



# HUMAN RIGHTS DEFENSE CENTER 2015 ANNUAL REPORT

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## NOTABLE DEVELOPMENTS

The Human Rights Defense Center, a non-profit 501(c)(3) organization founded in 1990, is the parent organization of *Prison Legal News (PLN)*.

Throughout 2015, HRDC continued to lead the national Campaign for Prison Phone Justice, which seeks just and equitable rates for telephone calls made by prisoners. On October 22, 2015, the FCC voted to implement new rate caps that represent a significant drop in the cost of prison and jail phone calls. State and federal prison phone rates will be capped at 11 cents a minute, while the phone rates in jails will range from 14 to 22 cents per minute.

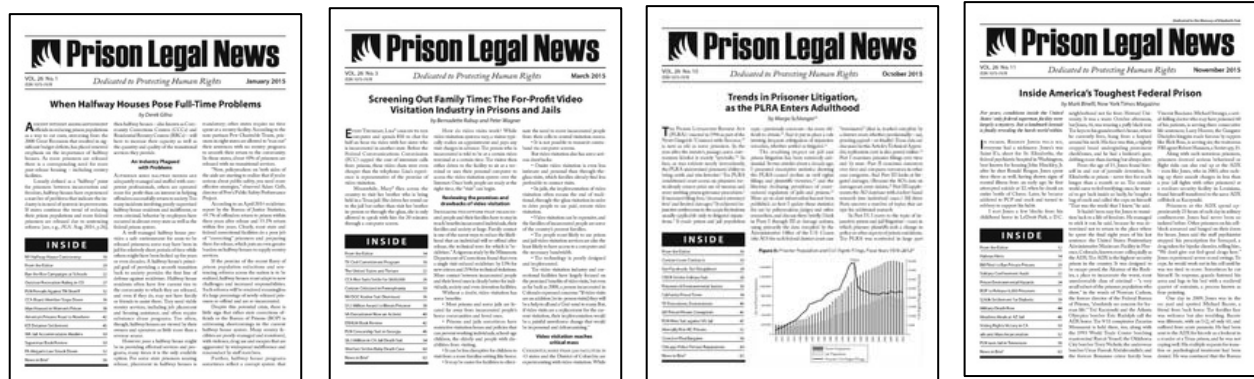
We had several notable litigation successes in 2015, including a successful challenge to book censorship by the Nevada Dept. of Corrections, resulting in a consent decree, damages and attorneys’ fees. Additionally, we ended a ban on books at the Bernalillo County jail in Albuquerque, New Mexico, and successfully challenged a ban on letter mail and certain books at the San Diego County jail in California.

HRDC also started two new projects this year, the Stop Prison Profiteering campaign and the Prison Ecology Project, which are described on pages 27 and 28.

In May 2015, HRDC celebrated 25 years of publishing our monthly magazine, *Prison Legal News*. We held fundraisers in Seattle, Washington on November 9 and New York City on December 1; former CIA whistleblower John Kiriakou was the keynote speaker at both events, which were well attended. And in December 2015 we sent our latest book, the *Prison Education Guide*, by *PLN* contributing writer Christopher Zoukis, to print.

## PLN – THE MAGAZINE

HRDC’s monthly publication, *Prison Legal News*, reports on corrections and criminal justice-related issues. *PLN* celebrated its 25th anniversary on May 1, 2015, continuing its distinction of being the longest-running independent magazine produced by and for prisoners.



*PLN* published the following cover stories in 2015:

- **January:** “When Halfway Houses Pose Full-Time Problems,” by Derek Gilna, reviewed problems and deficiencies in halfway houses nationwide.

