economic incentives of for-profit incarceration.
- On April 22, Alex Friedmann participated in a [panel discussion](#) on criminal justice reform. The other panelists were Grover Norquist and Joan Petersilia, and it was broadcast on "The Heat," a program for CCTV America (an English language channel of China Central Television).
- HRDC signed on to an April 25 [letter](#) to the Subcommittee on Commerce, Justice, Science and Related Agencies of the U.S. House Committee on Appropriations, urging Congress not to appropriate funding for any additional Bureau of Prisons "Criminal Alien Requirement" (CAR) contract beds at privately-operated prisons, beyond those that already exist. The letter, signed by 45 civil and human rights organizations, was coordinated by Grassroots Leadership.
- Alex Friedmann was interviewed for a [documentary](#) on the causes and impact of recidivism in Tennessee, titled "Outcasts: Surviving the Culture of Rejection." The movie premiered in Kingsport, Tennessee on April 26, and was later broadcast by East Tennessee PBS.
- HRDC and 13 other organizations signed on to a May 12 letter to Director Stacia Hylton of the U.S. Marshals Service, questioning the agency's planned implementation of the Prison Rape Elimination Act. The letter was coordinated by Human Rights Watch.
- On May 15, Alex Friedmann attended CCA's annual shareholder meeting in Nashville, and questioned the company's board members about an ongoing FBI investigation into misconduct at CCA's Idaho Correctional Center. He also congratulated CCA on adopting a human rights policy in late 2013, noting that it had only taken the company 30 years to do so.
- Alex Friedmann and Rev. Janet Wolf were interviewed for a [video](#) by Hillhouse Video Works on immigration policies and private prisons, which was posted on Vimeo.com on May 27.
- On May 29, Alex Friedmann appeared on the [Jaws of Justice](#) radio show, KKFI Community Radio 90.1 FM in Kansas City, Missouri, and spoke about prison labor issues and the prison industrial complex.
- HRDC and dozens of other advocacy organizations signed on to a May 30 [letter](#) to House Majority Leader Harry Reid and Minority Leader Mitch McConnell, organized by the Justice Roundtable, in support of passage of the Smarter Sentencing Act (S. 1410).

- Alex Friedmann was cited several times in a [report](#) by the Tennessee Advisory Committee to the U.S. Commission on Civil Rights on felon disenfranchisement, released in June 2014. He had submitted a detailed comment to the Advisory Committee in 2013.
- HRDC and numerous other national civil rights organizations signed on to a June 10 [letter](#) to the Chairman and Ranking Member of the U.S. House Committee on Appropriations, in opposition to an amendment to an appropriations bill that would “restrict access to abortion care for women in U.S. Immigration and Customs Enforcement (ICE) detention.” The letter was coordinated by the National Latina Institute for Reproductive Health.
- On June 10, HRDC signed on to a joint [letter](#) in opposition to the “Endangered Species Litigation Reasonableness Act” (H.R. 4318), which “would place an unreasonable cap on the recovery of attorneys’ fees in suits brought under the Endangered Species Act.” By limiting fees “to below-market rates, H.R. 4318 would make it difficult for many citizens to obtain effective legal representation – undermining enforcement of the law.” Caps on attorney fees already apply to federal lawsuits brought by prisoners pursuant to the Prison Litigation Reform Act, enacted by Congress in 1996. The letter was coordinated by Earthjustice.
- Alex Friedmann appeared via Skype on the Brian Lehrer [show](#) on CUNY’s TV station, and spoke on issues related to the Prison Rape Elimination Act. Other panelists included Chris Daley, deputy executive director of Just Detention International, and Cynthia SooHoo, Director of the International Women’s Human Rights Clinic at CUNY Law. The show aired on June 11.
- On June 13, HRDC endorsed [proposed federal legislation](#), the Federal Prosecutor Integrity Act, which would require federal prosecutors to implement open-file discovery policies and allow defendants to take civil action against prosecutors if discovery obligations are not met. The proposed bill was developed by the Center for Prosecutor Integrity; it has not yet been introduced in Congress.
- HRDC submitted a formal [comment](#) on proposed changes to California Code of Regulations Sections 3006, 3134 and 3135, titled “Obscene Material Regulations,” concerning restrictions on reading materials for California state prisoners. The June 16 comment argued that: 1) the regulations are subject to arbitrary enforcement by failing to provide clear criteria to prison administrators on what material should be designated as “obscene”; 2) the regulations do not provide clear guidance to administrators when evaluating whether an advertisement is sexually suggestive (which is constitutionally protected) versus obscene; and 3) a blanket ban on receipt of any material that mentions a Security Threat Group or “gang” affiliation is an exaggerated response and fails to provide particularized reasons for why the material constitutes an actual security threat, and inevitably will result in banning publications that contain political speech and/or speech that questions or criticizes California’s prison system.



- Paul Wright attended the Allied Media Conference in Detroit, Michigan on June 18-19, gave a presentation on prisoner communication issues at a Nation Inside gathering, and presented on issues related to ending mass incarceration.
- HRDC, among other organizations, signed on to a July 7 [letter](#) to the U.S. Department of Homeland Security in opposition to plans to open immigrant family detention centers. The letter, which strongly urged the department not to open the facilities but to utilize alternatives that do not imprison immigrant parents and children, was coordinated by Grassroots Leadership and the Women's Refugee Commission.
- On July 8, the Prison Policy Initiative and HRDC submitted a letter to Marlene H. Dortch, Secretary of the Federal Communications Commission, regarding the growing video visitation industry, its high costs and the need for FCC regulation of video visits.
- Paul Wright testified before the New Mexico legislature on August 7, 2014 about privatized prison medical care and Corizon.
- On August 23, Alex Friedmann presented on a panel on voting rights for ex-felons at the University of Memphis, Cecil C. Humphreys School of Law. The panel was part of an event sponsored by the Southern Region of Black Law Students Association. Other panelists included State Rep. Karen Camper, attorney J. Gregory Grisham, and public defenders Josh Spickler and Keeda Haynes.
- Alex Friedmann conducted a [podcast](#) with the Justice Policy Institute on August 28 about his article on prison privatization published in JPI's 2013 book, *Incarceration Generation*.
- On September 13, Alex Friedmann gave a one-hour presentation on prison privatization at a teach-in at the Nashville Public Library, organized by the Vanderbilt Prison Project and Tennessee Students and Educators for Social Justice. 
- HRDC General Counsel Lance Weber and staff attorney Sabarish Neelakanta gave a presentation on the First Amendment rights of publishers and prisoners to students at the University of Texas, Austin, School of Law on September 15, 2014. The presentation addressed the many challenges faced in prison censorship litigation and the growing trend to institute postcard-only policies at local jails. The discussion also addressed PLN's settlement of its lawsuit against the Comal County, Texas jail over a ban on books and magazines. The presentation was attended by students in the Public Interest Law Society and Human Rights Clinic at the law school.
- On September 15, HRDC submitted a [report](#) to the UN Human Rights Council's annual Universal Periodic Review (UPR) for its 22nd annual session on the current state of prison censorship and reform efforts related to prison phone rates in the United States. HRDC cited prison officials who censor or restrict books and other reading materials sent to prisoners, limit correspondence to and from jails to postcards only, and impose exorbitant fees and surcharges on prison phone calls.

