



Human Rights Defense Center

DEDICATED TO PROTECTING HUMAN RIGHTS

October 18, 2019

Dear HRDC Supporter,

Every year we conduct an annual fundraiser in the fall because the income we receive from subscriptions and book sales alone do not cover the expenses of our advocacy work on behalf of prisoners, their families and the victims of police state violence and exploitation. We receive very little in the way of foundation funding and rely on individual donors – people like you – who can and do make a difference by donating to the Human Rights Defense Center (HRDC).



HRDC Director Paul Wright

We have had a very busy year. In addition to publishing *Prison Legal News* and *Criminal Legal News*, we filed a number of First Amendment censorship lawsuits around the nation; we continued to advocate for low phone rates for prisoners and their families; we sued the Palm Beach County jail in Florida and ended the practice of confining children in solitary confinement and depriving them of an education; we are publishing a new self-help book on prosecutorial misconduct and much, much more. Our social media presence on Facebook and Twitter, as well as our daily e-newsletter, continues to grow as we expand our advocacy. We continue to run the Campaign for Prison Phone Justice, Stop Prison Profiteering campaign and Prison Ecology Project.

But we still need to do more. We want to make sure that all our readers, especially those in prisons and jails, can receive and read the magazines and books we publish and distribute. Since the very first issue of *PLN* was published in May 1990, we have faced censorship by detention officials who are not pleased with our news coverage of the criminal justice system. HRDC has consistently been in the vanguard fighting prison and jail censorship to ensure that prisoners can receive our publications and reading materials from other publishers, too. No one litigates more around censorship issues than we do, and no one does it more aggressively. Alas, it is costly and expensive to fight these issues in court. Please make a donation to help support us in this struggle. If you cannot make a donation at this time, please consider ordering or extending a *PLN* or *CLN* subscription, or purchasing books from us and encouraging your friends and family to do so, too.

In February 2019, the HRDC litigation team went to trial in Arkansas in a lawsuit against the Baxter County jail over a policy that banned all books, magazines, newspapers and letters sent to prisoners, at a facility where there was no access to TV or books. The federal district court ruled against us and held that isolating prisoners to a degree not even seen in countries like North Korea is constitutional. We have since appealed to the Eighth Circuit Court of Appeals. HRDC will stand up for free speech anywhere in the U.S., whether we are suing jails in Cook County, Chicago or in Los Angeles – some of the largest in the world – or the Baxter County jail in Arkansas. We are currently suing the prison systems in Michigan, Illinois, Arizona and Florida, too. Everyone has a right to read, including prisoners, and we consistently advocate for that right.

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(561) 360-2523
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But we are doing a lot more than just fight for freedom of the press and the First Amendment. Earlier this year, HRDC attorneys won a lawsuit against Palm Beach County officials for placing developmentally disabled juvenile prisoners in solitary confinement cells for up to 22 hours a day and depriving them of educational programs. All of the children being subjected to such horrific conditions of confinement had some degree of intellectual or developmental disability. All were racial minorities. HRDC ended that practice. Further, we continue to litigate a wrongful death suit on behalf of Vincent Gaines, a mentally disabled African American prisoner who was **starved to death** in a Florida state prison. We are also suing private health care company Corizon for its role in allowing Mr. Gaines to die in his isolation cell.

HRDC's attorneys are known for filing cutting-edge lawsuits that challenge unconstitutional censorship and lack of transparency by law enforcement agencies. Further, our advocacy and litigation have long targeted industries that profit from mass incarceration. Class-action suits filed by HRDC against debit card companies that prey on prisoners and arrestees being released from prisons and jails seek to bring accountability to an unscrupulous industry that exists solely to exploit poor people enmeshed in the criminal justice system.

We are able to challenge these abuses due to the donations we receive from people like you. HRDC is a lean, efficient operation. Every dollar you donate to HRDC will go further and get more bang for the buck than with any other criminal justice reform organization. With your support, we have been able to build a formidable legal and advocacy team that can take on large, complex campaigns and litigation on a variety of criminal justice issues. The next time the impoverished mother of a developmentally disabled child calls us and asks for help because her son is in solitary confinement, we want to be able to do something about it and not say "sorry, we lack the resources to help you." Your contributions allow us to take those calls and swing into action.

So just how much does HRDC do with its limited resources? Our annual report for 2018 is enclosed and gives a detailed overview of the depth and breadth of our activities. We don't have room to include every time we are mentioned in the media, and only list the conferences where HRDC staff are speakers. What do your donations help support? Any time a reporter or a media outlet contacts HRDC for a quote, background information or an interview, one of our staff members knowledgeable about criminal justice reform issues will promptly respond. When conferences or events need speakers, we are there. In short, supporting HRDC helps change the media narrative on the American police state and our nation's dysfunctional criminal justice system.

Our publishing activities are self-explanatory. You are receiving this because you subscribe to *PLN* and/or *CLN*. We don't need to tell you about the quality of our reporting, which brings you news that no one else does or can. Your support helps to make that happen. For 29 years, we have consistently invested the funding we received into building HRDC from an all-volunteer operation when it started in my Washington state prison cell in 1990 to the professional organization it is today. The support and donations that readers like you have provided to HRDC are readily apparent in our annual reports, which show how far we've come since we published the first hand-typed, 10-page issue of *Prison Legal News*.

In addition to our advocacy activities, our litigation docket is included in our annual report. From our First Amendment censorship cases to our public records and FOIA litigation, we are fighting for free speech and government transparency everywhere – from Florida to California, and from Arizona to Illinois. Our lawsuits against debit card companies seek to end the financial exploitation of prisoners upon their release.

Please donate whatever you can today, and consider becoming an HRDC sustaining donor. We are in this fight for the long haul (almost three decades so far), and need your support to continue fighting! We leverage our limited resources by working with other organizations and attorneys to be able to successfully take on important criminal justice issues. Your support makes this possible; no one else does so much with so little. Please donate to help us continue fighting for justice on every level. If you don't, who will?

In Struggle,



Paul Wright
Executive Director, HRDC

HRDC 2019 ANNUAL FUNDRAISER



*Please Help Support
the
Human Rights Defense Center!*



The Human Rights Defense Center (HRDC), which publishes *Prison Legal News* and *Criminal Legal News*, cannot fund its operations through subscriptions and book sales alone. We rely on donations from our supporters!

HRDC conducts only one annual fundraiser; we don't bombard our readers with donation requests, we only ask that if you are able to contribute something to our vital work, then please do so. Every dollar counts and is greatly appreciated and will be put to good use. No donation is too small (or too big)!

Where does your donation go? Here's some of what we've done in the past year:

- We prevailed in a lawsuit against the Palm Beach County Sheriff's Office in Florida for holding juvenile offenders in solitary confinement and denying them educational programs. The case settled in November 2018, and resulted in a number of reforms at the jail.
- HRDC filed First Amendment censorship lawsuits against the Michigan DOC, the Marshall County Jail in Tennessee and the Forrest County Jail in Mississippi; we also settled a censorship case against the Cook County Jail in Chicago, and a federal court ruled in our favor on liability in a suit against the Southwest Virginia Regional Jail Authority in Virginia.
- As part of the Campaign for Prison Phone Justice, we submitted comments to the FCC opposing a proposed merger between two of the nation's largest prison telecoms, Securus and ICSolutions. The FCC then recommended denial of the merger, and it was withdrawn in April 2019.

With your help we can do much more! Please send your donation to:

Human Rights Defense Center, P.O. Box 1151, Lake Worth Beach, FL 33460

Or call HRDC's office at 561-360-2523 and use your credit card to donate.

Or visit our websites at prisonlegalnews.org or criminallegalnews.org, and click on the "Donate" link.

PLN Support Gifts

All contributions to HRDC/PLN are greatly appreciated! For those who make a donation of \$75 or more, we are pleased to offer the following gifts as a way of thanking you for your generosity!

All donations, regardless of amount, will help further our criminal justice reform and prisoners' rights efforts.

Gift Option 1

In recognition of your support, we are providing the PLN hemp tote bag when making a donation of at least \$75. Handmade in Vermont using hemp fiber. Carry books and groceries stylishly and help end the war on drugs!



Gift Option 2

To show our appreciation for your support, we are providing the following selection of books for you to choose from when making a donation of \$100. Donations of \$100 or more can choose one free title. Each \$100 donation entitles you to another free title; i.e., donate \$500 and you get five books! \$1,000 and you get everything on the page! Please circle the books you want and send the corresponding donation amount.



Gift Option 3

As a thank you gift for your support, we are providing the entire PLN anthology of critically acclaimed books on mass imprisonment signed by editor Paul Wright! (The Ceiling of America, Prison Nation and Prison Profiteers) plus the PLN hemp tote bag to carry the books in when making a donation of \$250 or more.



You can mail a check or money order to:

Human Rights Defense Center, P.O. Box 1151, Lake Worth Beach, FL 33460

Or call HRDC's office at 561-360-2523 and use your credit card,

Or visit HRDC online at www.humanrightsdefensecenter.org and click on the donation link.

Remember — the **Human Rights Defense Center (HRDC)** is a
Section 501(c)(3) non-profit organization, and donations are tax deductible!

Yes! I want to help support HRDC — here is my special donation of:

_____ \$25 _____ \$50 _____ \$100 _____ \$250 _____ \$500 _____ \$1,000 _____ Other

Note: If you don't want a book premium for your donation of \$100 or more, we'll donate a copy of
The Habeas Citebook or *Prison Education Guide* to a prison library on your behalf.



Credit card donors please fill out the following form



☐ I want to make a one-time contribution of \$_____ to HRDC, charged to my credit card!

☐ I want to contribute a fixed amount to HRDC each month! I authorize the Human Rights Defense Center to charge \$_____ on my credit card every month until I give notice to stop, or until my total donation amount of \$_____ has been charged to my card, whichever comes first.

Print Name on Card: _____

Card Number: _____ - _____ - _____ - _____

Expiration Date: ____/____/____ Billing Zip Code for Card: _____ Security Code: _____

I authorize the Human Rights Defense Center to charge a total of \$_____ to my credit card, which matches the instructions indicated above.

Cardholder Signature: _____ Date: _____

HRDC is a 501(c)(3) non-profit, and your donation is tax deductible to the extent allowed by law.

HRDC protects the privacy of its donors, and their names are not reported in our publication or on our website.



Please complete all applicable information to ensure delivery of any donation gifts. Thank you!

Name _____ Title _____

Organization _____

Address _____ Suite _____

Address _____

City _____ State _____ Zip _____



**HUMAN
RIGHTS
DEFENSE
CENTER**

2018 Annual Report



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

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

PRISON LEGAL NEWS

HRDC's flagship monthly print publication, *Prison Legal News*, reports on prison, jail and criminal justice-related news and court rulings. *PLN* celebrated its 28th anniversary on May 1, 2018, continuing its distinction of being the longest-running independent magazine produced by and for prisoners. *PLN*'s contributing writers are all current or former prisoners, including Kevin Bliss, Dale Chappell, Matt Clarke, Derek Gilna, Gary Hunter, Ed Lyon, David Reutter, Joe Watson, Mark Wilson and Christopher Zoukis. *PLN* published the following cover stories in 2018:



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

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

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

Prison Legal News has thousands of subscribers in all 50 states and approximately 70% of our subscribers are incarcerated. *PLN*’s readership is much higher than the number of subscribers; our most recent reader survey, conducted in August 2016, indicated that over 90 percent of subscribers share their issues of *PLN* – most often with more than 10 other people.

PLN continued to receive a substantial amount of mail throughout 2018, mostly from prisoners, with many requesting legal assistance or sending news clippings, court documents and other items of interest. Regretfully, due to this large amount of mail, *PLN* is unable to respond to the vast majority of people who contact us.

CRIMINAL LEGAL NEWS

HRDC launched a new monthly publication in December 2017, *Criminal Legal News*. *CLN* focuses on criminal law and the persistent expansion of the police state in America; it covers issues that include police and prosecutorial misconduct, habeas corpus relief, ineffective assistance of counsel, sentencing, the militarization of police, the surveillance state, junk science and wrongful convictions, false confessions, eyewitness misidentification, paid/incentivized informants, Fourth Amendment search and seizure violations, Miranda warnings and due process rights, as well as criminal case law and court rulings. *CLN* had its first full year of publication in 2018, and published the following cover stories:



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

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

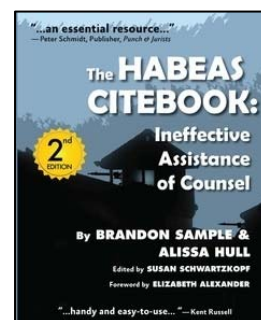
BOOK DISTRIBUTION

BOOK SALES

HRDC offers a [wide variety of books](#) of interest to prisoners, including hard-to-find titles on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own appeals and lawsuits. HRDC distributed 4,595 books in 2018, including over 1,000 books sent to prisoners at no cost.