- **February:** *PLN* editor Paul Wright conducted an interview with musician Wayne Kramer, ranked as one of the 100 greatest guitarists of all times by *Rolling Stone*, who also served more than two years in federal prison in the 1970s.
- **March:** “Screening Out Family Time: The For-Profit Video Visitation Industry in Prisons and Jails,” by Bernadette Rabuy and Peter Wagner, examined video visitation systems and costs in correctional facilities.
- **April:** “Crime Labs Still in Crisis,” a follow-up to the October 2010 *PLN* cover story, “Crime Labs in Crisis: Shoddy Forensics Used to Secure Convictions,” provided an in-depth look at scandals involving crime labs, by Matthew Clarke.
- **May:** Editor Paul Wright reviewed *PLN*’s first quarter-century of publication in “Twenty-Five Years of Prison Legal News.”
- **June:** “Women, Incarcerated” investigated the systemic mistreatment of women in prisons and jails nationwide, by Sharona Coutts and Zoe Greenberg from RH Reality Check.
- **July:** Gary Hunter reported on the deep-rooted culture of brutality and inadequate health care in one of America’s worst jails, Rikers Island in New York City.
- **August:** “Greenwashing Washington State’s Prison System in a River of Sewage,” a critique of allegedly environmentally friendly prisons in Washington State, by Rick Anderson.
- **September:** A comprehensive report on the tens of thousands of prisoners serving life without parole, by Beth Schwartzapfel of The Marshall Project.
- **October:** Margo Schlanger, Professor of Law at the University of Michigan Law School, reviewed the Prison Litigation Reform Act and its impact on prisoners in “Trends in Prisoner Litigation, as the PLRA Enters Adulthood.”
- **November:** “Inside America’s Toughest Federal Prison” provided a glimpse behind the walls of ADX, the only federal supermax facility in the United States, by Mark Binelli of *New York Times Magazine*.
- **December:** Christopher Zoukis reviewed profiteering in prison food services in “Aramark’s Correctional Food Services: Meals, Maggots and Misconduct.”

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

*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, as reader surveys indicate 10 people read each copy of *PLN*.



*PLN* continued to receive an enormous volume of mail throughout 2015. The majority of this correspondence was from prisoners, with many requesting legal assistance or sending news clippings, court decisions and other items of interest. Due to this large amount of mail, *PLN* is unable to respond to everyone who contacts us.

## **BOOK DISTRIBUTION**

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### **BOOK SALES**

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

HRDC added several new titles to our book list in 2015, including the third edition of *The Best 500+ Non-Profit Organizations for Prisoners & Their Families*; the fourteenth edition of NOLO's *The Criminal Law Handbook: Know Your Rights, Survive the System* by professors Paul Bergman and Sara Berman; *How to Win Your Personal Injury Claim* by attorney Joseph Matthews; and *Caught: The Prison State and the Lockdown of American Politics* by Marie Gottschalk, professor of political science at the University of Pennsylvania.

HRDC shipped over 8,000 books in 2015, mostly to prisoners.

### **BOOK PUBLISHING**

PLN Publishing seeks to produce quality, nonfiction reference books that provide prisoners and their advocates with reliable, timely and accurate information they can use to help themselves and improve their lives. We offer the highest author royalties in the publishing industry.

During 2015, PLN Publishing worked on completely updating our bestseller *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada* (3rd Ed.), by Jon Marc Taylor and edited by Susan Schwartzkopf. Now entitled the *Prison Education Guide*, by Christopher Zoukis, the updated edition is expected to be available in early 2016.

## **HRDC, PLN AND PPJ WEBSITES**

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We continued to expand *PLN*'s website in 2015, increasing its content with hundreds of articles that have not been published anywhere else as well as news articles from other sites that are reposted with permission. *PLN*'s website ([www.prisonlegalnews.org](http://www.prisonlegalnews.org)) receives over 150,000 visitors each month and has become a significant resource for media and community outreach and public education on criminal justice issues.

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

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

HRDC's website, [www.humanrightsdefensecenter.org](http://www.humanrightsdefensecenter.org), was also improved in 2015. The site includes updated staff and board profiles and a library of HRDC letters and comments filed with government agencies and legislative bodies.

We have continued to add content to our Campaign for Prison Phone Justice website, [www.prisonphonejustice.org](http://www.prisonphonejustice.org), and launched new sites for our Stop Prison Profiteering campaign and Prison Ecology Project, at [www.stopprisonprofiteering.org](http://www.stopprisonprofiteering.org) and [www.prisonecology.org](http://www.prisonecology.org), respectively.

## **HRDC STAFF**

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HRDC's executive team includes Paul Wright, executive director and editor of *PLN*; Alex Friedmann, associate director and *PLN*'s managing editor; chief financial officer and advertising director Susan Schwartzkopf; and litigation project director and general counsel Lance Weber.

Staff members who continued from the previous year included Sabarish Neelakanta, staff attorney; Carrie Wilkinson, prison phone justice director; Rachel Stevens, paralegal; Frances Saucedo, paralegal; Ryan Barrett, online communications director; Panagioti Tsoikas, special projects coordinator; Judith Cohen, advertising coordinator/office manager; and Maricela Garcia, research and office assistant.

Throughout 2015 several new employees joined the HRDC team, including Robert Pew, office assistant; Emilee Sandoval, office assistant; Melanie Abbott, research assistant; and Monte McCain, social media director.

