

PRESS RELEASE

Human Rights Defense Center
For Immediate Release

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Human Rights Defense Center Files Public Records Suit Against Department of Justice, Drug Enforcement Administration

Seattle, WA – Yesterday, the nonprofit organization Human Rights Defense Center (HRDC) filed a lawsuit in the U.S. District Court for the Western District of Washington against the United States Department of Justice (DOJ) and its component, the Drug Enforcement Administration (DEA), alleging violations of the federal Freedom of Information Act. On May 20, 2019, HRDC submitted a public records request seeking documents related to settlement payments to resolve claims against the DEA. Despite multiple accommodations made by HRDC to the DEA in the intervening year to reduce the agency’s alleged burden, the DEA had yet to provide any documents in response to that public records request at the time of filing.

HRDC’s mission is to protect the human and civil rights of prisoners and ensure fairness and transparency in the criminal justice system. A core function of that mission includes the collection of information which can contribute to transparency and better understanding of how law enforcement actually operates. In the organization’s original public records request, HRDC sought copies of claims, complaints, judgments, verdicts, settlements, and all such documents concerning “all litigation against the [DEA] and/or its employees or agents where the agency and/or its insurers paid \$1,000 or more to resolve claims” from January 2010 through May 2019. This information is intended to be a component of a larger project initiated by HRDC to understand the fiscal responsibilities of law enforcement and correctional agencies across the United States, including the impact of the war on drugs and the prevalence of misconduct at the DEA and other agencies.

In response to the request on May 20, 2019, the DEA declared HRDC’s request to be over-burdensome on the grounds that (1) pre-2012 documents are archived and would need to be manually searched for and (2) DEA has no method of searching for monetary parameters. In response to that declaration, HRDC agreed to limit its request to 2012 onward and waive the \$1,000 threshold from the original request. The complaint alleges that despite these attempts at reasonable accommodations, the DEA continued to provide obstructions to the completion of the public records request.

According to HRDC’s complaint, “DEA has utterly failed its obligations under the FOIA to provide the public records that HRDC seeks.” The complaint specifically cites the Agency’s failure to respond in a timely manner and its improper withholding of the records as HRDC’s grounds for relief. HRDC’s complaint requests declaratory and injunctive relief, including production of the records, as well as reasonable attorneys’ fees and costs.

“American taxpayers have a right to know how their tax dollars are being spent and how well or poorly Law Enforcement agencies are operating. With little transparency or openness, public records offer a small glimpse of this hidden world. One which the DEA is fighting to ensure the public and the media cannot access,” said Paul Wright, HRDC’s founder and executive director.

HRDC's counsel, Caesar Kalinowski IV of Davis Wright Tremaine LLP, noted that "the DEA, by ignoring HRDC's request, is sending a signal that it does not value citizens' rights to access government records and to know the extent to which taxpayers foot the bill for institutional wrongdoing. The Freedom of Information Act provides HRDC a means to vindicate its and the public's rights to this information."

HRDC is also represented by Eric Stahl of Davis Wright Tremaine and HRDC General Counsel Dan Marshall. The complaint filed in *Human Rights Defense Center v. Dep't of Justice, et al.*, Case No. 2:20-cv-00674 (W.D. Wash. 2020), has been posted [here](#).

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. HRDC publishes *Prison Legal News* (PLN), a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners' rights and criminal justice issues. PLN has around 9,000 subscribers nationwide and operates a website (www.prisonlegalnews.org) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents. HRDC also publishes *Criminal Legal News*, which reports on criminal law and procedure, law enforcement and policing, sentencing and habeas corpus and news. (www.criminallegalnews.org).

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