- HRDC was among numerous other organizations that signed onto a September 18 [letter](#) to the Secretary of the U.S. Department of Health and Human Services, urging the department to safeguard unaccompanied immigrant children from sexual abuse by finalizing and implementing standards under the Prison Rape Elimination Act. The letter was coordinated by the Lutheran Immigration and Refugee Service.
- Alex Friedmann assisted with a [law review article](#) titled “Private Prisons, Private Records,” by former ACLU paralegal Mike Tartaglia, published in the October 2014 issue of the *Boston University Law Review*. He was thanked in the credits.
- Paul Wright presented at the “Free Speech, the Press and Censorship in California Prisons and Jails” conference at the University of Southern California Law School in Los Angeles on October 13. He spoke about censorship in California detention facilities.
- Alex Friedmann participated in a Huffington Post Live [video discussion](#) on October 14 concerning the death of Florida state prisoner Latondra Ellington. Other guests on the show included attorney Daryl Parks, who represents Ellington’s family, and former prison warden David Wise.
- On October 14, PLN contributing writer Christopher Zoukis’ [book](#), *College for Convicts: The Case for Higher Education in American Prisons*, was published by McFarland & Company; the foreword was written by Alex Friedmann.
- Alex Friedmann attended the Tennessee Department of Correction’s Family and Friends Forum in Nashville on October 15 and spoke with a number of TDOC staff about prison issues ranging from phone rates and the standardized menu to high levels of violence and JPay fees. He wrote a debrief of the event that was distributed to a number of prisoners.
- HRDC staff participated as legal observers at an October 22 protest against police brutality at the Palm Beach Sheriff’s Office related to the beating of a young Guatemalan immigrant in Lake Worth, Florida, as well as other police shootings and killings over the past year.
- On October 30, HRDC was among 13 organizations and individuals signing on to a joint letter to President Obama urging his administration to develop and implement an executive order to Ban the Box at the federal level by limiting consideration of criminal records in federal government employment decisions and extending that change to federal contractors by only doing business with those that have adopted and employ criminal records policies consistent with Ban the Box. The letter also urged the administration to restore access to Pell Grants to incarcerated students in state and federal facilities, citing research that shows higher education not only leads to increased employment opportunities but also reduces recidivism for former prisoners.
- Alex Friedmann gave a presentation at the “Jails for Sale” strategy summit for members of the faith community, sponsored and organized by the American Friends Service Committee. He spoke about private prison divestment strategies and shareholder activism at the event, which was held on November 6 in Tempe, Arizona.

- On December 10, HRDC staff coordinated a celebration of International Human Rights Day at the Friends' (Quaker) Meeting House in Lake Worth, bringing together over 60 people from various human rights, immigrant justice and civil liberties groups across south Florida to learn about getting involved with local criminal justice reform work.
- Alex Friedmann reviewed and provided suggestions for a section on private prisons in “Stacked Deck: How the Racial Bias in Our Big Money Political System Undermines Our Democracy and Our Economy,” a [report](#) by the public policy organization Demos. He was mentioned in the acknowledgments; the report was released on December 11.
- On December 13, HRDC sent a letter to all members of the District of Columbia Council, urging the Council to reject a proposed contract with Corizon to provide medical care to prisoners in the D.C. jail system.



Media Outreach

We continued to make headline news in 2014 with stories that either mentioned PLN or HRDC, or quoted our staff. This media coverage included newspapers, magazines, radio programs, TV shows and online news sources. HRDC also issued 18 press releases this year. The following is a list of the media coverage that PLN and HRDC received in 2014, which does not include articles about HRDC’s litigation; while this is not a complete list, it is illustrative of our media footprint. Links to these articles are on our website, under “PLN in the News.”

- HRDC executive director Paul Wright was quoted in an article about video visitation contracts and kickbacks in the *Chicago Tribune* on January 12.
- The *Wall Street Journal* quoted Paul Wright on January 30 in a story about banking services for prisoners.
- The *Tennessean* quoted HRDC associate director Alex Friedmann regarding the FCC’s rate caps on prison phone calls in a February 10 article.
- *Common Dreams* interviewed Paul Wright for a February 13 story about a scandal in Idaho in which CCA billed the state for thousands of staff hours that were not worked.
- Alex Friedmann was interviewed by Russian TV (RT) on February 14 about prison medical care, specifically the care provided to Konstantin Yaroshenko, a Russian national held in federal prison.
- A *Mother Jones* article titled “Why There’s an Even Larger Racial Disparity in Private Prisons Than in Public Ones” quoted Alex Friedmann on February 17.
- PLN’s research was mentioned in an article on the prison phone industry, published by *Truthout* on February 18.

- A February 18 article about privatized medical care at Virginia jails on ABC13 News (WVEC.com) quoted Alex Friedmann. “Their primary goal is not to provide medical care, per se, but it is to make profit,” he said. “If that’s your main motivation then, often, other things will suffer. In this case, it’s medical care for prisoners.”
- The *New Times Broward-Palm Beach* in Florida published an article on February 20 about Alex Friedmann’s shareholder resolution filed with GEO Group, seeking to reduce the cost of phone calls at the company’s private prisons.
- Alex Friedmann was quoted in a February 21 article published by *Truthout*, “Secret Plans and Clever Tricks: How Information About Public Contracting is Hidden from the Public,” which included information on private prisons.
- A *Tampa Bay Times* article regarding misconduct by private medical contractor Armor Correctional Health Services at a Florida jail quoted Alex Friedmann on February 22.
- In assessing the failures of prison privatization nationwide, a February 24 article by Politico quoted Alex Friedmann. “These companies have had 30 years to innovate,” he said, noting they have had three decades “to show that they’re increasing programming, to show that they’re operating with something other than the bottom line in mind. They’ve not done that. So why would they start now?”
- On February 26, the *Tennessean* published Alex Friedmann’s opinion piece on the death penalty in Tennessee, “Even death row inmates are people worthy of redemption.”
- A March 3 article published in the *Nashville Scene* covered the Securities and Exchange Commission’s rejection of Alex Friedmann’s shareholder resolution to reduce prison phone rates at CCA facilities.
- The *Fort Stockton Pioneer* cited PLN in a March 6 article concerning medical care contracts with the Texas Department of Criminal Justice.
- Alex Friedmann was quoted in a March 8 *Tennessean* article on an FBI investigation of CCA’s fraudulent reporting of staffing hours at an Idaho prison.
- A March 13 NPR article quoted Alex Friedmann about racial disparities in private prisons.
- On March 22, Vice.com published a profile on Alex Friedmann’s private prison shareholder activism.
- HRDC was quoted in an article by *Raw Story* on March 31 about an Arizona budget giveaway to private prison firm GEO Group.
- PLN’s cover story on PREA was mentioned by *Burnt Orange Report* in an article on Texas Governor Rick Perry’s refusal to comply with PREA standards, on March 31.