HRDC owes a debt of gratitude to its dedicated volunteers, particularly Wil Van Natta and Shauna Coolican, as well as our Open Society Foundations Soros Justice Fellow, Galen Baughman. Additionally, volunteers with the Prison Ecology Project, Ahmed Gaya and Russell McSpadden, assisted greatly in developing that campaign.

## **HRDC BOARD OF DIRECTORS**

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

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

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

**Howard Friedman** (Board Chair) – Howard Friedman is the principal in the Law Offices of Howard Friedman P.C., a civil litigation firm in Boston, Massachusetts. Howard's practice emphasizes representing plaintiffs in civil rights cases, particularly cases involving law enforcement, including police misconduct and prisoners' rights litigation. Howard began his

career in 1977 as a staff attorney at the Prisoners' Rights Project in Boston. He is the past President of the National Police Accountability Project of the National Lawyers Guild and served as chair of the Civil Rights Section of the Association of Trial Lawyers of America (now the American Association for Justice). He is a graduate of Northeastern University School of Law and Goddard College.

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

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

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

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

**Bill Trine** – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill has been the senior partner in his own law firm for many years and presently is in the process of trying to retire to do more writing and teaching. He started a national prison project through TLPJ in 2005 and has been plaintiff's counsel in prison cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College's board since its beginning.

**Paul Wright** (President) – Paul Wright is the editor of *Prison Legal News* and founder of the Human Rights Defense Center and its predecessor, Prisoners' Legal News. He is responsible for *PLN's* editorial content and HRDC's public advocacy and outreach efforts and fundraising. Mr. Wright was incarcerated for 17 years in Washington State; he was released in 2003.

## FUNDING IN 2015

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In 2015 HRDC was funded primarily through earned revenue from its publishing and litigation activities, as well as book sales, individual donations and an online crowdfunding campaign for our Prison Ecology Project. We also received a grant from the Sonya Staff Foundation, and held special fund-raising events in Seattle and New York City for *PLN*'s 25<sup>th</sup> anniversary.

## ACTIVISM & ADVOCACY

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HRDC staff engaged in a number of activism and advocacy efforts in 2015, to effect reform in our nation's criminal justice system and to educate the public, policymakers and mainstream media about criminal justice and prison-related issues. Those efforts included:

- On January 9, 2015, HRDC collaborated with Columbia Law School's National State Attorneys General Program and its director, James Tierney, to submit a joint letter to the Federal Communications Commission (FCC). The letter was signed by 51 former State Attorneys General and strongly urged the FCC to establish reasonable prison and jail phone rates to help prisoners maintain connections with their family members – a factor known to reduce recidivism.
- HRDC was one of thirteen organizations that signed on to a February 23 letter to the U.S. Department of Health and Human Services regarding standards to prevent the sexual abuse of migrant children in the custody of the Office of Refugee Resettlement.
- HRDC and associate director Alex Friedmann were both thanked in the credits of a 20/20 Diane Sawyer special, "A Nation of Women Behind Bars," that aired on February 27, 2015. Alex had provided the producers with information regarding the Tennessee Prison for Women, and filed public records requests with Tennessee prison officials at the request of 20/20.
- On March 8, 2015, HRDC executive director Paul Wright and special projects coordinator Panagioti Tsolkas presented on a panel at the Public Interest Environmental Law Conference in Eugene, Oregon. The panel, "Ecology of a Police State," discussed the intersection between the epidemic of mass incarceration in the United States and the environmental degradation which occurs, directly and indirectly, as a result.



*Alex Friedmann meeting with Alec Karakatsanis, founder of Equal Justice Under Law, and Harvard law students in Nashville on March 15, 2015*

**PLN was selected as “Best Activists 2015” by the *Broward / Palm Beach New Times* in June 2015, and described as “One of the nation’s most aggressive and effective, though little-known, human rights organizations.”**



*Alex Friedmann meeting with Michelle Alexander, author of *The New Jim Crow*, before her keynote speech at the “Re-visioning Justice in America” conference at Vanderbilt University in Nashville on April 2.*