BOOK PUBLISHING

PLN Publishing seeks to produce quality, nonfiction reference books that provide prisoners and their advocates with reliable, timely and accurate information they can use to help themselves and improve their lives. We offer the highest author royalties in the publishing industry. Thus far, PLN Publishing has published five titles, including the *Prisoners’ Guerrilla Handbook to Correspondence Programs in the U.S. & Canada*, 3rd Ed.; *The Habeas Citebook: Ineffective Assistance of Counsel*, 1st and 2nd Eds.; the *Prison Education Guide*; and the *Disciplinary Self-Help Litigation Manual*.



PLN Publishing began work on two new book projects in 2018 that were still pending at the end of the year, including *The Habeas Citebook: Prosecutorial Misconduct* and a revised version of *With Liberty for Some: 500 Years of Imprisonment in America*.

HRDC WEBSITES

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

At the end of 2018, *PLN*'s site had over 22,000 articles and 16,000 cases in its searchable database. The publications section had more than 7,000 reports, audits and other documents, while our brief bank contained over 9,500 legal pleadings – including complaints, motions, briefs, verdicts, judgments and settlements. Some content was shared with *CLN*'s website, www.criminallegalnews.org.

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

HRDC STAFF

HRDC's executive team during 2018 included Paul Wright, executive director and editor of *PLN* and *CLN*; Alex Friedmann, associate director and *PLN*'s managing editor; chief financial officer and advertising director Susan Schwartzkopf; and our general counsel and litigation director Sabarish Neelakanta.

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

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

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

HRDC BOARD OF DIRECTORS

Michael Avery – Professor Michael Avery has practiced as a civil rights and criminal defense attorney, representing clients in jury trials and arguing cases in federal and state appellate courts, including the U.S. Supreme Court. He joined the Suffolk Law faculty in 1998, where he was a tenured professor teaching Constitutional Law, Evidence and related courses. He retired from Suffolk in 2014 and is now a professor emeritus. He graduated from Yale College in 1966 and Yale Law School in 1970. He received an M.F.A. from Bennington College in January 2017. Prof. Avery was President of the National Lawyers Guild from 2003 to 2006. He was the editor and a contributing author to *We Dissent*, a critical review of civil liberties and civil rights cases from the Rehnquist Court, and co-author of *The Federalist Society: How Conservatives Took the*

Law Back from Liberals. He is co-author of *Police Misconduct: Law and Litigation*, a leading treatise on civil rights law, co-author of the *Handbook of Massachusetts Evidence*, the leading treatise on that subject, and the author of the *Glannon Guide to Evidence*, as well as several law review articles.

Dan Axtell (Vice President) – Mr. Axtell is a computer professional and human rights activist.

Rick Best (Treasurer) – Rick Best is a not-for-profit consultant working primarily in financial management. He also practices law and was part of the legal team that litigated civil rights violations arising out of mass arrests during the 2004 Republican National Convention in New York City. He served two years in federal prison for draft resistance during the Vietnam War and was executive director of the National Lawyers Guild from 1992 to 1995.

Bell Chevigny – Bell Chevigny is professor emerita of literature at Purchase College, SUNY. She has served on the [PEN Prison Writing Program](#) for around twenty years, three of them as chair. The Prison Writing Program offers an annual literary competition to incarcerated men and women nationwide. With the support of a Soros Senior Justice Fellowship, she compiled *Doing Time: 25 Years of Prison Writing*, a PEN American Center Prize anthology. She has written extensively about incarcerated authors and their literary works.

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

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

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

years, including seven years as a foreign correspondent in Africa and Europe, before retiring so she could embrace her current work.

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

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill was the senior partner in his own law firm for many years until his retirement. He started a national prison project through TLPJ in 2005 and has been plaintiffs’ counsel in prison-related cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College’s board since its beginning.

Paul Wright (President) – Paul Wright is the editor of *Prison Legal News* and *Criminal Legal News*, and founder of the Human Rights Defense Center. He is responsible for editorial content and HRDC’s advocacy, outreach and fundraising efforts. Paul was incarcerated for 17 years in Washington State and released in 2003.

Ethan Zuckerman – Ethan Zuckerman directs the MIT Center for Civic Media, and is an Associate Professor of the Practice in Media Arts and Sciences at MIT. He is the author of *Rewire: Digital Cosmopolitans in the Age of Connection*.

FUNDING IN 2018

In 2018, HRDC was funded primarily through earned revenue from its publishing and litigation projects, as well as book sales and individual donations. We also received grant funding from Borealis Philanthropy, the Sonya Staff Foundation, and the Laura and John Arnold Foundation. HRDC performs annual financial audits, and our Form 990s are available for review.


ACTIVISM & ADVOCACY

HRDC staff engaged in a number of activism and advocacy efforts in 2018, to effect reform in our nation’s justice system and to educate the public, policymakers and the mainstream media about criminal justice and prison-related issues. Those efforts included:

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

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



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

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



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



MEDIA OUTREACH

HRDC's efforts to educate, advocate and litigate around prisoners' rights continued to receive national and international media attention in 2018. Coverage included newspapers, magazines, television, radio and online news outlets. HRDC staff members were interviewed and quoted, our advocacy work was profiled and our award-winning publications were cited. HRDC also issued seven press releases during 2018. The following is a partial list of the media coverage that HRDC, *Prison Legal News* and *Criminal Legal News* received in 2018, excluding articles about our litigation. Links to these articles and many others are on our website under "[In the News](#)."

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

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



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



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



Litigation Project

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

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

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



HRDC general counsel
Sabarish Neelakanta

I. FIRST AMENDMENT CENSORSHIP CASES

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

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

A. New Cases Filed in 2018

1. ***Human Rights Defense Center v. Director John R. Baldwin (Illinois DOC)*** – On Feb. 2, 2018, HRDC filed suit against the Illinois Department of Corrections for censorship of *Prison Legal News* and the failure to provide due process notice of the censorship decisions. In late March 2018, HRDC also filed a motion for a preliminary injunction seeking to end the censorship of *Prison Legal News* while the case is pending. On April 19, 2018, the district court initiated a settlement conference to resolve the issues raised in HRDC's complaint and preliminary injunction motion, and to schedule periodic status

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

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

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

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

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

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

On March 28, 2018, HRDC filed suit and sought a preliminary injunction against the Southwest Regional Authority, which consists of four detention facilities, for censoring HRDC's books, magazines and correspondence without due process. The parties fully briefed the preliminary injunction motion and an evidentiary hearing was scheduled for June 25, 2018. The district court took testimony from jail officials and HRDC's expert, John Clark, concerning the defendants' claims that HRDC's mail was a security threat. Following that hearing, the court issued an order and preliminary injunction requiring delivery of HRDC's publications and the implementation of due process protocols. The parties then filed a joint Rule 26(f) report and a scheduling order was entered by the court. As of the end of



*HRDC staff attorney
Daniel Marshall*

2018, the parties were engaged in discovery. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Thomas Hentoff, Sean Douglass and Chelsea Kelly with Williams & Connolly; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.

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

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

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

B. Cases Still Pending in 2018

- 1. *Human Rights Defense Center v. Sheriff Brad Lewis (Baxter County, AR)*** – On August 21, 2017, HRDC filed suit challenging a postcard-only policy at the Baxter County Jail in Arkansas. After briefing on both sides concerning HRDC’s motion for a preliminary injunction and the defendants’ motion to dismiss, the court denied the preliminary injunction, denied dismissal on grounds of standing and granted the dismissal of certain individual defendants. The parties continued engaging in discovery in 2018, including an inspection of the jail’s mailroom and operations. By the end of the year, the parties had filed cross-motions for summary judgment and pre-trial disclosures. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; by Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 2. *Human Rights Defense Center v. Sheriff Ricky Roberts (Union County, AR)*** – On October 30, 2017, HRDC filed a lawsuit challenging a postcard-only policy at the jail in Union County, Arkansas. After initial discovery and due to changes to the jail’s mail policy, HRDC withdrew its motion for a preliminary injunction without prejudice to bring a subsequent motion seeking permanent injunctive relief. The defendants moved for dismissal of claims against the individual defendants based upon qualified immunity, which was granted by the court. As of the close of 2018, a final scheduling order was issued by the court and the parties were engaged in discovery. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 3. *Prison Legal News v. Sheriff Thomas Dart (Cook County, IL)*** – Since June 2016, HRDC has pursued a federal lawsuit over the censorship of books and magazines sent to prisoners at the Cook County jail in Chicago, and the jail’s failure to provide due process notice of such censorship. In January 2018, the parties attended a settlement conference but no settlement was reached. After further discovery the parties agreed to a tentative injunctive and damages settlement agreement. As part of the agreement, HRDC will submit a brief to the court for attorneys’ fees and costs. As of the close of 2018, the parties were finalizing the terms of the settlement and the court set a briefing schedule in early 2019. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall, and by local counsel Matthew Topic with the law firm of Loevy & Loevy.

4. *Prison Legal News v. Director Charles Ryan (Arizona DOC)* – HRDC filed suit against the Arizona DOC in 2015 over the censorship of certain issues of *Prison Legal News* on the spurious basis that they contained sexually explicit content, and the DOC’s failure to provide due process notice. After numerous discovery disputes that extended into early 2018, the parties filed cross motions for summary judgment. As of the end of the year, both motions were fully briefed and remained pending. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by attorneys Lisa Ells, Jenny Yelin, Krista Stone-Manista and Andrew Pope with Rosen Bien Galvan & Grunfeld, LLP; and by David Bodney and Michael A. DiGiacomo with Ballard Spahr, LLP in Phoenix, Arizona.

5. *Prison Legal News v. Federal Bureau of Prisons (ADX)* –

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



*HRDC staff attorney
Masimba Mutamba*

6. *Prison Legal News v. Northwestern Virginia Regional Adult Detention Center (VA)* –

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

7. *Human Rights Defense Center v. Commissioner Rodney Ballard (Kentucky DOC)* –

HRDC filed suit against the Kentucky Dept. of Corrections in July 2017 for censoring books mailed to prisoners. The defendants denied any constitutional violations, and the parties engaged in discovery throughout 2018. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Gregory Belzley with the law firm of Belzley Bathurst.

8. ***Prison Legal News v. Julie Jones (Florida DOC)*** – On November 17, 2011, HRDC filed suit challenging a ban on *Prison Legal News* by the Florida Dept. of Corrections (FDOC). The statewide ban was purportedly based on *PLN*'s advertising content, including pen pal and phone service ads. A bench trial was held in January 2015, and in August 2015 the district court held that FDOC's censorship of *PLN* was permissible but prison officials had violated HRDC's due process rights; the court issued an injunction against the FDOC on the latter grounds. HRDC filed an appeal with the Eleventh Circuit, and oral argument was held on June 10, 2016. In May 2018, the Court of Appeals affirmed the district court's finding that the FDOC had violated HRDC's due process rights, warranting injunctive relief, but that the censorship did not violate its First Amendment rights. HRDC then filed a petition for writ of certiorari with the U.S. Supreme Court. The petition was supported by eight separate amicus briefs from faith organizations, law professors, civil rights advocates, conservative and libertarian organizations, prison book clubs, advertisers, press organizations and former corrections officials. As of the end of the year, HRDC's petition remained pending before the Supreme Court. HRDC is represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by Randall Berg and Dante Trevisani with the Florida Justice Institute; by Benjamin Stevenson and Nancy Abudu with the ACLU of Florida; and on appeal by Paul Clement and Michael McGinley with the law firm of Bancroft PLLC.

C. Cases Resolved in 2018

1. ***Human Rights Defense Center v. Sheriff Lewis Hatcher (Columbus County, NC)*** – On August 15, 2017, HRDC filed a lawsuit challenging the mail policies at the Columbus County jail in North Carolina over the censorship of HRDC books, magazines and correspondence. The defendants immediately changed their mail policy and revised their practices to allow prisoners to receive publications, and to provide proper due process notice of censorship decisions. In 2018, HRDC accepted the defendants' Rule 68 offer for damages, attorneys' fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Paul Cox and Jonathan D. Sasser with the law firm of Ellis & Winters, LLP in Raleigh; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
2. ***Human Rights Defense Center v. Sheriff Gene Fisher (Greene County, OH)*** – HRDC filed suit on October 31, 2017, challenging censorship policies at the Greene County jail in Ohio for censorship of books, magazines and letters, and denial of due process. After extensive negotiations, a settlement agreement enjoining the defendants from further censorship of HRDC publications was filed with the district court in late November 2017. In 2018, the parties entered into a final settlement as to the court's continued jurisdiction to enforce the injunctive terms, as well as payment of damages, attorneys' fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Robert Newman with Newman & Meeks Co., LPA in Cincinnati; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.