- Russian TV (RT) quoted Alex Friedmann in an article titled “Arizona Republicans try to pump \$1 mil into private prison for non-existent inmates,” published on April 1.
- On April 18, *Colorlines* quoted Alex Friedmann in an article about prison rape and PREA standards.
- An April 24 *Truthout* article on divestment from private prison companies profiled Alex Friedmann’s shareholder activism.
- WSMV Channel 4 (Nashville) interviewed Alex Friedmann for a TV news report on the Tennessee DOC’s concealment of violent incidents, which aired on April 25.
- A report in the *Wichita Eagle* on phone rates and commissions at a Kansas jail quoted Alex Friedmann on April 26.
- On April 30, Alex Friedmann was interviewed by Russian TV (RT) for a news report on executions and lethal injection drugs, in reference to the botched execution of Oklahoma prisoner Clayton Lockett.
- Alex Friedmann was interviewed for a [History Channel program](#), “America’s Book of Secrets,” for an episode about secret prisons. The show aired on May 3.
- Alex Friedmann was quoted in a May 4 *Tennessean* article on the sale of e-cigarettes in Tennessee jails.
- On May 14, the *West Virginia Gazette* published an article by HRDC prison phone justice director David Ganim, urging state officials to reduce prison phone rates.
- The *Nashville Scene* quoted Alex Friedmann on May 22 in a lengthy article about CCA’s lobbyists and political influence in Tennessee.
- Alex Friedmann was quoted in a story on the proposed sale of a Florida jail to CCA in the *Ocala Star-Banner* on May 27.
- A feature article on prison slave labor published by the *American Prospect* on May 28 quoted Alex Friedmann: “If our criminal-justice system had to pay a fair wage for labor that inmates provide, it would collapse.... We could not afford to run our justice system without exploiting inmates.”
- An article in the *Casa Grande Dispatch* (AZ) on May 29, about rehabilitation, private prisons and the Private Prison Information Act, mentioned PLN.
- Paul Wright was quoted about censorship by jail officials in an article published by *ThinkProgress.org* on May 31, titled, “If You’re a West Virginia Inmate, You Can’t Read This Story,” following an environmental disaster that left prisoners without water.

- The Nevada Chapter of CURE published an article in their June 2014 newsletter about PLN's ongoing lawsuit with the Nevada Department of Corrections, featuring quotes from Paul Wright.
- Alex Friedmann was quoted in Tampa's weekly *Creative Loafing*, regarding for-profit juvenile facilities in Florida, on June 10.
- A June 16 *Nashville Scene* article that raised questions about murders at a CCA prison in Tennessee referenced an HRDC press release and quoted Alex Friedmann.
- Paul Wright was quoted in a *Daily Beast* article on June 21 regarding California's proposed censorship of reading material deemed "oppositional to authority and society," following hunger strikes in California state prisons.
- *Al Jazeera* quoted Alex Friedmann in an article on high prison phone rates on June 25.
- Alex Friedmann was quoted in a July 2 *Metro Pulse* article on complaints about video visitation at the jail in Knox County, Tennessee.
- PLN was cited in a story on the cancellation of a CCA contract in Idaho, in the *Lewiston Morning Tribune* on July 2.
- On July 9, the *Seattle Weekly* profiled a case in which HRDC represented the family of Washington state prisoner Ricardo Cruz Mejia, who died due to gross medical neglect by prison staff.
- Alex Friedmann appeared with D.C. Prisoners' Rights Project director Deb Golden on the [Roach Brown Crossroads Show](#), Pacifica Radio in Washington, D.C. on July 15, and spoke about video visitation in jails.
- PLN was mentioned and Alex Friedmann quoted in an extensive *Florida Weekly* article on Florida's brutal prison policies and prison privatization on July 17.
- Alex Friedmann was quoted extensively in a July 18 article on *TakePart.com* about the low quality of prison food and the use of food as a form of punishment.
- On July 24, Paul Wright was [interviewed](#) by Columbian television about the death penalty in the United States and a botched execution by lethal injection.
- An August 2 *USA Today* article quoted Paul Wright on Pigeonly's phone and picture-sharing services for prisoners.
- HRDC prison phone justice director Carrie Wilkinson was quoted on NBC Right Now on August 6 in a story about abysmal conditions at a Washington county jail.
- WSMV Channel 4 (Nashville) quoted Alex Friedmann in an August 7 report about a survey that found high rates of dissatisfaction among Tennessee prison guards.

- Paul Wright was quoted in a *Tampa Tribune* article on August 13 about private prison medical care companies vying for a contract at the Hillsborough County jail in Florida.
- Paul Wright was interviewed by A Just Cause Radio on August 14 about PLN's efforts to protect prisoners' human rights.
- On August 19, the *Des Moines Register* published an editorial by David Ganim, urging the Iowa DOC to reduce prison phone rates.
- An August 29 CNN Money article, "Wall Street bets on prison growth from border crises," quoted Alex Friedmann on private prison firms and immigration issues.
- HRDC was mentioned and Alex Friedmann quoted in a September 25 *Communications Daily* article about the FCC's action on prison phone rates.
- On September 25, *Real Change News* published an article by HRDC prison phone justice director Carrie Wilkinson, on a preliminary injunction entered against Lewis County, Washington in a censorship lawsuit filed by PLN.
- The Center for Community Change blog cited HRDC's leadership in the Campaign for Prison Phone Justice on September 26.
- Paul Wright was quoted in a September 29 *Daily Beast* article about the farce of a "progressive" jail in New Hampshire that has no outdoor exercise and video-only visitation.
- The Center for Public Integrity's September 30 report, "Prison Bankers Cash in on Captive Customers," quoted Alex Friedmann on kickbacks paid by companies such as JPay that provide prison money transfer services.
- Alex Friedmann was quoted in a Vice.com article about prison phone services and FCC regulations on October 3.
- *Philadelphia Weekly* quoted Alex Friedmann on October 4 in regard to a lawsuit filed by a Pennsylvania prisoner who was denied medication for a medical condition related to ejaculation, which was prohibited by prison rules.
- Alex Friedmann was quoted in the *Clarion Ledger* on October 11 about prisoners using cell phone cameras to capture photos of life in Mississippi prisons.
- An article in *PR Watch* on problems with Aramark's prison food contract in Michigan quoted Alex Friedmann on October 16.
- An October 23 CBS Houston news report on Securus and video visitation in Texas cited PLN's cover story on video visits.