- HRDC signed on to a March 10 letter sponsored by Community Initiatives for Visiting Immigrants in Confinement (CIVIC), asking Immigration and Customs Enforcement to implement a national pro bono telephone extension as well as a first-ever national pen pal program for ICE detainees.
- Alex Friedmann met with Alec Karakatsanis, founder of Equal Justice Under Law, and a group of Harvard Law School students in Nashville on March 15 to discuss privatized probation services. Equal Justice Under Law subsequently filed suit against PCC, Inc., a private probation company doing business in Rutherford County, Tennessee.
- On March 27, 2015, Alex Friedmann was an invited guest speaker at the American Constitution Society’s chapter at the University of Memphis, Cecil C. Humphreys School of Law. He gave a presentation on legal issues related to prisoners’ constitutional rights.
- On April 6, 2015, HRDC contacted Union Supply, a company that provided holiday packages to Tennessee prisoners, to notify them that they had overcharged state sales tax. Union Supply agreed to issue [\\$12,611.31 in refunds](#) to prisoners and their families as a direct result of HRDC’s advocacy; this was part of our Stop Prison Profiteering project.
- On April 10, Alex Friedmann was an invited speaker at an Osher Lifelong Learning course, titled “Rethinking Prisons: Justice, Punishment, and Incarceration in America,” at Lipscomb University in Nashville.
- HRDC submitted letters to the District of Columbia Council in January and April 2015 in opposition to contracting medical care in the DC jail system to Corizon Health. The letters noted that Corizon’s critics, including HRDC, “believe that private companies should not provide correctional services, including medical care for prisoners, because incarceration-related services are a responsibility of our government and should not be contracted out to the private sector for the purpose of generating corporate profit.”



- Alex Friedmann presented at the “Re-visioning Justice in America” conference at Vanderbilt University in Nashville on April 18, and spoke about the private prison industry. He also met with Michelle Alexander, the keynote speaker at that event, which was also attended by HRDC’s social media director, Monte McCoin.
- In May 2015, Alex Friedmann’s extensively documented article, “Apples-to-Fish: Public and Private Prison Cost Comparisons,” was published in the *Fordham Urban Law Journal* (Vol. XLII, No. 2). The article explained how costs are shifted from for-profit prisons to public agencies, allowing private prison companies to internalize profits while externalizing costs.
- Alex Friedmann and Panagioti Tsolkas presented at Enlace’s 2015 National Strategy Session on private prison divestment on May 3 in Boca Raton, Florida. They discussed HRDC’s Stop Prison Profiteering campaign and the high fees charged by companies such as JPay and Securus. They also participated in a large protest outside of GEO Group’s annual shareholder meeting on April 29.
- On May 11, 2015, HRDC was one of 188 immigrants’ rights, faith-based, civil rights, human rights, survivors’ rights, legal services and criminal justice reform organizations that signed on to a letter to President Obama, urging his administration to end the practice of holding immigrant families in detention. The letter was coordinated by the National Immigrant Justice Center.
- Alex Friedmann and Monte McCoin attended the annual shareholder meeting for Corrections Corporation of America on May 14; they asked questions about CCA’s family detention facility in Dilley, Texas and the company’s practice of improperly strip searching menstruating women visitors at a CCA-operated prison in Tennessee.
- On May 15, 2015, Alex Friedmann consulted with the writing team for the Netflix TV series “Orange is the New Black” and discussed issues related to private prisons – a story line the popular series plans to develop during its next season.
- Paul Wright and prison phone justice director Carrie Wilkinson met on May 18 with FCC Commissioner Mignon Clyburn in Washington, DC regarding issues related to the prison telephone industry and the need for reform, including “commission” kickbacks, ancillary fees and rate caps.
- On May 21, 2015, Paul Wright presented at a conference titled “Unlocking Communities: Ending Mass Incarceration in America.” The event, sponsored by the Aspen Forum for Community Solutions, Center for Community Change and Vera Institute of Justice, was held in Washington, DC.
- Beginning in May and extending through July 2015, Alex Friedmann and Monte McCoin investigated allegations that CCA employees at a Nashville jail were exploiting prisoners by having them produce woodworking items and then selling them at a flea market and pocketing the proceeds. Alex took undercover video of the flea market operation and worked cooperatively with the Associated Press to [break the story](#) in August 2015. Three CCA workers were [prosecuted](#) as a result. The [video](#) was shown on WSMV Channel 4.