3. ***Prison Legal News v. Sheriff James Jones (Knox County, TN)*** – At the start of 2017, the defendants in this First Amendment censorship case had already conceded liability for rejecting HRDC’s publications and other mail at the Knox County jail, as well as their lack of due process notice in violation of the Fourteenth Amendment. Accordingly, the parties entered into settlement negotiations that were finalized in 2018. Under the terms of the settlement, HRDC received \$25,000 in damages as well as the ability to distribute its publications to prisoners at the Knox County jail. The defendants also agreed to pay \$62,000 in attorneys’ fees and costs. Because the case settled, the legal merits of the jail’s postcard-only mail policy were not reached. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Tricia Herzfeld with the law firm of Branstetter, Stranch & Jennings, PLLC in Nashville, Tennessee.
4. ***Human Rights Defense Center v. County of Los Angeles (CA)*** – On July 3, 2017, HRDC filed suit against Los Angeles County’s jail system for censorship of *Prison Legal News* and correspondence from HRDC without due process. After the court’s denial of HRDC’s motion for a preliminary injunction, dismissal of claims against the individual defendants and dismissal of a claim brought pursuant to California’s Bane Act, HRDC appealed to the Ninth Circuit. Following further settlement discussions in 2018, the parties agreed to an injunctive settlement requiring delivery of HRDC publications and payment of \$253,000 in damages, attorneys’ fees and costs. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; by local counsel Sanford Rosen, Jeffrey Bornstein and Christopher Hu with Rosen Bien Galvan & Grunfeld, LLP; and by Brian Vogel with the law office of Brian A. Vogel, P.C.

II. PUBLIC RECORDS AND FOIA CASES

HRDC also litigates public records and Freedom of Information Act (FOIA) cases across the country related to prisons, jails and other detention centers, seeking information on such issues as government contracts with private companies engaged in correctional services, and settlements and verdicts in lawsuits involving corrections and law enforcement agencies. HRDC uses this information to ensure government transparency and accountability, while engaging in news reporting and research on issues related to the criminal justice system. During 2018, HRDC’s FOIA Project was headed by staff attorney Deb Golden in Washington, D.C.



*HRDC staff attorney
Deborah Golden*

A. New Cases Filed in 2018

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

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

8. ***Human Rights Defense Center v. GEO Group (Texas)*** – HRDC filed suit against the GEO Group on August 28, 2018, after the company failed to produce records related to verdicts and settlements involving GEO facilities in Texas. The company filed a motion to dismiss, which was denied by the court, and the parties were engaged in discovery as of the end of the year. HRDC is represented by staff attorney Deb Golden, and by Thomas Leatherbury and Michelle Arishita with the law firm of Vinson and Elkins.

B. Cases Resolved in 2018

1. ***Prison Legal News v. Bureau of Prisons (Samuels II)*** – On June 3, 2015, HRDC filed suit against the federal Bureau of Prisons in U.S. District Court for the District of Columbia, seeking declaratory, injunctive and other relief over the BOP's failure to produce records concerning settlements and verdicts in lawsuits from January 2008 through November 2013, pursuant to the Freedom of Information Act. The BOP subsequently began releasing documents responsive to HRDC's request, including document productions that totaled over 18,700 pages in 2016, more than 2,700 pages in a supplemental production in the spring and summer of 2017, and over 2,200 pages in another production in late summer and fall 2017. In 2018, the parties agreed to the production of the rest of the documents responsive to HRDC's FOIA request, and settled attorneys' fees and costs for \$180,000. HRDC was represented by general counsel and litigation director Sabarish Neelakanta, and staff attorneys Masimba Mutamba and Daniel Marshall; and by Ronald London, Will Helmuth and Ashley Vulin with Davis Wright Tremaine, LLP.

C. Cases Still Pending in 2018

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

III. CONSUMER CLASS-ACTIONS

As part of its Stop Prison Profiteering campaign, HRDC has focused attention on challenging the exploitive business practices of private companies awarded lucrative monopoly contracts with prisons and jails to provide services to prisoners, often at exorbitant costs and with hidden fees and charges. Accordingly, HRDC has spearheaded consumer class-action lawsuits against some of those companies. Specifically, we have been tackling the practice of issuing fee-laden debit cards to prisoners upon their release in lieu of a check or cash. Prisoners have no choice but to accept the cards, and must pay a variety of fees that reduce their available funds.

A. New Cases Filed in 2018

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

B. Cases Still Pending in 2018

1. **Reichert v. Keefe Commissary Network, LLC** – Jeffrey Reichert was arrested and booked into the Kitsap County Jail in Washington State in October 2016. When he entered the jail he had approximately \$177.66 in cash. Upon his release a short time later, he received a prepaid debit card instead of the cash he had surrendered. The card required Mr. Reichert to pay unreasonable and excessive fees in order to access his own money; he never consented to receiving the card instead of cash, and never agreed to any contract with the defendants, including Keefe Commissary Network. A class-action lawsuit was filed in October 2017, arguing that those practices violated the Takings Clause, the Electronic Funds Transfer Act, the Washington Consumer Protection Act and common law claims of conversion and unjust enrichment. The defendants filed a motion to compel arbitration that was denied by the district court in May 2018. As of the end of the year, the parties were engaged in discovery. Mr. Reichert is represented by HRDC general counsel and litigation director Sabarish Neelakanta, and staff attorneys Daniel Marshall and Masimba Mutamba; and by Mark Griffin and Laura Gerber with the law firm of Keller Rohrbach.
2. **Brown v. Stored Value Cards** – Danica Brown was charged with interfering with an officer during a peaceful protest of the 2014 police shooting death of Michael Brown, and booked into the Multnomah County Detention Center in Portland, Oregon. At the time of her arrest she had approximately \$30 in cash on her person, which the jail confiscated. After releasing her the next day, Ms. Brown did not receive her cash but instead was given a preloaded debit card that assessed various exorbitant fees. No one asked her whether she wanted to receive her money on a debit card, nor did she consent to

receiving the card instead of cash. Ms. Brown also did not receive any cardholder agreement or terms and conditions, and never agreed to arbitrate claims associated with the card. She filed a class-action lawsuit alleging the return of her money in the form of a fee-laden debit card violated the Electronic Funds Transfer Act and the Oregon Unfair Trade Practices Act, along with claims of conversion and unjust enrichment. The defendants moved to compel arbitration, which the district court denied in February 2016. Subsequent motions to dismiss filed by the defendants in 2016 and 2017 also were denied, and the parties engaged in discovery throughout most of 2017. The defendants moved for summary judgment, which was granted by the court in August 2018. Ms. Brown filed a notice of appeal and the case remained pending before the Ninth Circuit at the close of the year. Ms. Brown is represented by HRDC general counsel and litigation director Sabarish Neelakanta; by attorneys Mark Griffin and Laura Gerber with Keller Rohrback; by Benjamin Haile in Portland, Oregon; and by Karla Gilbride with Public Justice, P.C. on appeal.

IV. PRISON CONDITIONS / DEATH CASES

A. New Cases Filed in 2018

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

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

V. AMICUS BRIEFS

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

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

OTHER ACTIVITIES

CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC co-founded the national [Campaign for Prison Phone Justice](#) in 2011, with the goal of reducing the cost of phone calls

between prisoners and their family members. As part of our strategy to achieve this goal, HRDC worked extensively with the Federal Communications Commission (FCC) from 2011 through 2016, speaking at FCC workshops and filing comments on the docket for the Wright Petition – an FCC proceeding seeking to reduce the high cost of prison and jail calls.

The FCC initially capped the cost of interstate (long distance) prison and jail phone calls in 2013 and later capped rates for intrastate (in-state) calls, but on June 13, 2017, the D.C. Circuit Court of Appeals [issued a ruling](#) that vacated the intrastate rate caps. Further, the appellate court vacated reporting requirements for video calling services, struck down the exclusion of “commission” kickbacks from call cost calculations and held the “FCC had no authority to impose ancillary fee caps with respect to intrastate calls.” Under the leadership of Chairman Ajit Pai, the FCC did not defend its intrastate rate caps before the Court of Appeals.

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

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



STOP PRISON PROFITEERING CAMPAIGN

HRDC’s [Stop Prison Profiteering campaign](#) focuses on the ongoing financial exploitation

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

Our Stop Prison Profiteering activities in 2018 focused on obtaining data and contracts underlying these exploitive practices through public records requests submitted to corrections agencies, as well as litigation over the practice of issuing debit release cards.

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



PRISON ECOLOGY PROJECT

HRDC's [Prison Ecology Project](#) (PEP) began in the spring of 2015 to address the intersection of environmental justice and criminal justice, including the impact of correctional facilities on the environment and the environment's impact on prisoners and prison staff.

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

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



CORECIVIC / GEO GROUP RESOLUTIONS

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



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

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

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

FOIA PROJECT

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



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

HRDC SOCIAL MEDIA

HRDC maintains a robust social media presence, including three accounts on Facebook ([PLN](#), [CLN](#) and [HRDC](#)), a [Twitter](#) account and a free [email newsletter](#) published five days a week. At the end of 2018, HRDC had 3,354 e-newsletter members, 11,921 combined Facebook likes, 15,664 Twitter followers and 224 connections on LinkedIn.



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

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

COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2018 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, the Prison Policy Initiative and the Private Corrections Institute. Additionally, HRDC staff members maintained the following affiliations with other organizations:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG's National Police Accountability Project. He is also a member of the American Bar Association, American Correctional Association and American Jail Association.

- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He also serves on the advisory board of the Prison Policy Initiative and is a member of National CURE, the Society of Professional Journalists, and Investigative Reporters and Editors.
- **HRDC general counsel and litigation director Sabarish Neelakanta** is a member of the First Amendment Lawyers Association, the National Lawyers Guild's National Police Accountability Project, the American Constitution Society, the American Civil Liberties Union, the Trial and Public Interest sections of the Florida Bar, and the Palm Beach County Bar Association.
- **HRDC staff attorney Deb Golden** is a member of the National Lawyers Guild's National Police Accountability Project, the Trial Lawyers Association of Metropolitan Washington D.C., American Bar Association, Kentucky Bar Association, Washington Council of Lawyers, D.C. Bar Association and the Criminal Law, DC Affairs, Litigation and Individual Rights communities of the D.C. Bar.
- **HRDC staff attorney Daniel Marshall** is a member of the National Lawyers Guild's National Police Accountability Project, the Florida Association of Criminal Defense Lawyers and the Palm Beach County Association of Criminal Defense Lawyers.
- **HRDC staff attorney and William A. Trine Fellow Masimba Mutamba** is a Florida Bar Delegate to the American Bar Association House of Delegates, a representative on the Florida Bar Young Lawyers Division Board of Governors, and an appointed member of the Florida Bar's Standing Committee on Media & Communications Law. He is also a member of the National Lawyers Guild's National Police Accountability Project. In his local community, Masimba is actively involved in the Palm Beach County Judicial Diversity Initiative, the F. Malcolm Cunningham, Sr. Bar Association, the Palm Beach County Bar Association's standing Committee for Diversity and Inclusion, and that Bar's Young Lawyers Section.

LOOKING FORWARD: GOALS FOR 2019

HRDC plans to continue our criminal justice reform and public education efforts in 2019 with respect to our media outreach, litigation project, publishing, advocacy and other activities. Our websites continue to be important sources of news and research for prisoners' rights advocates, policy makers, attorneys, academics, journalists and other people with an interest in criminal justice-related issues.

HRDC's litigation project expanded in 2018 due to ongoing censorship of *Prison Legal News*, *Criminal Legal News* and the books we distribute by prison and jail officials, and we expect that trend to continue in 2019. We plan to file additional legal challenges through our FOIA Project due to denials of our public records requests, and to pursue additional litigation through our Stop Prison Profiteering campaign.

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

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

Our book publishing plans for 2019 include an updated edition of *With Liberty for Some* by Scott Christianson, and *The Habeas Citebook: Prosecutorial Misconduct*. We continue to seek self-help books to distribute that are of interest to prisoners, and encourage book ideas and submissions from qualified authors.

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



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www.humanrightsdefensecenter.org

www.prisonlegalnews.org

www.criminallegalnews.org

www.prisonphonejustice.org

www.stopprisonprofiteering.org

www.prisonecology.org

www.privateprisonnews.org

www.wronglyconvicted.org

News coverage featuring the work of the Human Rights Defense Center

STATE SUED OVER RESTRICTIONS ON MAIL THAT CAN BE SENT TO PRISON INMATES

by News 10
Aug 26, 2019

A non-profit group is suing the head of the Michigan Department of Corrections as well as four current and former prison wardens.