- A *Communications Daily* article on the FCC's action regarding prison phone rates quoted from an HRDC press release on October 24.
- Alex Friedmann was quoted about campaign contributions by private prison companies in *Truthout* on October 28.
- An article in the *Bohemian* on November 12 referenced PLN's coverage of California's realignment initiative and private medical contracts at county jails.
- PLN was mentioned by the *Wall Street Journal* in a November 20 article about FCC regulations for prison phone services and commission kickbacks.
- *Alaska Dispatch News* quoted PLN in a December 13 article on the phone rates charged by Securus and commission kickbacks in Alaskan prisons and jails.
- On December 19, the *Yellowstone Gate* quoted Alex Friedmann in an article about the National Park Service finding deficiencies in security and staffing at a remote lockup in Yellowstone National Park.
- A December 20 *Newsweek* article mentioned PLN in reference to abuses at privately-run immigration detention facilities.

Litigation Project

Attorneys with HRDC's Litigation Project provide co-counsel in all censorship and public records lawsuits involving Prison Legal News. HRDC general counsel Lance Weber and staff attorney Sabarish Neelakanta also co-counsel select cases involving prisons and jails with other civil rights attorneys across the country. All of HRDC's litigation has a public education and media component that furthers our advocacy efforts with respect to criminal justice reform and prisoners' rights.

HRDC continues to be heavily involved in litigation, mostly due to censorship issues related to our monthly magazine and PLN book distribution efforts, as well as denials of our public records requests. PLN litigation continued to generate media coverage in 2014, including articles in the *Miami Herald*, *Palm Beach Post*, *San Diego Reader*, Associated Press, *Courthouse News Service*, *Seattle Times*, *Detroit Free Press* and the *Oregonian*.

HRDC's 2014 litigation docket included the following cases; cases that were both filed and resolved during the past year are listed in the "Cases Resolved" section.

NEW CASES FILED IN 2014

Immigrant Detention Facility FOIA Suit: In July 2013, PLN filed a FOIA request for records related to telephone services and other documents concerning the ability of prisoners to communicate with people outside the Northwest Detention Center in Tacoma, Washington. Despite follow-up letters, the government never responded to PLN's FOIA request; accordingly, PLN filed suit in April 2014. PLN is represented by Eric Stahl and Angela Galloway of Davis Wright Tremaine, LLP in Seattle and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. U.S. Department of Homeland Security*.

FOIA Suit for UNICOR Records: In July 2012, PLN requested, via the Freedom of Information Act (FOIA), copies of records from the Bureau of Prisons or Federal Prison Industries – also known as UNICOR. The requested records related to UNICOR’s electronics recycling program, with a focus on hazardous or toxic materials and hazardous working conditions, deaths or injuries that have resulted from same, and related litigation involving UNICOR resulting 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 assessment of fees and followed up by letter, but never received a response. PLN filed suit for FOIA violations in April 2014 with representation by Carl Messineo and Mara Verheyden-Hilliard with the Partnership for Civil Justice Fund in Washington, D.C., and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Federal Bureau of Prisons*.

Marshall County, Tennessee Public Records Case: After the sheriff of Marshall County, Tennessee refused to produce records requested by HRDC associate director Alex Friedmann, demanding 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, and he filed a notice of appeal on that issue which remains pending. The case is *Friedmann v. Marshall County*.

San Diego, California Jail Censorship Suit: In October 2014, PLN filed a lawsuit and motion for preliminary injunction challenging a San Diego County sheriff’s policy that prohibits jail prisoners from receiving correspondence other than postcards and other rules that suppress PLN’s free speech rights. PLN is represented by Ernest Galvan, Blake Thompson and Jenny Yelin of Rosen Bien Galvan & Grunfeld, LLP in San Francisco; by Julia Yoo and Grace Jun of Iredale & Yoo, APC in San Diego; and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. County of San Diego*.



Censorship Suit at GEO Group Prison in Indiana: Staff at the New Castle Correctional Facility in Indiana, operated by the GEO Group, began censoring PLN’s monthly publication in 2014, purportedly due to certain ads contained in the magazine despite the lack of censorship at other Indiana prisons. PLN filed suit in federal court on November 26, 2014, along with a motion for a preliminary injunction. The GEO Group agreed to the court’s entry of a consent injunction in December 2014, while PLN’s damages claim remained pending at the end of 2014. PLN is represented by Ken Falk, Gavin Rose and Kelly Eskew of the ACLU of Indiana; by Jon Loevy, Arthur Loevy and Matt Topic of Loevy & Lovey in Chicago; and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. The GEO Group*.

Kankakee County, Illinois Censorship Case: PLN filed suit in December 2014 against the sheriff of Kankakee County, Illinois over a policy and practice that prohibits prisoners at the county’s two jails from receiving individual subscriptions to magazines and other periodicals. The practices of jail staff evolved so that an exception was being made to allow delivery of PLN but not other publications. In his response to PLN’s motion for a preliminary injunction, the sheriff denied that PLN was ever censored and avoided the issue of whether individual subscriptions are banned. PLN is represented by Jon Loevy, Arthur Loevy and Matt Topic of Loevy & Lovey in Chicago, and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. County of Kankakee*.

PRIOR CASES STILL PENDING IN 2014

Nevada Department of Corrections Censorship Case: PLN filed a federal lawsuit against the Nevada Department of Corrections on June 27, 2013. The complaint accuses state prison officials of censoring PLN's books, magazines and correspondence pursuant to their "approved vendors" and "unauthorized correspondence" policies, as well as policies that prohibit the use of address labels and require books to be sent to prisoners via first class mail. In 2000, the Nevada Department of Corrections had settled a censorship suit filed by PLN over similar issues, and agreed that prisoners "shall be permitted to subscribe to the publications of their choice." PLN is now seeking declaratory and permanent injunctive relief, as well as damages and payment of attorneys' fees and costs, and has moved to hold the Nevada Department of Corrections in contempt for violating the prior settlement agreement. PLN is represented by Nevada attorneys Staci Pratt and Allen Lichtenstein; Ernest Galvan with the San Francisco law firm of Rosen Bien Galvan & Grunfeld, LLP; and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Cox*.