- On June 29, Alex Friedmann was invited to speak to staff members at Disability Rights Tennessee, the state’s Protection and Advocacy agency. His two-hour presentation was broadcast via video conference at two other statewide offices. He spoke about prison medical and mental health treatment, legal issues involving medical care for prisoners and specific concerns related to the Tennessee Dept. of Correction.
- From June 30 to July 1, 2015, Alex Friedmann attended the National Sheriffs’ Association conference in Baltimore, Maryland. He attended several sessions in his capacity as president of the Private Corrections Institute, including a discussion of the FCC’s actions on prison phone rates. In response to a question from the presenter, he commented on the use of commission kickbacks by jail officials for costs unrelated to “inmate welfare.” Later that day he was informed by NSA staff that he could not attend any other sessions; he was accused of being “disruptive” and not sharing the interests of the NSA. The NSA subsequently issued a refund for his conference fee.



*Paul Wright, Ninth Circuit Corrections Summit, Nov. 2015*

- On July 20, Paul Wright consulted and participated in a webinar with Nick Szuberla, executive director of Working Narratives/Nation Inside, urging the FCC to lower phone rates for prisoners and their families. Over 300 people from 19 states participated in the webinar, titled “Prison Phone Justice: Answer the Call.”
- Alex Friedmann presented on a webinar coordinated by The Forum for Sustainable and Responsible Investment (USSIF), concerning private prison investment and divestment issues, on July 28, 2015.
- HRDC and four other organizations, including the No Exceptions Prison Collective, the Tennessee NAACP, the TN Consultation on Criminal Justice and the NOAH Criminal Justice Taskforce, submitted a joint letter to Tennessee Governor Bill Haslam and other state officials on July 30, related to draft recommendations made by the state’s Task Force on Sentencing and Recidivism.
- Beginning in August 2015, staff at U.S. Senator Bernie Sanders’ office consulted with several criminal justice organizations, including HRDC, for a bill he planned to introduce related to the private prison industry. Alex Friedmann participated in multiple conference

calls with the Senator's staff and suggested the name that was eventually used for the bill, the "[Justice is Not for Sale Act](#)" (S.2054/H.R.3543), which was introduced on September 17, 2015. Among other provisions, the bill would ban all private prisons.

- Paul Wright spoke at the St. Cyprians Episcopal Church in St. Augustine, Florida on August 10, on the topic of "What will it take to reduce abuse and rape in our prisons?"
- Alex Friedmann spoke at a Tennessee legislative Black Caucus hearing on August 25, 2015 about recommendations made by the Task Force on Sentencing and Recidivism, including issues related to Tennessee's growing prison population and racial disparities.
- HRDC was one of four organizations to submit a [joint comment](#) to the federal Bureau of Prisons on September 1 concerning a proposed rule for "inmate commissary account deposit procedures." The comment was coordinated by the Prison Policy Initiative.
- On September 19, 2015, Alex Friedmann was the invited keynote speaker at the annual banquet for PAIICE, a prisoner organization at the Northwest Correctional Complex in Tiptonville, Tennessee, where he had served time in the 1990s. He spoke about current criminal justice reform efforts and what prisoners can do to support those efforts.
- On September 24, HRDC attorneys Lance Weber and Sabarish Neelakanta presented a CLE seminar titled "Prison Litigation Reform Act: Practical Considerations" before the Federal Bar Association, Orlando Chapter, at The Citrus Club in Orlando, Florida. The CLE provided training on key issues confronting lawyers involved in prisoner litigation and procedural hurdles encountered when dealing with the Prison Litigation Reform Act.
- In October 2015, Alex Friedmann consulted with a senior researcher for "Last Week Tonight with John Oliver" for an episode on prisoner reentry, which aired on November 9, 2015.
- Alex Friedmann presented at a contemporary philosophy class at Vanderbilt University on October 1, on the topic of "critical responses to mass incarceration." The discussion was coordinated by Professor Lisa Guenther.
- Carrie Wilkinson participated in a panel discussion on the prison phone industry at a Congressional briefing on October 6, 2015, while she was in Washington, DC as part of the #RighttoConnect delegation.
- HRDC signed on to a joint letter to Texas Governor Greg Abbott and the Commissioner of the Texas Department of Family and Protective Services, expressing concerns that DFPS might license family immigration detention centers, specifically the GEO Group-run Karnes County Residential Center and CCA's South Texas Family Residential Center in Dilley. The October 13 letter was coordinated by Grassroots Leadership.
- On October 15, 2015, a joint letter submitted to the U.S. Department of Justice called for a federal investigation of Florida's prison system following extensive news coverage of prisoner deaths and abusive prison guards. The letter was coordinated by the ACLU of Florida and signed by HRDC and 12 other organizations.