The federal lawsuit filed in the Eastern District of Michigan by the Human Rights Defense Center claims the defendants unconstitutionally censored issues of multiple publications including *Prison Legal News* and *Criminal Legal News*.

The suit also claims the state is not following proper procedures when censoring or blocking delivery and fails to provide a process to challenge those decisions. The suit names the following people as defendants:

- Heidi Washington, Director of the MDOC
- O'Bell Winn, Warden of the Saginaw Correctional Facility
- Bonita Hoffner, former Warden of Lakeland Correctional Facility
- Willia Smith, former Warden of the Ionia Correctional Facility
- Carmen Palmer, former Warden of the Michigan Reformatory

The Human Rights Defense Center claims state correctional facilities censored 36 issues of *Prison Legal News* between August of 2016 and July of 2019. It also claims books and the monthly newsletter mailed to inmates were blocked outright.

The suit asks the court to find that the defendants violated the U.S. Constitution, issue an injunction to stop further censoring or blocking of publications sent to inmates, and award damages plus attorney fees.

News 10 contacted Department of Corrections spokesman Chris Gautz who said the department does not comment on

pending litigation. He did include the department's policy directive covering prisoner mail. The document, which is attached to this story, details several reasons mail to inmates can be rejected. It also outlines the appeals process, something the Human Rights Defense Center claims the state is not following.

News 10 and WILX.COM will keep you updated on this lawsuit.

WWW.WILX.COM/CONTENT/NEWS/STATE-SUED-OVER-RESTRICTIONS-ON-MAIL-THAT-CAN-BE-SENT-TO-PRISON-INMATES-558324491.HTML

JUDGE: SW VA. REGIONAL JAIL AUTHORITY IMPROPERLY BANNED BOOKS

by Washington County News
June 12, 2019

The Southwest Virginia Regional Jail Authority violated a nonprofit's due process rights when it blocked prisoners from accessing books and magazines the nonprofit sent them, Judge James P. Jones ruled in the U.S. District Court in Abingdon last week.

The Human Rights Defense Center, a prisoners' rights organization, regularly distributes reading material to inmates, covering legal news, current events and inmates' rights. Over a million copies of its monthly magazines have been delivered to inmates since its founding in 1990.

Although the jail allowed books and other publications to be collected in a common reading room, from which prisoners could request up to two books at a time, the jail authority adopted a new policy in 2016 that banned any books or publications from being delivered without case-by-case preapproval. Prisoners would be required to submit requests for each new magazine.

According to the suit, the authority returned hundreds of magazine issues to the HRDC without clearly stating their policy on why they were being rejected.

Jones found in his ruling that while the jail authority could reasonably ban certain materials from inmates, the policies that prevented prisoners from accessing the HRDC publications were "inconsistently communicated and applied" and that alternate means of delivery would place an undue burden on the HRDC.

The jail authority justified banning most of the publications due to safety concerns, arguing that the staples and glue that make up the Human Rights Defense Center's publications could endanger the safety of guards or prisoners, posing possible fire hazards or providing materials used for drug or weapon smuggling.

Jones said the jail authority lacked strong evidence to prove that their preapproval policy would actually diminish the cited safety risks, and the lack of a written policy made the system too open to abuse.

"Such a policy," Jones wrote, "invites arbitrary decisions that are driven by individual officials' biases and do not bear a rational relationship to legitimate penological interests."

The authority's inability to clearly communicate with HRDC was also a violation of their rights to publish material for prisoners, said Jones.

The case will proceed to a jury trial to decide damages in the suit. The HRDC is seeking relief to cover attorney fees.

[HTTPS://WWW.SWVATODAY.COM/NEWS/ARTICLE_590c0317-cfe4-54d0-bcb4-9b532124b7ca.html](https://www.swvatoday.com/news/article_590c0317-cfe4-54d0-bcb4-9b532124b7ca.html)

WILX 10

YOUR BREAKING NEWS & WEATHER AUTHORITY

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State sued over restrictions on mail that can be sent to prison inmates



Uniform of a Michigan Department of Corrections Officer. The Human Rights Defense Center is suing the department's director as well as four current and former wardens over its policy covering mail sent to inmates.

By News 10 | Posted: Mon 4:47 PM, Aug 26, 2019

[f](#)[t](#)[in](#)[e](#)[m](#)

LANSING, MI (WILX) A non-profit group is suing the head of the Michigan Department of Corrections as well as four current and former prison wardens.

The federal lawsuit filed in the Eastern District of Michigan by the Human Rights Defense Center claims the defendants unconstitutionally censored issues of multiple publications including *Prison Legal News* and *Criminal Legal News*.

FEDERAL JUDGE FINDS ARIZONA PRISON POLICY UNCONSTITUTIONAL

by Jimmy Jenkins

March 13, 2019

KJZZ Radio, 91.5 (Maricopa County)

In a ruling issued Friday, United States District Court Judge Roslyn Silver found an Arizona Department of Corrections (ADC) policy “violates the First Amendment on its face.”

Created in 2010 and amended twice in the years since, ADC’s regulations prohibiting sexually explicit material have a stated purpose: “to assist with rehabilitation and treatment objectives, reduce sexual harassment and prevent a hostile environment for inmates, staff and volunteers.”

The most recent version, amended in 2017, states inmates “are not permitted to send, receive or possess sexually explicit material or content that is detrimental to the safe, secure, and orderly operation of the facility.”

The department has cited the policy in several instances where inmates were denied a legal publication they subscribed to or were only allowed to receive the magazine after ADC redacted it.

The Arizona Department of Corrections says it is reviewing the judge’s ruling.

“I call it a First Amendment case that happens to be in prison,” said Paul Wright, executive director of the Human Rights Defense Center, the publisher of *Prison Legal News*. “This is about a publishers right to distribute our magazine to an incarcerated audience.”

Wright says *Prison Legal News* has “around 9,000 subscribers nationally” and about 70 percent of them are incarcerated.

He says the publication filed a lawsuit several years ago when readers informed him copies of *Prison Legal News* were being censored by the Arizona Department of Corrections on the basis that the publication was sexually explicit or pornographic in nature.

“The apparent basis for this has been our reporting of sexual assaults and rapes that occur in the prison environment,” Wright said, “oftentimes literally quoting federal and state court opinions on this assaults.”

Wright says for many of his subscribers, *Prison Legal News* is the only way they can get information about cases that may apply to them.

“When we’re reporting on the cases it’s important to tell our readers: these are the facts of the case, this is why the court ruled the way it did,” he said.

Wright says subscribers went for months without getting copies and other times would receive the magazine after ADC redacted portions.

“I don’t really think that they, actually, in their heart of hearts, believe that we are pornographic,” Wright said, “so much as they are using this as a pretext to try to censor us and prevent prisoners in Arizona from learning what their rights are in the event that they are sexually assaulted.”

Wright said the problem had only occurred recently, after years of dealing with ADC. “Basically for 25 years or so, we didn’t have any censorship problem in Arizona.”

Lisa Ells, the lead counsel representing *Prison Legal News*, said they tried to settle several times with ADC, but the department insisted their policy was appropriate.

“Whether they have taken out the publication wholesale or they’re just using the government censor pen and redacting out what

they don’t like, either one is a violation of the First Amendment,” Ells said. “Because it’s the government deciding what people can and can’t read inside the prison system.”

Ells represents *Prison Legal News* in California and reviewed policies in other states in preparation for Arizona lawsuit. “There was just nobody in the United States that came anywhere close to the type of really broad prohibition on any text that even relates to or mentions sexual intercourse in any way.”

In her ruling, Judge Silver referred to ADC’s “sweeping definition of sexually explicit material” as “facially overbroad.”

“Prohibited and/or redacted material include articles about the persecution of the Yazidi people by ISIS, articles about the Me Too movement, Maya Angelou’s I Know Why the Caged Bird Sings, a New Yorker book review of a scholarly biography of Sigmund Freud, a Mayo Clinic newsletter that contained a medical illustration of a hernia, and self-portraits by former President George W. Bush,” Silver wrote. “Given the literal reading of ADC’s policy, these examples properly qualify as prohibited material. No reasonable trier of fact would conclude that such broad censorship is rationally related to furthering ADC’s penological interests.”

Silver ordered the parties in the case to submit suggestions for a change to the policy. Ells says they will be pushing for language that is much less broad.

“Whether they have taken out the publication wholesale or they’re just using the government censor pen and redacting out what they don’t like, either one is a violation of the First Amendment Because it’s the government deciding what people can and can’t read inside the prison system.”

She says she found the current policy deeply offensive because it has ended up censoring quotations from Court of Appeal decisions. “Like verbatim quotations of legal decisions that were reported in this publication were redacted,” Ells said. “If the Arizona Department of Corrections feels like it can censor this publication when it’s quoting court cases, then it also feels like it can censor what the courts can say or what prisoners can read about their legal rights in the prison system.”

Ells says they are gratified with Silver’s ruling. “Because we think it had the potential to really expand censorship in other prison systems across the country if she hadn’t held firm here.”

Wright noted that Judge Silver quoted the same passage from a court ruling that prompted *Prison Legal News* to be banned in Arizona prisons.

“Of course we plan to send a copy of the ruling to our subscribers and readers in ADC so that they’ll be aware of what’s going on in the case,” Wright said. “And I’m wondering now if ADC is going to censor Judge Silver’s ruling because it contains the language from another court ruling dealing with sexual assault.”

COUNTY JAIL AGREES INMATES CAN RECEIVE NONRELIGIOUS BOOKS

A south Mississippi county has agreed to allow inmates to receive non-religious reading materials, ending a lawsuit.

by Jeff Amy
February 15, 2019
Associated Press

A south Mississippi county has agreed to allow inmates to receive non-religious reading materials, ending a lawsuit.

U.S. District Judge Keith Starrett dismissed the case Friday, after Forrest County and a prisoners' rights group reached a settlement earlier this month.

Forrest County Sheriff Billy McGee agrees prisoners can receive books and publications from the Human Rights Defense Center and other recognized distributors. The center publishes *Prison Legal News*.

McGee agrees that he will only turn away publications "inconsistent" with legitimate interests. The center says McGee previously only allowed Bibles and Christian religious tracts.

McGee also agrees that if the jail refuses to deliver something, he will let the sender appeal.

The Mississippi Department of Corrections recently settled a lawsuit allowing a distributor to mail donated books to state prisoners.

WWW.USNEWS.COM/NEWS/BEST-STATES/MISSISSIPPI/ARTICLES/2019-02-15/COUNTY-JAIL-AGREES-INMATES-CAN-RECEIVE-NONRELIGIOUS-BOOKS

Sheriff to end solitary confinement for teens at Palm Beach County jail under settlement

By John Pacenti
November 9, 2018
Palm Beach Post

Young offenders called it "the box." It's where their world at the Palm Beach County jail shrank to a 6-by-12 foot cell — for months. In solitary confinement, no music was allowed. No television. No human contact.

If they complained, they were subject to verbal and sometimes physical abuse by sheriff's deputies.

Some of these teens — often charged as adults with brutal crimes — even started hallucinating.

All of this was detailed in a federal civil rights lawsuit filed in June on behalf of two juvenile inmates who spent time in the box on the 12th floor of the Main Detention Center on Gun Club Road.

Now the box's brutal reign is over.

After defending its use of solitary confinement for teenage jail inmates, PBSO is eliminating it in what is being heralded as a landmark settlement.

A new and extensive "segregated housing" policy replaces solitary confinement. All juvenile inmates will have access to a regular school day outside their cell with other juveniles in the general population.

The sheriff's department will implement a rotating schedule to

keep these juveniles away from co-defendants where before they would be put in solitary for administrative, not disciplinary, reasons.

Sheriff Ric Bradshaw and the Palm Beach County School Board under the settlement vow to make these inmates get education and mental health treatment.

Only teen defendants in protective custody will be subject to a more rigorous confinement.

First in Florida

"This proposed settlement is the first of its kind in Florida, and a good precedent," said Sabarish P. Neelakanta, general counsel and litigation director for the Human Rights Defense Center, a prisoners' rights group based in Lake Worth that engages in prisoner rights litigation nationwide. "The Sheriff's Office and school board worked hard to address the situation, and it is our hope that the settlement serves as a framework for reform statewide."

The sheriff's office admits no wrongdoing in the settlement but agreed to the widespread reforms.

Sheriff spokeswoman Teri Barbera said the department under policy does not comment on legal settlements but added that such cases are often complex and settled in the "best interest of Palm Beach County taxpayers."

A call for comment from the school district was not returned. The School Board is expected to approve the settlement Wednesday night.

The lawsuit was spearheaded by the Legal Aid Society of Palm Beach County and the Human Rights Defense Center. The class-action complaint claimed PBSO and the school district violated the teen inmates' constitutional rights by subjecting them to cruel and unusual punishment and lack of due process.