CCA Public Records Case in Vermont: PLN filed suit in Superior Court in Vermont on June 7, 2013, alleging that by housing and overseeing Vermont prisoners, CCA is a "public agency" as defined by the state's public records law and thus is required to comply with public records requests. The lawsuit was filed after CCA failed to respond to PLN's records request related to Vermont prisoners held in out-of-state CCA facilities. PLN has asked the court to declare that CCA is a "public agency" for purposes of Vermont's public records law; the suit also seeks reimbursement of costs and attorneys' fees. The court denied CCA's motion to dismiss in January 2014, finding that Vermont's public records act extended to CCA. PLN is represented by ACLU of Vermont staff attorney Dan Barrett, and the case is *Prison Legal News v. CCA*.

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 claims 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. PLN is represented by Charlottesville attorneys Jeffrey E. Fogel and Steven D. Rosenfield, plus HRDC general counsel Lance Weber. The case is *Prison Legal News v. Stolle*.

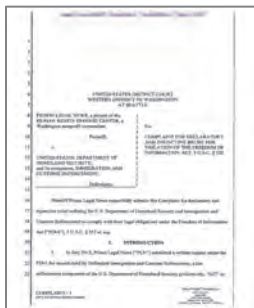
Sullivan County, Tennessee Jail Censorship Case: PLN filed suit in federal court against Sheriff Wayne Anderson and the Sullivan County Jail on October 10, 2013. The lawsuit alleges that prisoners can only send and receive postcards, which prevents them from receiving PLN's magazines and books in violation of the First and Fourteenth Amendments. In addition to the complaint, PLN filed a motion for a preliminary injunction to prohibit enforcement of the jail's restrictive mail policy. PLN is represented by Tricia Herzfeld with the Nashville firm of Ozment Law, and by HRDC general counsel Lance Weber. The case is *Prison Legal News v. Anderson*.

Walton County, Georgia Censorship Suit: PLN filed a federal lawsuit against Walton County, Georgia on September 21, 2012. The complaint accused the Walton County jail of censoring PLN's books, magazines and correspondence due to a postcard-only policy and a ban on books and magazines. The district court granted in part and denied in part PLN's motion for a preliminary injunction on March 26, 2013, and a bench trial was held in February 2014. The

court issued a ruling in August 2014 that declared the jail's due process policy and ban on publications were unconstitutional. PLN reached a settlement on its remaining claims for damages, and a motion for attorneys' fees remained pending at the end of 2014. PLN is represented by Georgia attorneys Brian Spears, Gerry Weber, Jeff Filipovits and Albert Wan, as well as HRDC general counsel Lance Weber. The case is *Prison Legal News v. Chapman*.

Florida Statewide Ban on *Prison Legal News*: On November 17, 2011, PLN filed suit 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 advertisements. 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 is scheduled for January 2015. PLN is represented by Randall Berg and Dante Trevisani with the Florida Justice Institute, Benjamin Stevenson with the Florida ACLU, and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Crews*.

Livingston County, Michigan Jail Censorship Suit: PLN filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011. The federal lawsuit alleges that the county jail "adopted and implemented written mail policies and practices that unconstitutionally restrict correspondence to prisoners via postcards only....," and raises claims under the First and Fourteenth Amendments. Summary judgment briefing was completed in April 2014. PLN is represented by attorneys Thomas M. Loeb, Brian J. Prain and Daniel E. Manville, plus HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Bezotte*.



Bureau of Prisons FOIA Lawsuit: In September 2005, PLN filed a Freedom of Information Act 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 to PLN's FOIA request by denying PLN's status as a media agency and trying to charge an exorbitant amount of money 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 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; on July 23, 2013 the district court granted summary judgment to the defendants. PLN appealed to the DC Circuit Court of Appeals in August 2013, and also has moved for attorneys' fees and costs as the prevailing party because the suit 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. PLN was represented before the district court by Washington, D.C. attorney Ed Elder, the Partnership for Civil Justice Fund and HRDC general counsel Lance Weber. On appeal, PLN is represented by Ronald London and Lisa Zycherman of the Washington, D.C. law firm of Davis Wright Tremaine, LLP and HRDC general counsel Lance Weber. The case is *Prison Legal News v. Samuels*.

CASES RESOLVED IN 2014

Lewis County, Washington Jail Censorship Case: PLN filed suit in April 2014 challenging the postcard-only mail policy at the Lewis County, Washington jail. The court granted PLN's motion for a preliminary injunction and the parties settled the case with a consent decree in November 2014. PLN received damages, attorneys' fees and costs. PLN was represented by Jesse Wing and Katherine Chamberlain of MacDonald, Hoague & Bayless in Seattle, and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case was *Prison Legal News v. Lewis County*.

Censorship Suit Against Ventura County, California: In January 2014, PLN filed a challenge to the Ventura County, California sheriff's ban on all incoming correspondence not on a postcard. The district court entered a preliminary injunction in favor of PLN and the parties entered into a consent decree that was adopted by the court in September 2014. PLN also received damages, fees and costs. PLN was represented by Brian Vogel of Ventura, California, by Sandy Rosen, Ernest Galvan and Blake Thompson of Rosen Bien Galvan & Grunfeld, LLP in San Francisco, and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case was *Prison Legal News v. County of Ventura*.

Columbia County, Oregon Postcard-Only Challenge: PLN filed suit against the sheriff of Columbia County, Oregon on January 13, 2012 over the jail's postcard-only mail policy and a ban on magazines. The federal district court issued a preliminary injunction against the jail in May 2012, suspending its postcard-only policy and ordering jail officials to deliver magazines to prisoners. In April 2013, following a bench trial, the court held that the jail's postcard-only policy was unconstitutional and entered a permanent injunction. This was the first time that a court struck down a jail's postcard-only policy following a trial on the merits. The county and PLN subsequently settled the damages claims still at issue in the case, and attorneys' fees and costs in the amount of \$802,176 were awarded to PLN in March 2014. PLN was represented by attorneys Jesse Wing and Katherine Chamberlain of MacDonald Hoague & Bayless in Seattle, by the late Marc D. Blackman of Ransom Blackman, LLP in Portland, and by HRDC general counsel Lance Weber and former HRDC staff attorney Alissa Hull. The case was *Prison Legal News v. Columbia County*.

Public Records Suit Against CCA in Texas: PLN filed suit in the District Court of Travis County, Texas in May 2013, alleging that Corrections Corporation of America had failed to respond to a public records request. PLN requested a number of records from the company, including contracts between CCA and state and local government agencies, as well as settlements, verdicts and judgments entered against CCA in Texas. PLN contended that the company is the functional equivalent of a government agency performing the inherently public service of operating prisons and jails, and thus must comply with Texas' public records statute. CCA operates nine facilities in Texas, including four that house state prisoners. On September 15, 2014 the court entered final judgment in favor of PLN, holding that CCA is a "governmental body" pursuant to the Texas Public Information Act and ordering the company to produce the requested records and pay PLN's attorneys' fees. CCA produced the requested records and did not appeal. PLN was represented by attorneys Cindy Saiter with Scott, Douglass & McConnico, LLP and by Brian McGiverin with the Texas Civil Rights Project. The case was *Prison Legal News v. Corrections Corporation of America*.