- Alex Friedmann testified at an October 19, 2015 Tennessee Senate Judiciary Committee hearing on criminal justice reform and the need for intermediate sanctions for technical violations of community supervision. Other speakers on the panel included Vanderbilt University Professor Chris Slobogin and Jeannie Alexander, a former prison chaplain and founder of the No Exceptions Prison Collective.
- On October 22, 2015, Alex Friedmann attended an FCC hearing in Washington, DC during which the Commissioners voted in favor of additional prison phone reforms and rate caps. He met with and thanked Commissioner Mignon Clyburn, and participated in a press conference organized by the Center for Media Justice.
- Alex Friedmann was invited to speak on a panel at the AFL-CIO's Criminal Justice Reform conference held in Washington, DC on October 27. He discussed the private prison industry with co-panelists Carl Takei from the ACLU and Donald Cohen with In the Public Interest, and developed a series of fact sheets for conference attendees.
- On October 28, 2015, Alex Friedmann spoke on a Media Justice Salon webinar presented by the Center for Media Justice/MAG-Net, on next steps after the FCC's most recent order on prison phone reforms.
- Alex Friedmann helped organize a hearing by the Tennessee legislative Black Caucus on "Mass Incarceration and its Impact on the Community" on October 29 in Nashville. He spoke at the hearing about recommendations made by the state Task Force on Sentencing and Recidivism.
- HRDC submitted a letter to President Obama on October 30, 2015, urging him to use his "executive authority to ensure that both federal agencies and federal contractors are leading the way to open up employment opportunities for qualified job seekers who have a criminal record, by implementing a 'ban the box' policy for the federal government." Three days later, Obama directed federal agencies (but not federal contractors) to adopt ban the box policies.
- From October to November 2015, the Commissioner Judge for Dallas County, Texas consulted with HRDC concerning a contract with CCA to operate a halfway house in Dallas. The county incorporated HRDC's suggestions into contract amendments to limit the scope and size of the facility, as the contract could not be canceled. HRDC worked on this project in collaboration with Organize Justice, a Dallas-based group.
- Paul Wright was a speaker at the Ninth Circuit Court of Appeals' Corrections Summit held in Sacramento, California from November 4 to 6, and addressed issues related to prisoner litigation.
- On November 5, 2015, Alex Friedmann participated in a panel discussion organized by the *Tennessee Tribune*, a Nashville-based publication for the black community, on mass incarceration and criminal justice issues in Tennessee. Other speakers on the panel included Sheryl Allen with the Tennessee NAACP and Eric Alexander, a former offender who works with a YMCA project.

- On November 17, Alex Friedmann presented on a webinar sponsored by the Presbyterian Church U.S.A., Office of Public Witness Compassion, Peace and Justice Ministry, as a consultant to the Presbyterian Criminal Justice Network. He spoke about the Sentencing Reform and Corrections Act (S.2123).
- HRDC signed on to a December 7, 2015 letter to the House of Representatives from 121 civil rights, human rights, faith-based and criminal justice reform organizations to express support for the Restoring Education and Learning (REAL) Act, H.R. 2521, which would reinstate Pell grant eligibility for state and federal prisoners. The letter urged members of Congress to co-sponsor the legislation and swiftly pass it in the House.

## **MEDIA OUTREACH**

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We continued to make headline news in 2015 with stories that either mentioned *Prison Legal News* or HRDC, or quoted our staff. This media coverage included newspapers, magazines, radio programs, TV shows and online news sources. HRDC also issued 18 press releases this year. The following is a sample list of media coverage that *PLN* and HRDC received in 2015, which does not include articles about HRDC's litigation. While this is not a complete list, it is illustrative of our media footprint. Links to these articles and hundreds more are available on our website under "[PLN in the News](#)."

- On January 13, 2015, [The Tennessean](#) covered CCA's rejection of associate director Alex Friedmann's shareholder resolution, which would have required the company to spend 5% of its net profit each year to fund additional rehabilitative and reentry programs.
- [The Marshall Project](#) interviewed HRDC executive director Paul Wright in a January 12 article titled "Sure, People Are Talking About Prison Reform, but They Aren't Actually Doing Anything."
- HRDC was mentioned in a January 21 [news show](#) on channel WPTV on efforts to restore voting rights for ex-prisoners in Florida. HRDC opposed the campaign, as it excluded murderers and sex offenders from having their voting rights restored.
- Paul Wright was quoted on January 23 in the [Columbia Journalism Review](#) regarding Pennsylvania's "Silencing Act," passed as legislative backlash against renowned prisoner journalist and *PLN* columnist Mumia Abu Jamal.
- On January 27, Alex Friedmann appeared on "A Just Cause" [radio show](#) and spoke about various criminal justice issues, including disenfranchisement, prison privatization and prison reform.
- HRDC prison phone justice director Carrie Wilkinson, *PLN* and HRDC were mentioned in the acknowledgements of Chris Hoke's [book](#), *Wanted: A Spiritual Pursuit Through Jail, Among Outlaws, and Across Borders*, published by HarperOne in February 2015. Hoke's book examines the life and death of Richard Mejia, who died of medical neglect in Washington State's prison system. HRDC represented Mejia's family in a successful wrongful death lawsuit against prison officials.