Now both organizations, as well as designated experts, will oversee implementation of the new policy for a two-year period.

The powerhouse class-action law firm of Cohen Milstein Sellers also joined the plaintiffs to tackle the issue.

"We have worked hard to protect the constitutional rights

The Palm Beach Post

REAL NEWS STARTS HERE



BUY PHOTO

HIDE CAPTION

Palm Beach County Main Detention Center where juvenile offenders are housed on the 12th floor of the 2,166-bed jail. (BRUCE R. BENNETT/palmbeachpost.com)

By John Pacenti

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Posted Nov 9, 2018 at 2:49 PM

Updated Nov 9, 2018 at 2:39 PM



Young offenders called it "the box."

It's where their world at the Palm Beach County jail shrank to a 6-by-12 foot cell — for months.

of juveniles whose civil liberties are at risk,” said Theodore J. Leopold, co-chair of the firm’s Complex Tort Litigation and Consumer Protection practices.

Many of the teenagers in solitary were developmentally disabled and were denied assistance guaranteed by the Americans With Disabilities Act, the lawsuit alleged.

This caught the attention of the U.S. Justice Department, which in an Oct. 1 “statement of interest” in the lawsuit said that the fact that the sheriff and school board were pointing fingers at each other was the root of the problem.

“Under federal law, however, both defendants are responsible for ensuring that eligible children with disabilities at the jail receive special education and related services,” the Justice Department said. “Defendants cannot avoid responsibility by claiming the other is responsible.”

It was Melissa Duncan of Legal Aid Society who heard from the Public Defender’s Office that the juvenile inmates in solitary were not getting a sufficient education.

“We are pleased that the Palm Beach County Sheriff’s Office and School Board of Palm Beach County are willing to address the harmful conditions of solitary confinement and ensuing lack of access to appropriate education,” said Duncan, supervising attorney of the Legal Aid Society of Palm Beach County’s Education Advocacy Project.

Duncan discovered that juveniles in solitary often were provided with packets of educational material, but that the closest thing to a lesson would be from an instructor outside their cell who could barely be seen because of scratches through the cell door windows.

Putrid water to drink

But the situation was far worse than just a lack of education. The Human Rights Defense Center found that these young inmates spent nearly 24 hours in their small cell adorned only with a metal cot, a sink and stainless steel desk and commode bolted to the wall. Their food was passed on a tray through a slot in their cell.

They were forced to drink the putrid discolored water from the sink attached to their toilet.

One teen inmate ended up in the box for 16 consecutive months. Another spent 21 months there. A former 10th grader at Lake Worth High School, started hallucinating, staring at the blank wall of his cell, thinking he was watching a TV show.

After the lawsuit was filed, Bradshaw said he was in compliance with the Florida Model Jail Standards and noted the lead plaintiff in the lawsuit faced charges of first-degree murder.

“There are legitimate security and inmate safety concerns” his statement read.

Under the settlement, the sheriff’s office has agreed to send a team to a weekly segregated review committee on the status of juvenile inmates in segregated housing. They are bound to confer within 24 hours after a teenage inmate is placed in solitary.

The lawsuit repeatedly emphasized how mental health services were used as additional punishment for the juveniles in solitary who complained too much. Deputies would threaten to send them to the mental health ward on a suicide watch where they would be stripped naked and left in a freezing cell, wearing only a paper gown.

Now the sheriff’s office must refer the juvenile to a mental health professional for evaluation and to determine whether any accommodations are necessary.

Nehomie Perceval of West Palm Beach said her son, Jeremy, had been diagnosed with ADHD and anxiety before he ended up in solitary. A judge eventually ordered him released from the box.

“I don’t want any other kid to go through that again, being in solitary confinement,” Perceval said. “A child is a child regardless of what the child did or did not do. Mentally, it will drive the kid crazy.”

WWW.PALMBEACHPOST.COM/NEWS/20181109/SHERIFF-TO-END-SOLITARY-CONFINEMENT-FOR-TEENS-AT-PALM-BEACH-COUNTY-JAIL-UNDER-SETTLEMENT

MENTALLY ILL MAN ALLOWED TO STARVE TO DEATH IN PRISON, LAWSUIT SAYS

The West Palm man had lost 75 pounds in 2½ years.

by John Pacenti
August 3, 2018
Palm Beach Post

When Vincent Gaines started serving his five-year prison sentence for burglary, the West Palm Beach resident weighed 190 pounds. He was also known to be bipolar and psychotic with borderline intellectual functioning.

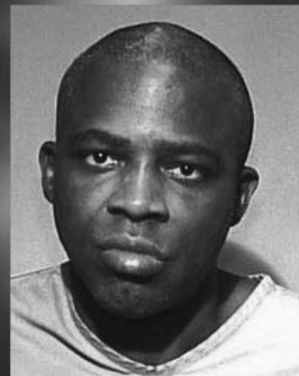
In fact, his prison intake information described him as stocky.

When he died, the 5-foot-9 Gaines weighed 115 pounds and was found naked with what appeared to be feces caked to the bottoms of his feet. He had lost 75 pounds in 2½ years.

Somehow, under the supervision of prison guards and a company paid to provide medical care to inmates, the 52-year-old prisoner starved to death in his cell at Union Correctional Institution, according to a federal lawsuit filed Wednesday by his family and initiated by the Human Rights Defense Center in Lake Worth.

The death again put the spotlight on Corizon Health, the for-profit medical health provider that in 2015 walked away from its \$1.2 billion, five-year contract with the Department of Corrections after an award-winning Palm Beach Post investigation. Corizon claimed it was losing \$1 million a month and it was a fiscal decision, but it left its contract after reports of inmates dying for lack of adequate medical care.

Corizon’s spokeswoman, Martha Harbin, said the company



▲ HIDE CAPTION

A new lawsuit claims Vincent Gaines, from West Palm Beach, starved to death while serving his five-year prison sentence for burglary. A defendant in the lawsuit is Corizon Health, which abandoned its contract after inspectors found it failed to provide adequate health care to prisoners.

is prohibited by privacy laws to discuss Gaines' medical condition and treatment. "But we have fully reviewed his medical record and feel confident that appropriate evidence-based care was provided," she said.

The Department of Corrections, a defendant in the lawsuit along with Corizon, had yet to be served with the lawsuit to review it, but spokesman Patrick Manderfield said the "department is committed to ensuring all inmates have access to appropriate health services."

Gaines was survived by his mother, two brothers and a sister — Lorine, Randolph, Glenn and Sylvia — but they never got word of his death. DOC buried Gaines on prison property.

"Vincent's death is yet another tragic tale of a large corporation valuing its profits more than human life," his family said in a statement. "No one deserves to die like Vincent did — starving and alone."

The Gaineses' attorney, Edwin Ferguson, said that if Gaines had received adequate care from DOC and Corizon — both of which were well-versed in his mental illness — then he would have served his sentence and be out of prison by now.

"He was sent to prison to serve a five-year term, not to die," he said. "Too many people are dying in our prisons. We have to end this."

FDOC was well aware that Gaines wasn't able to properly eat on his own without supervision ensuring that he got enough nutrition, said attorney Masimba Mutamba of the Human Rights Defense Center.

"If prisoners go on hunger strikes, there are protocols in place to initiate force-feedings," he said. "So it was either gross negligence to the point that no one was checking on him at all or there was the deliberate withholding of food or supervision. Either way, there is no excuse for a mentally ill prisoner starving to death."

Gaines' family said his lengthy criminal record was exacerbated by his mental illness. By the time he caught the burglary charge in 2012 for breaking into a West Palm Beach apartment, he was already a repeat offender and served prison time.

A judge recommended he serve time near his family and Gaines was placed in Dade Correctional Institution near Miami. Even by that time, Gaines was "exhibiting mood swings, auditory hallucinations, paranoia, disorganized thinking and was talking to himself," according to the lawsuit.

While at Dade, Gaines destabilized further by urinating and defecating on the floor of his cell and refusing treatment. He was placed on suicide watch and fed a boneless diet in a Styrofoam tray, without utensils, according to the complaint.

Gaines then got in trouble in April 2015, when he mouthed off to a guard after trying to go into the prison cafeteria without permission. Gaines ended up with a disciplinary report, ironically, for trying to get some food, Ferguson said.

Shortly thereafter, Gaines was transferred to Florida State Prison in Raiford and then to UCI nearby. There he was placed in "close management" to keep him apart from the general population.

Records show that by Sept. 29, 2015, Gaines had largely stabilized and no longer demonstrated psychosis or bizarre behavior, the lawsuit says. Less than three months later, he was dead.

How Corizon's medical staff could not see that Gaines was wasting away in his cell is one of the questions the lawsuit hopes to answer. "This is just one more example in a long line of poor treatment of the mentally ill by Corizon," Mutamba said.

Ferguson added: "We have not been able to get a straight answer from Corizon or FDOC, but we certainly expect to get that answer now."

Tennessee-based Corizon's troubling record is well-documented. Inspectors in September 2015 — shortly before the company pulled out of Florida — released a blistering report on the lack of adequate medical care provided by prisoners.

Three prisoners with cancer were misdiagnosed by Corizon and given ibuprofen for their tumors. Two of the inmates died. Also, mentally disturbed inmates were inexplicably taken off their prescribed psychiatric medication, inspectors found.

Corizon settled another federal lawsuit brought on behalf of mentally ill prisoner Carlo Daniel Laudadio, who in October 2011 had been booked into the Lee County Jail, where the company also provided medical treatment.

Laudadio — off his medication and never seen by a proper Corizon doctor — hung himself in the shower after an altercation with guards, the lawsuit states. It was settled.

In a separate lawsuit filed last week in Palm Beach County Circuit Court, the Human Rights Defense Center filed a complaint against Corizon, claiming it is failing to comply with Florida's public records law. The center has asked for all administrative and lawsuit-related payouts involving the company from 2011 to 2017.

"That is when you really discover how abusive the system has been," Mutamba said. "That is how you find out all the wrongful deaths, misdiagnoses — all of those things. And, of course, we haven't received any documents from Corizon."

The Gaines family is hoping for more than just a monetary settlement in the lawsuit. They want the Florida prison system to stop just warehousing the mentally ill and start treating them.

"Vincent was a loving son and brother who struggled with mental illness for most of his adult life. We miss him dearly," the Gaines family said in a statement. "We hope that this case will help to bring about prison reform nationwide."

WWW.PALMBEACHPOST.COM/NEWS/MENTALLY-ILL-MAN-ALLOWED-STARVE-DEATH-PRISON-LAWSUIT-SAYS/LP7eYKYn1wLbZ0VEkL8p9M/

PRISON LITERACY, BANNED BOOKS, AND THE RIGHT TO READ

by Magenta Loera, Angela Gonzalez-Curci, and Sophia Marciniak
July 29, 2019

The Washington Library Association Journal

According to the Bureau of Justice Statistics, the United States prison population is estimated at nearly 1.5 million as of 2017. Furthermore, the Literacy Project Foundation has found that three out of five prisoners are illiterate. With these alarming figures in mind, we believe that raising awareness and support for incarcerated people in the US is of pressing importance.

The regulation and banning of books are common in many institutions across the United States, but are the most restrictive in prisons. Within the last year, new regulations in Washington state banning nonprofits from donating books to prisoners were quietly approved. As information professionals, we can play a unique role in ensuring that incarcerated individuals have equal access to literary materials. One way that we can fulfill this role is by supporting human rights organizations like The Human Rights Defense Center (HRDC) in spreading awareness about these restrictive policies, and the importance of setting clear criteria and explanations for their creation.

HRDC is a 501(c)(3) non-profit organization dedicated to equal rights for incarcerated individuals across the country in prisons, jails, and immigrant and juvenile detention facilities. The organization was started by a group of volunteers in 1990 as a way to publish a monthly newsletter, now titled Prison Legal News, to provide a voice for both prisoners and their families.

In spring 2019, we began work on a collaborative project with the HRDC that aims to find and request information from the Department of Corrections (DOCs) in each state regarding which books are banned by their prison systems, as well as information about their review committees and processes, if applicable. We are in the process of creating a publicly accessible list of contacts for the departments, and are requesting policies that are responsible for regulating access to books in each states' prison system.

Due to both our time constraints and monetary constraints of the HRDC, the scope of this project has thus far been limited to state adult corrections facilities.

Information on how these facilities are restricting prisoners' access to print materials is considered a priority for two major reasons. Firstly, state DOCs are putting out the types of directives

The Literacy Project Foundation has found that three out of five prisoners are illiterate.

like the one in Washington state that galvanized this project into being. Secondly, state DOCs are more likely to have publicly requestable material and policies for their adult corrections facilities, for which the states can be held accountable. If a state facility with a list of rejected print publications and a policy on how to vet them is found to be violating its own procedures, an organization like the HRDC can hold that state accountable through its own documentation.