Intervention in CCA FLSA Lawsuit: In February 2014, PLN filed a motion to intervene in a class-action FLSA lawsuit in U.S. District Court in Kentucky. The suit claimed that CCA had violated labor laws by failing to fully compensate its employees, and settled in November 2013. The settlement was filed under seal, and the district court granted PLN's motion to unseal the settlement agreement over CCA's objections on August 12, 2014. PLN was represented by Bill Sharp of the ACLU of Kentucky; the FLSA lawsuit was *Johnson v. CCA*.

CCA Infant Wrongful Death Suit in Tennessee: On November 17, 2011, HRDC general counsel Lance Weber and attorneys Andrew Clarke and Luther Sutter filed suit on behalf of former prisoner Countess Clemons and the estate of Roland Clemons, her deceased infant child, alleging that CCA employees at the Silverdale Detention Facility in Chattanooga failed to take her to a hospital in a timely manner when she began experiencing preterm labor. Upon arrival at the hospital over five hours after she first requested assistance from CCA staff, Countess' son was born but died shortly afterward. On July 14, 2014, the district court imposed sanctions against CCA for failing to preserve video footage that would have shown facts relevant to the claim that there was a delay in providing timely medical care. The case resolved in August 2014, with CCA agreeing to pay \$690,000 in a non-confidential settlement for damages, attorneys' fees and costs. The case was *Clemons v. Corrections Corporation of America*.

CCA Wrongful Death Cases in Hawaii: HRDC filed separate lawsuits against Corrections Corporation of America, the State of Hawaii and the Hawaii Department of Public Safety over the deaths of two Hawaii prisoners held at CCA's Saguaro Correctional Center in Eloy, Arizona. The family of Bronson Nunuha sued CCA on February 15, 2012; Nunuha had been placed in a controversial behavior modification program at the CCA-run prison, where he was brutally murdered by two members of a rival gang. Clifford Medina's family filed suit against CCA on May 23, 2012. Medina was housed in a segregation cell with another prisoner who strangled him to death. The lawsuits claimed that the deaths were due to understaffing, deliberate indifference to prisoners' safety and CCA's negligence in running the Saguaro facility. Both cases settled under confidential terms in 2014. The Nunuha and Medina families were represented by HRDC, the law firm of Rosen Bien Galvan & Grunfeld, LLP and Dan Gluck with the Hawaii ACLU. The cases were *Estate of Nunuha v. State of Hawaii* and *Estate of Medina v. State of Hawaii*.



St. Lucie County, Florida Jail Censorship Case: PLN filed a lawsuit against the sheriff of St. Lucie County, Florida in December 2013 over the jail's postcard-only mail policy and its ban on magazines and books. The district court granted PLN's motion for a preliminary injunction, and the sheriff changed the jail's mail policy. The parties settled the remaining issues of damages, fees and costs in December 2014. PLN was represented by attorneys Randall Berg and Dante Trevisani with the Florida Justice Institute, and by HRDC general counsel Lance Weber and former HRDC staff attorney Robert Jack. The case was *Prison Legal News v. Mascara*.

Kenosha County, Wisconsin Censorship Suit: PLN filed suit against Kenosha County, Wisconsin and the county Sheriff's Office on June 27, 2013; the complaint alleged that jail staff censored PLN's books and magazine. PLN also filed a motion for a preliminary injunction. The case settled in May 2014, with the county agreeing to revise its mail policy at the jail and pay damages, attorneys' fees and costs. PLN was represented by the law firm of Loevy & Loevy and HRDC general counsel Lance Weber. The case was *Prison Legal News v. Beth*.

Pinal County, Arizona Jail Censorship Case: PLN filed suit against the sheriff of Pinal County, Arizona challenging the county jail's ban on all books, magazines and non-postcard mail. In March 2013 the district court granted in part and denied in part the parties' cross-motions for partial summary judgment. The county agreed to settle the remaining claims of damages, fees and costs in September 2014. PLN was represented by Dan Pochoda with the Arizona ACLU, by Ernest Galvan and Blake Thompson of Rosen Bien Galvan & Grunfeld, LLP, and by HRDC general counsel Lance Weber. The case was *Prison Legal News v. Babeu*.

Wrongful Death Case in Washington State: HRDC co-counseled with a Seattle law firm to represent the estate and two minor children of Ricardo Mejia, a 26-year-old Washington state prisoner who died as a result of the deliberate indifference of prison medical staff. Mr. Mejia suffered a horrible, painful death in January 2011 due to sepsis, septic shock and untreated necrotizing fasciitis (commonly known as flesh-eating bacteria). A wrongful death suit was filed in December 2013 and the case settled in early 2014 for \$740,000. Mejia's estate and children were represented by attorney Jesse Wing with MacDonald Hoague & Bayless and by HRDC general counsel Lance Weber. The case was *Soria v. Washington Department of Corrections*.

Censorship Suit Against Orleans Parish, Louisiana: In September 2011, PLN filed suit against the sheriff of Orleans Parish, Louisiana over a ban on books and magazines at the Orleans Parish Prison. The parties entered into a consent judgment and the jail changed its mail policy in December 2011. The sheriff settled PLN's damages claim, and the court awarded attorneys' fees and costs in March 2014. PLN was represented by New Orleans attorneys Mary Howell, Elizabeth Cumming and John Adcock, and by HRDC general counsel Lance Weber. The case was *Prison Legal News v. Gusman*.

Comal County, Texas Jail Censorship Suit: PLN filed suit against the sheriff of Comal County, Texas on July 8, 2013. The lawsuit alleged that county jail staff censored PLN's books, magazines and correspondence without adequate due process; a motion for a preliminary injunction was filed, but was mooted in September 2013 after the jail changed its mail policy. The parties settled the case in June 2014 with the county agreeing to pay damages, attorneys' fees and costs. PLN was represented by James Harrington and Brian McGiverin with the Texas Civil Rights Project, by Eric Plourde of King & Spaulding LLP and by HRDC general counsel Lance Weber and former staff attorney Robert Jack. The case was *Prison Legal News v. Holder*.