- On February 11, Paul Wright spoke on the Reality News Radio Show, WJFP in West Palm Beach, Florida about the longstanding practice of monetizing prisoners' contact with their families, and HRDC's work with the FCC to reduce prison phone rates.
- *PLN* research was mentioned by [Oklahoma Watch](#) in their February 15 article on prison phone rates.
- On February 15, the [St. Louis Post-Dispatch](#) quoted Alex Friedmann on the Keefe Group, one of the largest providers of prison commissary and package services.
- The [Associated Press](#) quoted Paul Wright in a March 12 article about the use of pepper spray by guards in federal prisons.
- Alex Friedmann was interviewed by RT (Russian Television) on March 20 on the use of nitrogen gas for lethal injections.
- The [Huffington Post](#)'s March 28 article, "The Growing Right Arm of For-Profit Prisons," cited a *PLN* cover story on halfway houses.
- HRDC's comment to the Consumer Financial Protection Bureau on prison release debit cards was profiled by [The New Times](#) on March 30.
- A March 31 story from [WKYT](#) in East Kentucky noted HRDC's Prison Ecology Project and its opposition to siting a federal prison on a former coal mine site.
- Alex Friedmann spoke on a live radio show with Michael Finney, KGO San Francisco AM180 on April 4, and discussed prison phone-related issues.
- On May 6, a [Bloomberg](#) article quoted Paul Wright about jail video visitation services "squeezing out in-person visitation."
- A [Houston Press](#) article on May 12 cited a *PLN* report in reference to a candidate for the sheriff's office having ties with private prisons in Texas.
- Paul Wright was quoted in a June 2 [New York Times](#) article on the use of prison labor in Mississippi.
- On June 3, [Alternet](#) quoted *PLN* in an article about bi-partisan agreement on mass incarceration.
- Alex Friedmann participated in a People's Platform radio blog talk hosted by the Free Alabama Movement on June 10. The other speaker was Siddique Abdullah Hasan, a member of the Lucasville 5, who called in from death row at the Ohio State Penitentiary. They discussed the need for reform of our nation's criminal injustice system.
- A June 15 story in the [Christian Science Monitor](#) cited a *PLN* article on sexual abuse in reference to a New York prison escape that involved a prison employee.

- On June 23, a [CNN](#) story on Columbia University's private prison divestment quoted Alex Friedmann.
- Paul Wright participated in a July 1 podcast organized by [CrimethInc.](#), and discussed HRDC's prison phone justice project and other criminal justice reform efforts.
- [U.S. News & World Report](#) mentioned *PLN* in a July 14 article on President Obama's first 46 commutations of federal prisoners.
- On July 16, Paul Wright appeared on the WPFW-Pacifica radio station in Washington, DC and spoke about release debit cards and how prisoners and arrestees are exploited by predatory debit card companies.
- [The Daily Beast](#) mentioned *PLN* in a July 23 article on a Florida juvenile's death while in custody.
- A July 30 article in [The Tennessean](#) mentioned HRDC's participation in a joint letter submitted to a Tennessee state task force on sentencing reform.
- HRDC's Prison Ecology Project was featured in [Pacific Standard](#) magazine on July 30 for submitting a comment on EJ 2020 to the Environmental Protection Agency.
- A July 31 article in [Newsweek](#) covering a pilot program to reinstate Pell Grants for prisoners quoted Alex Friedmann.
- The [Arizona Republic](#) quoted *PLN* in a July 28 story on suicides at a CCA-run immigrant detention center.
- An August 2 article in the [Seattle Times](#) quoted *PLN* on prison staff sexual abuse in the Washington Department of Corrections.
- Alex Friedmann participated in a radio interview with Colorado NPR on August 7, on prison industry programs.
- A [Seattle Weekly](#) story published on August 11, titled "The Environmental Disaster Waiting to Happen at Monroe State Prison," profiled *PLN*'s cover story on sewage discharges in Washington's prison system.
- The [Lexington Herald-Leader](#) ran an article on August 16 that mentioned HRDC's opposition to a new federal prison being built on a former coal mine in Kentucky.
- On August 18, Paul Wright conducted a radio interview with KALW in San Francisco on prison profiteering, along with criminal justice scholar James Kilgore.
- An August 29 [New York Times](#) article, "Prison Vendors See Continued Signs of a Captive Market," cited *PLN* when covering an American Correctional Association conference.