Book regulation lists are updated yearly, and thus need to be requested on an annual schedule to avoid being out of date. So far, we have received banned book lists from eight states: Illinois, Iowa, Kansas, Michigan, Montana, New Hampshire, Utah, and Vermont. We have also found or received policy documentation about restriction information on banned materials or outdated banned book lists from Connecticut, Idaho, Louisiana, Maine, Massachusetts, Michigan, Nevada, Rhode Island, and Vermont.

We have already received national attention from online news sources. Among them, Newsweek wrote an article that highlighted the work we are doing and challenged readers to think critically about the types of books that are being banned. We are heartened by these responses, and we hope that the increased visibility for the work we are doing will encourage more information professionals to collaborate on similar prison literacy projects in need of further attention, such as obtaining banned books lists for state juvenile facilities and immigration detention centers. We also hope that our work will lead to greater transparency and information regarding governmental criteria for banning specific reading materials for prisoners.

MORE TENNESSEE PRIVATE PRISON HOMICIDES THAN PUBLIC

By Jonathan Mattise
July 10, 2019
Associated Press



A majority of Tennessee's prisoners are held in state-run facilities, yet the state's privately run prisons have more inmate homicides, according to a new report by prisoner advocacy groups.

There have been 10 homicides in the privately run state prisons from March 2014 through this June, versus five in state-run lockups, according to the report released Wednesday by the Human Rights Defense Center and No Exceptions Prison Collective.

Tennessee-based private prison operator CoreCivic's state facilities had a homicide rate more than four times higher than public state facilities, the report says.

The company, in response, called the report misleading.

CoreCivic, formerly known as Corrections Corporation of America, runs four Tennessee state prisons, while the state operates 10. The state spent about \$160 million on the four private facilities in 2017-18, according to budget documents. The company says it moved its headquarters from Nashville to nearby Brentwood this week.

On average, public prisons held 70% of Tennessee's prisoners during the period studied.

At a news conference Wednesday featuring family members of prisoners, the advocacy groups pointed to the report to renew their call for the state to nix its use of private prisons.

"When CoreCivic fails to ensure the safety and security of their prisons and (prisoners are) murdered as a result, they should be held accountable for those lapses in security to the same extent that people are held accountable for their crimes by being sentenced to prison," said Alex Friedmann of the Human Rights Defense Center.

CoreCivic spokeswoman Amanda Gilchrist described the report as a "politically biased interpretation of cherry-picked statistics." She claimed CoreCivic's facilities hold a higher concentration of dangerous inmates, among other factors.

"The bottom line is that even one death in our facilities is too many, and we're always working to improve," Gilchrist said in an emailed statement.

Tennessee's maximum security prisons are exclusively state-run. However, Tennessee Department of Correction spokeswoman Neysa Taylor said that medium security inmates who reside in general population often have higher rates of violence than maximum security offenders. She said that's due in part to the extra precautions around maximum security inmates.

She also said gangs are on the rise in Tennessee prisons.

Taylor said the state has taken steps to reduce violence in prisons, including tier management, a tip line and increased training.

"However, similar to the free world, no amount of training can prevent the random acts of violence that spontaneously erupt without any notice or preventable indicators," Taylor said via email.

But at Wednesday's news conference, family members of two inmates who died at CoreCivic's private prisons said their relatives faced dangerous conditions.

Kayla Cherry stood in front of a blanket bearing pictures of her nephew, Dameion Nolan, who died in May while he was an inmate at CoreCivic-run Whiteville Correctional Facility.

Cherry said she had to hear it first from an inmate that Nolan had died, despite numerous attempts to contact prison officials. She said Nolan, who had been at Whiteville for 13 years of a 25-year sentence, was tortured and stabbed to death.

CoreCivic and Department of Correction officials said Nolan's death remains under investigation, and declined to comment further on it.

"To this day, I still don't know how this was allowed, what exactly happened," Cherry said. "I just get hearsay from inmates and other correctional officers that work at CoreCivic."

<https://www.apnews.com/34783b66698a494d8e1f293f5ba1e6bb>

PRISONERS IN JUST TWO STATES CAN VOTE. HERE'S WHY FEW DO

In Maine and Vermont, low literacy rates and little access to information means many inmates don't exercise their right to cast ballots.

by Nicole Lewis
June 11, 2019
The Marshall Project

When Sen. Bernie Sanders championed voting rights for prisoners during a CNN town hall, he spotlighted an intensifying national debate about why going to prison means losing the right to vote.

Only two states in the country allow incarcerated people to vote: Sanders' home state of Vermont and its neighbor, Maine. Sanders is the sole presidential candidate to support the idea. His stance may reflect the reality that these states have long-established procedures, and general public acceptance, of people voting from behind bars.

The idea is percolating in other states, however. In June, six of the 13 councilmembers in Washington, D.C. endorsed legislation that would let the city's prisoners vote. Legislators in Massachusetts, Hawaii, New Mexico and Virginia introduced

measures to allow prisoners to vote earlier this year. None succeeded, but several others states are making it easier for people to vote once they leave prison. In May, Nevada's governor signed a bill that automatically restores voting rights for parolees. And, last year, voters in Florida re-enfranchised nearly 1.5 million residents with felony convictions while Louisiana restored voting rights for nearly 36,000 people convicted of felonies. Lawmakers are still considering similar proposals in Connecticut, New Jersey and Nebraska.

Still, prisoners in 48 states lose the right to vote while incarcerated. Roughly 15 states automatically restore voting rights upon release, but several states such as Alabama and Mississippi ban people from voting for life for some crimes.

Why are Vermont and Maine outliers? They share several characteristics that make voting by prisoners less controversial. Incarcerated people can only vote by absentee ballot in the place where they last lived. They are not counted as residents of the town that houses a prison, which means their votes can't sway local elections if they vote as a bloc. And unlike many states, the majority of prisoners in Maine and Vermont are white, which defuses the racial dimensions of felony disenfranchisement laws.

Laws barring people with felony convictions from voting first began cropping up in Southern states during the Jim Crow era. Many voting rights advocates say the laws were a deliberate attempt to limit black political power. Of the nearly 6.1 million people estimated to be disenfranchised because of a felony conviction, nearly 40 percent are black, according to a 2018 report by the Sentencing Project.

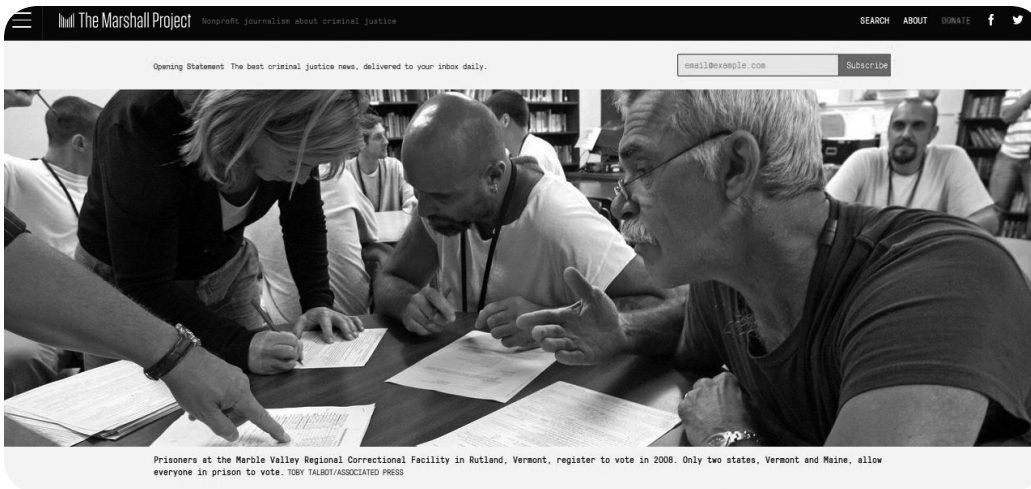
Joseph Jackson, founder of the Maine Prisoner Advocacy Coalition, suspects the racial demographics in Maine and Vermont may account for the fact that prisoners in either state never lost the right to vote. In Maine and Vermont, black people represent a larger share of prisoners compared to their share of the general population, but are a minority of the state's prisoners overall, nearly 7 and 10 percent respectively.

In Maine and Vermont, the state constitutions guarantee voting rights for all citizens, interpreted to include incarcerated people from the earliest days of statehood (in Vermont, a legal decision dates from 1799). Past attempts to exclude those convicted of serious crimes have failed in the legislatures. Currently, there is no organized opposition in either state to voting from prison.

Corrections officials in both states encourage inmates to vote, but rely on volunteers to register inmates. In recent election years, voting advocacy organizations such as the League of Women Voters and the NAACP have coordinated with corrections departments to hold voter registration drives in the prisons. To bridge the information gap, they share one-pagers with information about the state candidates and explain their positions on key issues.

Yet the barriers to voting, both external and internal, remain high. Incarcerated people are restricted from using the Internet and often cut off from news in the places they used to live. They are not allowed to campaign for candidates, display posters or show other signs of political partisanship.

Experts and volunteers who try to encourage voting from prison suspect that very few actually exercise the rights they have. Neither corrections department tracks inmate voting or registration, so statistics on participation or the political ideologies of prisoners are unavailable. Because their votes are counted along with other absentee ballots, election officials in Maine and Vermont do not specifically tally how many incarcerated people vote.



Prisoners at the Marble Valley Regional Correctional Facility in Rutland, Vermont, register to vote in 2008. Only two states, Vermont and Maine, allow everyone in prison to vote. TUBBY TALBOT/ASSOCIATED PRESS

For John Sughrue, the law librarian at Southern State Correctional Facility in Vermont, voting is imperative, the only “effective tool” inmates have for bringing change to the prison system. Yet, he notes, only a tiny percentage of the people in the prison where he is incarcerated end up voting. Among the few interested in politics, discussing issues can be dangerous in prison; as in the rest of the country, liberal and conservative inmates are increasingly polarized.

“It seems the current political climate has rendered us inexorably divided,” he wrote via the prison email system.

But the biggest issue, Sughrue says, is the shockingly high illiteracy rate among Vermont’s prisoners. In helping people with their legal cases, Sughrue realized many can’t read, and even those who can read struggle to write, which makes registering to vote and filling out a ballot practically impossible without help. The corrections departments don’t track literacy rates among prisoners, but in Vermont officials estimate nearly 20 percent of inmates entered prison with less than a high school education. Some studies estimate nearly 60 percent of people in prison are illiterate.

Despite volunteers’ efforts to engage incarcerated voters, many inmates in Vermont don’t seem particularly interested, said Madeline Motta, who helped register Vermont prisoners in 2018. Motta says some of the inmates were surprised to find they could vote, assuming their felony conviction was an automatic disqualifier. Others were more cynical, and expressed a general distrust of anyone seeking public office. A handful felt as if there was no point. Motta and the other volunteers tried to explain the benefits of voting during registration drives.

“We explained to inmates that elected officials are making decisions about your quality of life while you are incarcerated and once you are out,” she said.

Motta estimates several dozen men registered to vote between the two prisons she visited, which house roughly 500 prisoners. Other volunteers had already registered some inmates, so even her count was inexact. In Maine, Jackson estimates the NAACP registered more than 200 voters last year, but he can’t say how many actually voted.

Before the 2018 midterms, Kassie Tibbott traveled to five of Vermont’s prisons registering voters. Tibbott runs the Community Legal Information Center at the Vermont Law School. She said she heard very little political chatter during her visits, but a handful of prisoners were buzzing over a state attorney race in Bennington. Tibbott recognizes that a lack of access to information may be partly to blame. Inmates can’t go online to research candidates. Many watch

television and listen to the radio, but may not tune into the news.

“They don’t know enough about the candidates, so why would they vote?” she asked.

Voter disaffection is hardly unique to prisoners, said Paul Wright, executive director of Prison Legal News. Sixty-one percent of all eligible voters cast a ballot in the 2016 presidential election, and in the 2018 midterms, usually a time of lower turnout, that number dropped to 49 percent, according to Pew Charitable Trusts.

Wright suspects that some of the apathy about voting stems from the relatively few candidates with track records on criminal justice that would appeal to incarcerated people or those with raw memories of encounters with police and prosecutors.

At the local level, he pointed out, officials who play a major role in shaping criminal justice outcomes such as sheriffs, judges and prosecutors often run unopposed or on tough-on-crime platforms. Progressive prosecutors are a relatively recent phenomenon. So, like disaffected segments of the general electorate, inmates may believe their votes will make little difference.

“We don’t have much of a democracy when it comes to candidate choice,” he said. “Making the conscious choice in refraining from exercising your rights is just as important as exercising them.”