HRDC's 2014 Attorneys: Lance Weber and Sab Neelakanta

AMICUS BRIEFS

The Human Rights Defense Center joined in the following amicus briefs in 2014:

Rivera v. County of Los Angeles, Ninth Circuit Court of Appeals. On April 28, 2014, HRDC and the National Police Accountability Project submitted a letter of amicus curiae in support of rehearing *en banc* on behalf of the plaintiff, Santiago Rivera. Rivera had filed suit raising claims of false imprisonment and deprivation of due process after he was falsely identified as a fugitive and detained by the defendants, who failed to compare his fingerprints with those of the actual person who was wanted by the police. The Ninth Circuit panel had affirmed the grant of summary judgment to the defendants, dismissing Rivera's claims. The amici argued that *en banc* review was necessary to reverse the district court's summary judgment order.

Crawford v. Cuomo, Second Circuit Court of Appeals. In July 2014, an amicus brief in support of the plaintiffs was submitted by HRDC, the New York Civil Liberties Union, the Legal Aid Society of New York, Legal Services of New York and the Uptown People's Law Center. The case involved an Eighth Amendment claim, alleging sexual abuse by guards during a pat down search. The district court dismissed the action, finding that actual penetration or physical injury was required for a claim of unconstitutional sexual abuse. The amici asked the Second Circuit to implement a rule more in line with contemporary standards of decency, that "... any intentional contact by a corrections officer with an inmate's genitalia or other intimate areas that is either unrelated to official duties or involves the intent to abuse, arouse, or gratify sexual desire meets the standard for unconstitutional sexual abuse."

Kallinen v. City of Houston, Supreme Court of Texas. In December 2014, HRDC joined Communities United Against Police Brutality and the National Police Accountability Project in supporting the petitioners in an appeal concerning the Texas Public Information Act, arguing that the state's public records statute does not require a ruling by the attorney general before a court issues a writ of mandamus.

Plumhoff v. Rickard, U.S. Supreme Court. HRDC and the National Police Accountability Project submitted an amicus brief on February 5, 2014 in support of the respondent, the minor daughter of a man slain by police officers. The brief requested that the high court affirm the decision of the Court of Appeals for the Sixth Circuit and remand the case for a jury trial. The amici argued that the existence of video footage does not eliminate factual disputes for summary judgment purposes, that such factual disputes preclude a grant of qualified immunity, and that interlocutory appeals should not be available when a challenge is to sufficiency of the evidence.

Shaw v. Kates, District of Columbia Circuit Court of Appeals. On March 25, 2014, an amicus brief was filed by HRDC, the ACLU, ACLU of the Nation's Capital, D.C. Trans Coalition, Just Detention International, Lambda Legal Defense and Education Fund, National Center for Lesbian Rights, National Center for Transgender Equality, National Police Accountability Project, Streetwise and Safe, Sylvia Rivera Law Project and Transgender Law Center on behalf of the plaintiff, a transgender woman who was sexually abused while improperly placed in a male housing unit, where she was sexually harassed and subjected to searches by male guards, despite producing documentation clearly stating she was female. The amici urged the Court of Appeals to acknowledge the plaintiff's Fourth and Fifth Amendment rights had been violated, and to affirm the district court's denial of the defendants' motion to dismiss.

Other Activities & Achievements

CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC co-founded the national Campaign for Prison Phone Justice in 2011 with the Center for Media Justice and Working Narratives. The campaign's website is www.phonejustice.org, while HRDC maintains a site for phone-related data and documents at www.prisonphonejustice.org.

The goal of the campaign is to reduce the high costs of phone calls made from prisons, jails and other detention facilities – costs that are inflated due to the “commission” (kickback) model of such phone services, which pay a percentage of the phone revenue to the contracting government agency, such as a Department of Correction or sheriff's office.

HRDC has continued to pressure the FCC to reduce the cost of intrastate prison phone calls after rate caps on interstate (long distance) calls went into effect in February 2014. Under the rate caps, interstate collect prison phone calls are capped at \$.25 per minute, while debit and prepaid calls are capped at \$.21 per minute.



Following the success of the national Campaign for Prison Phone Justice, and after receiving *cy pres* funds from a prison phone-related class-action lawsuit in Washington State, HRDC began to organize its first statewide prison phone justice campaign in Washington in late 2013. We reopened our Seattle office, staffed by Carrie Wilkinson, and the statewide campaign office was fully operational in early 2014 with a dedicated website (www.wappj.org).

As part of the national campaign, we published ten articles in *Prison Legal News* on prison phone and video visitation-related issues in 2014, and continued to publish monthly ads in *PLN* encouraging readers to contact corrections officials in states where prison phone contracts were up for renewal.

On January 13, 2014, HRDC filed a [reply comment](#) on the docket for the Wright Petition – the proceeding before the FCC to reduce prison phone rates – in response to issues raised in a comment filed by Pay-Tel Communications.

The FCC held a [workshop](#) on prison phone-related issues at its headquarters in Washington, D.C. on July 9, 2014. Both HRDC executive director Paul Wright and associate director Alex Friedmann participated in the workshop; Paul spoke on a panel on the impact of current reforms and the need for additional reform, while Alex was on a panel on understanding the provision of phone services in different types of correctional facilities. They also met, along with other workshop participants, with FCC Commissioner Mignon Clyburn. Following the workshop, on July 17 HRDC filed a [comment](#) with the FCC to put into the record a document concerning cost drivers of prison and jail phone services.

HRDC submitted several other comments to the FCC, including a September 18, 2014 [comment](#) concerning data related to intrastate prison phone rates at county jails in Washington State, which included a chart detailing phone rates and commissions at jails in Washington.

CCA/GEO SHAREHOLDER RESOLUTIONS

In November 2013, HRDC associate director Alex Friedmann, who owns a small amount of stock in Corrections Corporation of America and GEO Group, the nation's two largest private prison firms, filed shareholder resolutions that would require the companies to reduce the rates charged for inmate telephone services (ITS) at their facilities.

The resolutions noted that “prisoners who maintain close connections with their families have a lesser chance of reoffending after release, thereby reducing recidivism. However, high ITS rates impose a financial burden that impedes such connections. Lower ITS rates would facilitate more communication between prisoners and their families and children.”

Specifically, the resolutions would have required CCA and GEO to forgo prison phone commission kickbacks and give the greatest consideration to the overall lowest phone charges among the factors they consider when evaluating and entering into prison phone contracts.

CCA and GEO filed no-action requests with the Securities and Exchange Commission (SEC) seeking to exclude the resolutions, and the SEC ruled in favor of the companies in February 2014. In a [press release](#), Alex stated, “CCA put its profits first. The company claims that it's interested in rehabilitating offenders, but when faced with a resolution that would have reduced phone rates at its for-profit facilities, thereby having a rehabilitative effect on prisoners and resulting in less recidivism, CCA decided its profits from prison phone kickbacks were more important.”