WWW.THEMARSHALLPROJECT.ORG/2019/06/11/PRISONERS-IN-JUST-TWO-STATES-CAN-VOTE-HERE-S-WHY-FEW-DO

KANSAS PRISONERS BANNED FROM READING A GAME OF THRONES ALONG WITH THOUSANDS OF OTHER BOOKS

by Chantal Da Silva
May 31, 2019
Newsweek

From Anthony Burgess' *A Clockwork Orange* to George R.R. Martin's *A Game of Thrones*, thousands of books have been banned from entering Kansas' state prisons over the last two decades, with hundreds added to the list of "censored" literature over the last two years.

Sharing the Kansas Department of Correction's banned book list on Twitter, Books to Prisoners, an organization that facilitates book donations to prisons, called the sheer number of books banned in detention facilities across the state "unbelievable."

"We just received the banned books list from KDOC and it's unbelievable," Books to Prisoners, which obtained the list with the Human Rights Defense Center (HRDC), stated, before pointing that there are nearly as many banned books as there are prisoners at Kansas detention facilities.

"Kansas has fewer than 10,000 prisoners, yet more than 7,000 books are banned for them, from *A Clockwork Orange* to *Are Prisons Obsolete*," the organization said.

"Kansas... it just seems like they hate books," Books to Prisoners organizer and Public Records Manager at the HRDC Michelle Dillon told *Newsweek* in a phone interview.

In her seven years working with Books to Prisoners, Dillon said she had "never seen a list like this, except in Texas," where she said officials have banned as many as 15,000 books.

According to the list shared by Books to Prisoners, in 2019 alone, the Kansas Department of Corrections has seen dozens of books banned. These include Ron Stallworth's memoir *Black Klansman*, which inspired Spike Lee's 2018 *BlacKkKlansman* film about how Stallworth, an African American police officer from Colorado Springs, infiltrated a local Ku Klux Klan branch.

Other notable books censored over the years include Solomon Northup's *12 Years A Slave*, E.L. James' *Fifty Shades of Grey*, Neil Gaiman's *American Gods* and dozens of James Patterson novels.

At least 60 "how-to" books also made the ban list, including *How To Make Small Talk* by Melissa Wadsworth, *How To Paint & Draw* by Hazel Harrison, *How To Analyze People* by Aiden McCoy, *How to Disappear* by Frank M. Ahearn and Eileen C. Horan and *How To Survive Anything, Anywhere* by Chris McNab.

The list also includes a number of banned coloring books, newsletters, comic books, including a number of Marvel and DC comics, role-playing manuals for games such as *Dungeons and Dragons* and *Pathfinder* and magazines, including *Cosmopolitan*, *Allure*, *Elle*, *Art in America*, *Hot Bike* and *Hooters*.

While some of the books likely made the banned list due to references of violence, such as Vince Flynn's *Consent to Kill*, social media users were quick to point out how innocuous many of the books, magazines and graphic novels appear to be. These include Klaus Honnef's book on Contemporary Art and a "Step by Step" guide on how to use Microsoft Office Excel 2007.

Dillon said prison book bans tend to vary from state to state, with more conservative states tending to see greater censorship.

In the case of Kansas prisons, Dillon said: "Well, that's Kansas, right? They traditionally have had some serious problems with conservatism and contradictions within their own treatment of people within the state."

However, she said "the more general problem with books in prisons is that there's not a lot of oversight" when it comes to prison literature restrictions, leading to "censorship that's happening on a grand scale."

"The difficulties come down to no accountability, no oversight and very vague policies that allow for a lot of interpretation," Dillon said.

For organizations like Books to Prisoners, the lack of clear guidelines makes determining what literature can and cannot be sent out to prisoners a difficult and time-consuming task. "It's like trying to read the stars, you know? Is the moon waning? Is it a Tuesday in February? Okay, then we can send this atlas," she said.

Atlases, she added, are also commonly rejected by prisons, including maps of imaginary places, like Westeros in *A Game of Thrones*.

With George R.R. Martin's popular books, Dillon said, it may not even be the "violence or sexual content" that will get his novels banned from prisons, "but it's also because of the maps because, you know, somehow it could lead to a prisoner escaping to Westeros."

Kansas Department of Corrections Secretary Roger Werholtz said in a statement sent to *Newsweek* that decisions on which books to censor are made based on pre-established criteria.

"If one item within a publication meets the criteria, then the entire publication must be censored as we cannot redact that one item," Werholtz said.

The corrections secretary said that if facility staff do flag a publication for censoring, an appeal can be launched against the decision.

"The current censorship list is approximately 15 years old. Within this time frame, 1,622 publications have been appealed with 141 appeals being overturned," Werholtz said.

"While this list reflects censorship activity during the past 15 years, the standards by which items are placed on the list have evolved over time," he continued. "For instance, role playing publications were not allowed within the facility at one time. However, this is no longer a blanket practice. Also, at one time, depictions of guns in magazines were not allowed. However, this practice has changed and photographs of guns are now allowed. The censorship list does not reflect these changes because our practice is that each publication is reviewed as it enters a facility."

"Censorship decisions have been made based on maintaining the safety and security of the facility and those decisions err on the side of caution," Werholtz said.

However, he said that the Kansas Department of Corrections was "planning to review the processes by which publications are placed on this list."

Werholtz asserted that the department was "not aware that the censorship process was an issue until objections were recently raised in the media."

"A quick perusal of the list does raise questions about the overzealousness of publications being placed on the list," he admitted. "Our goal is to review the list and apply some common sense judgement in how this list was and is put together."

In the meantime, he said, "offenders are not facing a shortage of reading materials. Aside from operating facility libraries, the facilities participate in the state's inter-library loan program so the depth of selection is large and almost endless. The facilities also now provide a limited number of books on tablets."

WWW.NEWSWEEK.COM/KANSAS-PRISONERS-BANNED-READING-GAME-THRONES-ALONG-THOUSANDS-OTHER-BOOKS-1440556

SIX LOUISIANA ANGOLA PRISON EMPLOYEES RESIGN AFTER ALLEGED INAPPROPRIATE RELATIONSHIPS WITH INMATES

by Daniel Moritz-Rabson
March 15, 2019
Newsweek

Six correctional officers and a nurse from Louisiana's Angola Prison resigned after an investigation revealed they had improper relationships with inmates and helped smuggle drugs, The Advocate reported on Friday.

One employee, Denise Prevot, was accused of having sex with an inmate. The Advocate reported that some individuals were accused of helping smuggle illicit substances into the facility. Another Myron Cage, is accused of conspiring with inmates to help smuggle items into the prison.

Department of Corrections spokesman Ken Pastorick said that the accused individuals, who range in age from 21 to 62, had resigned

within the past week, according to *The Advocate*. Four of the accused have already been arrested.

"We will continue to crack down on those who choose to betray the public trust, and will prosecute to the fullest extent of the law," Department of Public Safety and Corrections Secretary James M. Le Blanc said in a statement emailed to Newsweek. "This is not a reflection of the many hard working men and women in our Department who are dedicated to keeping our prisons and our public safe."

Alex Friedmann, associate director of the Human Rights Defense Center and managing editor of *Prison Legal News*, told Newsweek that the prosecution of staff engaged in misconduct is unusual.

Angola prison received public scrutiny in October when a paraplegic inmate spoke in federal court about conditions in the facility.

Farrell Sampier said that inmates needing medical treatment were not adequately cared for and were forced to sit in their own feces, according to the ACLU.

"There has been a long history of misconduct by staff at Angola, including indictments for a scheme to sell horses to private parties by bypassing public auctions; the brutal beating of a prisoner following an attempted escape that resulted in the conviction of three guards, including a major and a captain; and a \$1.5 million jury verdict against five Angola guards who beat a prisoner in retaliation for filing

[I]n 2015, there were 24,661 reports of sexual victimization in adult correctional facilities. Of the reported incidents, 58 percent involved employee victimization of inmates.

grievances and lawsuits," Friedmann said.

He also noted the former misconduct by former Angola Warden Burl Cain.

"The recent Angola indictments are an indication there is a very thin line between the keepers and the kept in prison, and sometimes that line is crossed."

Inappropriate and sexual relations between inmates and prison employees have previously occurred at facilities around the country.

Two years ago, *The Charlotte Observer* published an investigation that found 65 prison employees in North Carolina had been fired for inappropriate conduct with inmates.

"You have a relationship with an inmate and all of a sudden, he owns you," Gary Harkins, who formerly was a research director at the American Correctional Officer Intelligence Network, told the outlet. "If they want weapons in return for sex, that puts a lot of people in danger."

Sexual predation also regularly occurs in correctional facilities.

A Department of Justice report on sexual victimization in prisons released in July 2018 said that, in 2015, there were 24,661 reports of sexual victimization in adult correctional facilities.

Of the reported incidents, 58 percent involved employee victimization of inmates.

THE FIRST STEP ACT COULD BE A BIG GIFT TO CORECIVIC AND THE PRIVATE PRISON INDUSTRY

by Liliana Segura
December 22, 2018
The Intercept

On the day the U.S. Senate passed the First Step Act, the much-heralded federal criminal justice reform bill just signed into law, 63-year-old Bill Anderson stood before a joint subcommittee of the Tennessee General Assembly. With his wife Teresa, Anderson had traveled from Cleveland, Tennessee, far from Washington, D.C., and a nearly three-hour drive from downtown Nashville.

"We're here because of the death of our son," Anderson began. "On December 6, 2018, he was found hanging in his cell in Trousdale Turner." The facility is the largest private prison in Tennessee and one of the most dangerous, beset by staff shortages, gang activity and inadequate medical care. News reports, whistleblowers, and families like the Andersons have long raised alarm about Trousdale, where numerous people have died since it opened in 2016.

The hearing was set to follow up on a damning audit in 2017. Run by CoreCivic, the Nashville-based company formerly known as the Corrections Corporation of America, Trousdale opened under a \$276-million contract, promising programs aimed at rehabilitation, from job training to drug counseling. Instead it quickly came to embody the neglect and impunity that has made private prison companies notorious nationwide.

Although the state relies on CoreCivic to house a third of its incarcerated population, the company's recent track record has prompted local lawmakers to threaten its operations in Tennessee. For a fleeting moment toward the end of the Obama administration, the company appeared to be on the brink of losing business at the federal level as well. But buoyed by Donald Trump's election — and after rebranding itself as a "government solutions company" — CoreCivic continues to do steady business. A "zero tolerance" immigration policy has fueled demand for immigration detention centers, where miserable conditions have also proven deadly. Like Ross Anderson, who would have turned 35 this week, immigrants held at its facilities have died by suicide after their mental illness went untreated.

In a checkered shirt and with a full beard, Bill Anderson maintained his composure as he spoke of his son. But his grief was raw. His son's suicide occurred exactly three years after a "psychotic breakdown," when he fatally shot his girlfriend and her 5-year-old child. Diagnosed as schizophrenic, he was driven by delusions and did not comprehend his own actions, his father explained. Prosecutors wanted the death penalty but ultimately offered a plea deal, according to the local press, citing a "significant chance that he would have been found not guilty by reason of insanity." Despite a recommendation that Anderson's son be committed to a mental institution, he was instead sent to Trousdale. After his death, the family was notified by a prison chaplain but never heard from anyone else. "We're tormented knowing he died alone in a place where no one loved him, and he was just a number," Anderson said, his voice breaking.

Anderson was still speaking when Republican Sen. Mike Bell, acting as committee chair, interrupted. "Your three minutes are up," he said. As he prepared to move on, Teresa Anderson, who had wept quietly into a tissue as her husband spoke, held up her son's obituary from the Cleveland Daily Banner. "We got our information from the newspaper and from no one else," she said. Repeated phone calls had never been returned. "We just want answers," her husband said. "And I don't think that's unreasonable at all."

Anderson was only the second witness to speak at the hearing that morning. But his testimony proved too much for Democratic Rep.

Bo Mitchell, who erupted in frustration. It was just last year that the committee had heard similarly disturbing accounts about CoreCivic's facilities. "I'm sick of hearing citizens of this state come in here with these stories. And then we tell 'em, Hey, your son's life is worth three minutes," he said. The state of Tennessee pays CoreCivic hundreds of millions of dollars in contracts, then stands by as people die in its prisons, imposing fines that barely make a dent in its bottom line.

"We do nothing, again and again and again," Mitchell fumed. No one from the company had even bothered to show up to the hearing.

Part of the Solution

As the hearing in Nashville was underway Tuesday morning, lawmakers in Washington, D.C. were gearing up for a different fight. After months of wrangling and mixed signals from the president, the First Step Act was tantalizingly close to becoming law. A series of "poison pill" amendments threatened to sink the landmark legislation at the eleventh hour, with Arkansas Sen. Tom Cotton raising the specter of violent criminals unleashed upon society. But the scaremongering proved unconvincing. By 9 p.m. Tuesday, the amendments had been overwhelmingly defeated. On Friday, Trump signed the bill into law.

In a political climate that feels endlessly dark and divisive, the successful passage of bipartisan criminal justice reform feels to many like an unmitigated good, if not miraculous. Since it was first passed by the House in May, the First Step Act won over skeptics from across the political spectrum — and for some good reasons. Among its bright spots are improvements on the conditions of confinement, particularly for women, as well as a number of hard-fought sentencing reforms. Federal judges will have more discretion going forward in some nonviolent drug cases. And for thousands of people in federal prison — including those denied clemency by the Obama administration — the law offers a potential path to early release.

But while it has been hailed as the most significant criminal justice reform measure in a generation, most agree that the First Step Act has limited reach. Lobbying by law enforcement reduced even further the already limited pool of individuals eligible for its central provisions; a list of revisions released by the Judiciary Committee last week included 18 bullet points of "disqualifying offenses," from arson to assault to "felonies committed while in a dangerous street gang." Many have also decried the categorical exclusion of immigrants who represent more than half of all federal prosecutions. Within a federal prison population that represents less than 15 percent of those behind bars in this country, the First Step Act will directly assist a relative handful of carefully vetted individuals — a fraction within a fraction of the country's 2.1 million incarcerated people.

At the same time, critics of the First Step Act worry that it could be far-reaching in other ways. Some warn of unintended consequences down the line. Implementing the First Step Act will rely on infrastructure that has yet to be built — and which could give opportunities for companies like CoreCivic to expand their business. Indeed, along with its main competitor, GEO Group, CoreCivic enthusiastically backed the First Step Act. Both corporations have spent years repositioning themselves from private prison firms to providers of re-entry services — the very kinds of "evidence-based" tools that the legislation repeatedly invokes.

For its part, CoreCivic insists that prison reform like the First Step Act is central to its values. After all, the law's stated goal is "to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison" — a mission it claims to share. In a holiday greeting published on the company's website this week, CEO Damon Hininger boasted about the ways that CoreCivic spent the year "building a company culture focused on reentry." There was the release of CoreCivic's "first-ever Reentry Report," for example, as well as an "inaugural Reentry Conference," where the company shared ideas and best practices with national re-entry experts. "As I visited facilities in

2018," Hininger wrote, "I could see a growing understanding that each of us is a reentry professional and that we all have a hand in helping the individuals in our care put their lives back on track."

Hininger's letter was accompanied by a photo of smiling executives holding shovels adorned with red, white, and blue ribbons. Two days later, as the First Step Act made its way to the Oval Office, Hininger released a congratulatory statement. "We've never been better positioned to be part of the solution to one of the most costly, complex and longstanding challenges our country faces," he wrote, adding, "We couldn't be more excited about the work ahead and the difference we feel we can make for the American people."

The Treatment Industrial Complex

It is hard to say specifically how much CoreCivic stands to gain from the First Step Act. Its design and implementation will be largely up to the U.S. attorney general, who within 180 days of the enactment of the law "shall develop and release a risk assessment system" to determine who should be eligible to enter programs to facilitate re-entry. This part of the law has sparked particular alarm, since evidence shows that the algorithms used to calculate risk amount to little more than racial profiling.

The attorney general is also responsible for guiding the implementation of the programs, "developing policies for the warden of each prison of the Bureau of Prisons to enter into partnerships, subject to the availability of appropriations." In a December 17 advocacy letter, the American Civil Liberties Union and Leadership Conference flagged this provision as one cause for concern, specifically the clause that allows for partnerships with "private entities." This "could result in the further privatization of what should be public functions and would allow private entities to unduly profit from incarceration," it warned.

For CoreCivic, a company synonymous with prison profiteering, this is precisely the point. *The Tampa Bay Times* recently reported that the bill "authorizes a \$375 million expansion of post-prison services for inmates transitioning back into society" — the very products CoreCivic has spent years developing.

"These companies are very savvy," says Alex Friedmann, associate director of the Human Rights Defense Center and a leading expert on the private prison industry. Based in Nashville, Friedmann was himself once incarcerated at a CoreCivic prison; in the years since his release, he has dedicated himself to investigating the company and others like it. He was also among those who testified at before Tennessee lawmakers earlier this week, providing context for the death of Ross Anderson. For all the drama and disturbing testimony, there was little that surprised him, Friedmann said. CoreCivic has spent decades embroiled in scandal, without paying any real consequences. As far as its potential profiting from the First Step Act, it is "business as usual."

Friedmann traces CoreCivic's involvement in re-entry to 2010 and 2011, when the national prison population began to level off. Private prison companies "diversified to other things," entering the market for electronic tracking and re-entry facilities. As prison reform offering alternatives to incarceration went mainstream, a vast realm of "rehabilitative" services proved lucrative. A 2014 report co-authored by American Friends Service Committee, Grassroots Leadership, and the Southern Center for Human Rights traced the contours of the burgeoning "treatment industry complex," showing the myriad ways in which prison profiteers had expanded their services to include "alternative" programs and technologies like GPS ankle bracelets for electronic monitoring.

As it continued to roll out new products to meet the demand for supervised re-entry, CoreCivic did what the industry has always done: pushed for more laws that would be good for business. In 2017, CoreCivic announced a stepped-up lobbying campaign to reduce recidivism, along with support for political candidates who support

reform efforts. “A lot of folks would assume that we have a view that the status quo is fine, and that’s just not our view,” one executive told reporters. “We want to be a part of the solution.”

Incentives and Rewards

The 2014 report on the “treatment industrial complex” issued a prescient warning against expanding the kind of alternatives to incarceration enshrined in the First Step Act. Community confinement may be preferable to a prison cell, but the increased use of electronic monitoring can risk putting “more people on stricter forms of supervision than is necessary, for longer than is warranted.” The report also urged readers to be wary of allowing companies like CoreCivic to influence legislation. “The role of for-profit prison corporations in these important policy discussions could mean the difference between reforms that truly address human needs and a destructive ‘widening of the net’ that only serves to increase the level of control and surveillance at the expense of public safety.”

Friedmann says that in the grand scheme of things — and relative to the billions such companies make every year — the financial rewards offered by the First Step Act are not likely to be huge. “What it does is it perpetuates the industry,” he said. “It gives them another inroad to do what they do, which is to profit off incarceration.”

For some, this fulfills fears that have been a long time coming. In 2017, the Federal Bureau of Prisons began quietly defunding halfway houses across the country. Some 16 facilities lost their contracts; while the Trump administration claimed the facilities were “underutilized,” observers saw something more strategic underway. “While it is too early to say what that portends,” Prison Legal News reported earlier this year, “some critics believe the BOP is realigning its residential reentry center portfolio to make room for halfway houses operated by private prison firms that made substantial donations to President Trump’s election campaign or inauguration fund.”

DeAnna Hoskins, an outspoken critic of the First Step Act and executive director of JustLeadershipUSA, was working at the Department of Justice when the halfway house contracts were ended. Formerly incarcerated in Indiana, Hoskins had been through the reentry process herself. She remembers the concern expressed by members of Congress whose constituents said the funding was still urgently needed. “The Bureau of Prisons contracts out 100 percent of their re-entry center beds,” Hoskins explains. By slashing the existing halfway houses, then passing laws that rely on transitional housing, “now you just opened up the door for GEO Group and CoreCivic to come in.”

Like many racial justice activists, Hoskins worries that the First Step Act risks replacing “one form of incarceration with another” by placing more and more people on electronic monitoring. The contracts for such technology can be particularly exploitative since they can rely upon the subjects of such monitoring — disproportionately poor people and communities of color — to pay for the devices themselves. Once private firms have secured contracts to provide such tools, she warns, there is no incentive to reduce their use. “What is the benefit for GEO Group or CoreCivic to make sure people are successfully weaned off of home incarceration?”

Oversight and Accountability

Among progressive organizers who fought to pass the First Step Act, few if any would welcome the prospect of CoreCivic cashing in on the legislation. “We absolutely are not willing to have this be a moneymaking endeavor where people are profiting off of somebody else’s struggle,” says Erin Haney, policy director of advocacy group #Cut50, one of the leading champions of the law. Ensuring that the law is implemented responsibly has been a central concern, Haney says — and indeed, many groups on the left only endorsed the bill after language was added to address the need for oversight and accountability, particularly over the risk-assessment tools.

Haney points to one important safeguard, courtesy of an amendment by Rep. Sheila Jackson Lee — an Independent Review Committee made up of six experts, who will monitor the rollout of the First Step Act. “The attorney general is required to report how this is going,” Haney says. She stresses that, as with the public advocacy for the legislation, which put formerly incarcerated people front and center, those with lived experience will play a crucial role. After all, they know better than anyone what works and what doesn’t when attempting to rejoin the outside world after prison.

Still, the language of the law offers few guarantees. Vivian Nixon, executive director of College and Community Fellowship, worries that the First Step Act is full of holes. “On the surface, a lot of this stuff looks good,” she said. But digging deeper into the text, she sees ambiguities and red flags. “Where is the money gonna go?” she asks. “And what are the long-term implications for the communities that are already impacted in a disparate way by our justice system?”

Like Hoskins, Nixon also spent years behind bars. She says she has a lot of respect for those who fought to pass the First Step Act. But she also knows how ruthless the criminal justice system can be when it stands to benefit off the backs of incarcerated people. When she was in prison in New York state, she said, one of the available jobs was working for Prison Industries to weld together desks — “those old, gray metal desks you used to see in government buildings,” she says. “And you had to sign a waiver that if you got hurt, if you chopped off your finger, if you burned a hole in your eye, no matter what happened to you, you could not recoup any rewards from the state.”

Indeed, one provision of the First Step Act that has received little scrutiny calls for “expanding inmate employment through Federal Prison Industries,” while auditing its “effectiveness in reducing recidivism.” What this will mean in practical terms is, like many things, hard to say for sure.

No One Would Listen

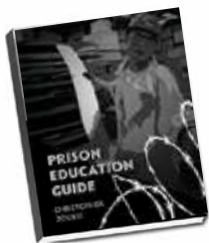
Before the hearing in Nashville concluded on Tuesday, lawmakers had heard more disturbing testimony about CoreCivic facilities in Tennessee. A woman talked about her son, an Army veteran with PTSD and bipolar disorder who is not eligible for any of the programs offered at Trousdale and has had problems receiving basic medical care. “They don’t care about rehabilitation,” she said.

Another witness spoke on behalf of a friend incarcerated at a different CoreCivic prison, where a regimen of constant lockdowns means that he is not allowed outside his cell for a week or two at a time. In a diary entry written over the summer, his friend described how the water and electricity were both shut down, leading to an oppressive combination of heat and the foul stench of his overflowing toilet, which was like an “open sewer.”

Finally, a man named Edwin Steakley approached the mic and said he had been released from Trousdale earlier this year. Wearing a yarmulke and an anguished expression, he said he had been violently targeted because he is Jewish, twice gang raped and forced to perform oral sex. When he tried to tell the proper authorities, no one would listen, he said. He could not even call the federal hotline devised by another major federal reform, the Prison Rape Elimination Act.

There was no record of the incident in the audit before the lawmakers. Tennessee Department of Correction Commissioner Tony Parker vowed to look into it. But he defended CoreCivic throughout the hearing. The company remains a valuable partner, he said. “They work well with us to try to correct these issues.”

Parker also pointed out that a number of the problems faced at Trousdale exist at state facilities too. Indeed, his predecessor was often under fire for prison conditions in Tennessee. Not long after Trousdale opened, that commissioner left to work for GEO Group.



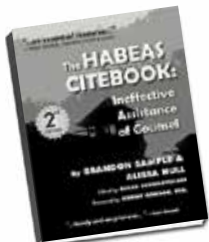
Prison Education Guide

Christopher Zoukis

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Prison Education Guide is the most comprehensive guide to correspondence programs for prisoners available today. This exceptional book provides the reader with step by step instructions to find the right educational program, enroll in courses, and complete classes to meet their academic goals. This book is an invaluable reentry tool for prisoners who seek to further their education while incarcerated and to help them prepare for life and work following their release.



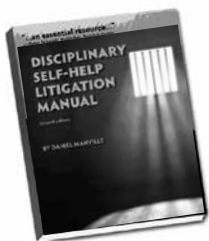
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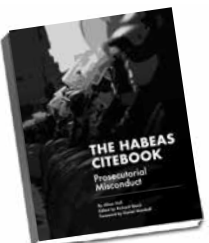
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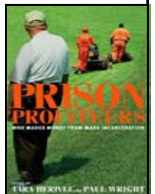
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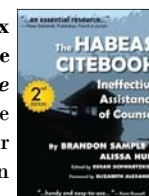
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