In November 2014, Alex again filed shareholder resolutions with both CCA and GEO Group that would require the companies to spend 5% of their net profit each year on rehabilitative and reentry programs at their facilities, above what they are required to spend based on their contracts with government agencies.

“As a former prisoner, I know firsthand the importance of providing rehabilitative programs and reentry services,” Alex stated. “I also know firsthand the incentive of private prisons to cut costs – including expenses associated with rehabilitative programs – in order to increase their profit margins.”

On December 23, GEO filed an [objection](#) to the shareholder resolution with the FCC, and CCA is expected to submit a similar objection. The resolutions remained pending at the end of 2014. Attorney Jeffrey Lowenthal with the law firm of Stroock & Stroock & Lavan, LLP in New York represents Alex pro bono before the SEC.

PRIVATE PRISON INFORMATION ACT

For several years, HRDC and UC Berkeley doctoral student Christopher Petrella have tried to get the Private Prison Information Act (PPIA) reintroduced in Congress. The PPIA would require private prison companies that contract with federal agencies to comply with the Freedom of Information Act (FOIA) to the same extent as public correctional facilities, which would result in increased transparency and accountability at private prisons that house federal prisoners.

Throughout 2014, HRDC and Chris worked with staff in U.S. Rep. Sheila Jackson Lee's office to draft the legislation, and a renewed [letter](#) of support for the PPIA was submitted by HRDC and 37 other organizations on June 11, 2014.

The Private Prison Information Act was [reintroduced](#) by Rep. Jackson Lee as [H.R. 5838](#) on December 10, 2014 with seven cosponsors, just before the end of the Congressional session; the bill is expected to be introduced again during the 114th Congress.

TEMPLE UNIVERSITY ETHICS COMPLAINT

On June 25, 2013, HRDC associate director Alex Friedmann filed an ethics complaint with Temple University concerning Professors Simon Hakim and Erwin Blackstone, who authored a research study lauding the benefits of prison privatization. The study was subsequently published by The Independent Institute.

The complaint alleged that when the study was initially released as a working paper it did not disclose that it had been funded by private prison companies, including CCA, GEO Group and MTC. It further noted that Hakim and Blackstone had submitted editorials to newspapers in at least five states regarding their research findings, and failed to disclose in most of their editorials that they had received funding from the private prison industry.

While waiting for the university to rule on his ethics complaint, Alex engaged in media outreach. The *Philadelphia Inquirer*, *Inside Higher Ed*, *Temple News* (the university's student paper), *In These Times*, *Philadelphia Weekly*, *Huffington Post* and *The Verge* ran articles in 2014 about the Temple private prison study and Alex's complaint.

Alex also partnered with ColorOfChange, which started a [petition](#) targeting Temple University officials and hired a mobile billboard truck that parked near the school, displaying a sign that criticized the private prison study.

In May 2014, In the Public Interest and 15 other organizations and individuals submitted a joint letter to Temple's president, urging the university to "act swiftly and transparently" in response to the ethics complaint.

Dr. Michele Masucci, Interim Vice Provost for Research at Temple, [stated](#) in a July 2 letter that she had concluded an examination of the complaint. "As you know," she wrote, "the working paper was withdrawn and is no longer widely available. Additionally, University records do not reveal that it received grant funds" for the private prison study, and thus "many months ago we directed that correction be made to any publication that inaccurately attributed Temple's connection to this work." Further, she said the University would "address its conclusions" with Professors Hakim and Blackstone.

As a follow-up action, 30 professors submitted a joint letter to Temple's Board of Trustees on October 14, citing the ethics complaint and calling on the university to "adopt a formal policy requiring disclosure of the funding sources for academic research at all stages of the publication process." The letter was coordinated by Prof. Byron E. Price at Medgar Evers College, CUNY.

LONG HAUL AWARD

Alex Friedmann received a Long Haul Award from the Tennessee Alliance for Progress (TAP) on May 15, 2014 in recognition of his long-standing work on prisoners' rights and criminal justice-related issues in Tennessee. TAP, a non-profit advocacy organization, "works to facilitate true political and economic democracy where people actively participate in decisions that affect their lives."



COLLABORATIONS AND AFFILIATIONS

HRDC collaborated with other organizations in 2014 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, the Prison Policy Initiative, Private Corrections Institute, In the Public Interest and Grassroots Leadership. Additionally, HRDC staff maintained the following affiliations with other groups:

- **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 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 citizen watchdog group that opposes prison privatization. He also volunteers as a consultant to the Presbyterian Criminal Justice Network and works with the Tennessee Consultation on Criminal Justice, 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 Director Lance Weber** is a member of the National Lawyers Guild's National Police Accountability Project, the First Amendment Lawyers Association, the American Bar Association's Civil Rights Litigation Committee, and the American Bar Association's First Amendment and Media Litigation Committee.
- **HRDC Staff Attorney Sabarish Neelakanta** is a member of the First Amendment Lawyers Association, the National Lawyers Guild's National Police Accountability Project, the American Civil Liberties Union, the American Constitution Society, the Trial and Public Interest sections of the Florida Bar, and the Palm Beach County Bar Association.

Looking Forward: Goals for 2015

We are pleased with HRDC's progress during 2014 in terms of our media outreach, litigation project and advocacy efforts, among other activities. Our websites continue to be an important source of news and legal research for prisoners' rights advocates, policy makers, academics, researchers, journalists, attorneys and other people involved in criminal justice-related issues.

Our litigation project continued to expand throughout 2014 due to ongoing censorship of *Prison Legal News* and the books we distribute by prison and jail officials. We anticipate filing additional legal challenges in 2015, concerning public records and FOIA requests, and postcard-only policies enacted by county jails.

Further, HRDC will continue to co-coordinate the Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates nationally. One of our goals for 2015 includes further developing the Washington Prison Phone Justice Campaign, with the objective of ending commission kickbacks and lowering costs for prison and jail phone calls in Washington State.

Our future book publishing plans include publishing an updated edition of *The Habeas Citebook: Ineffective Assistance of Counsel*. We continue to seek new books to distribute that are of interest to prisoners, and encourage book ideas and submissions from qualified authors.

Another major goal for 2015 is to launch a new campaign to stop prison and jail officials from profiting from prisoners and their families by charging fees for money transfers, phone account payments, release debit cards, video visitation and other services. The campaign will be called Stop Prison Profiteering, and we plan to develop a separate website for that project.

HRDC also intends to launch a Prison Ecology Project that deals with the environmental impacts of mass incarceration, including the impacts on prisoners, prison employees and the communities where prisons are located. This project will address issues related to clean water, sewer discharges, toxic waste, prison sitings on coal mines and landfills, and other environmental degradation.

Other 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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