- Alex Friedmann was interviewed on [Feature Story News](#) (FSN-TV) about Colorado prison industry programs. The show aired on September 3.
- A September 25 [Vice.com](#) article on Aramark, titled “What It’s Like to Eat Some of the Worst Prison Food in America,” quoted *PLN*.
- On September 30, the [New York Times](#) quoted Alex Friedmann on the FCC’s proposal for further prison phone reforms.
- CIA whistleblower and former prisoner John Kiriakou mentioned *PLN* in his October 1 column on prison abuses in the [News Democrat Leader](#).
- An October 1 article in [The Atlantic](#) magazine quoted *PLN* in regard to Senator Bernie Sanders’ position on criminal justice.
- *PLN* was cited in an October 5 article published by [The Marshall Project](#) on media access to prisoners.
- HRDC’s FCC comment on corruption in the prison telephone industry was profiled by [Law360.com](#) on October 5.
- On October 7, Alex Friedmann was interviewed by Fox 17 News in Nashville regarding recommendations made by the American Correctional Association following a special audit of Tennessee’s prison system.
- Alex Friedmann was interviewed by [Black Agenda Radio](#) on the FCC’s prison phone industry reforms on October 8.
- On October 9, Paul Wright was interviewed on Columbia TV, Channel NTN24, and spoke about the Nobel Peace Prize awards.
- HRDC’s phone data was cited in an October 9 [TIME](#) magazine editorial by a former NAACP president and the executive director of the Center for Media Justice.
- Paul Wright was an invited guest on NPR’s “On Point” program on October 12; he discussed federal criminal justice reform legislation, the Sentencing Reform and Corrections Act, and the recent release of 6,000 federal prisoners.
- An October 15 article in the [Miami Herald](#) reported that HRDC and other organizations had called for a federal investigation of Florida’s prison system.
- [The Hill](#) cited HRDC’s work on prison phone issues in an October 15 article.
- On October 23, Paul Wright was interviewed by Al Jazeera America for a news report on prison phone-related issues.



- An article in the [International Business Times](#) on October 22 quoted Paul Wright about misconduct by prison phone contractors.
- [The Baltimore Sun](#) quoted HRDC phone justice director Carrie Wilkinson in an October 23 article on banning prison phone kickbacks.
- On October 26, [Cleveland.com](#) mentioned *PLN* in an article on prison phone rates and providing computer tablets to prisoners.
- *PLN*'s prison phone data were cited in an October 28 [Salon.com](#) article titled "Bernie Sanders's criminal justice blindspot: Why his bill to ban private prisons doesn't go nearly far enough."
- An October 29 article on [Grist.org](#) about prison slave labor used to produce solar panels quoted *PLN*.
- The [International Business Times](#) quoted Alex Friedmann in a November 2 article on private prisons and reducing incarceration rates.
- Alex Friedmann was interviewed by RT (Russian Television) for a news story on release debit cards on November 5, and a November 6 article by [RT](#) quoted HRDC on the effort to push the Consumer Finance Protection Bureau to regulate release debit cards.
- On November 10, [Reason.com](#) cited a *PLN* article in a story about prison contraband smuggling.
- HRDC was quoted in a November 16 [New York Post](#) article on JPay pushing profit-driven services in prisons.
- On November 29, [Vice.com](#) interviewed Paul Wright for an article commemorating the 25<sup>th</sup> anniversary of *PLN*.
- The November/December issue of [Sierra Magazine](#), the official publication of the largest environmental group in the U.S., cited HRDC's Prison Ecology Project in an article titled "Factory Farms for Humans."
- HRDC was quoted in a December 1 [TruthOut.org](#) article on Securus' CEO's response to the FCC's regulation of prison phone calls.
- Paul Wright was quoted in a December 9 [Guardian](#) article on prison slave labor, titled "Beyond cheap labor: can prison work programs benefit inmates?"
- Paul Wright and Panagioti Tsolkas were interviewed on Jefferson Public Radio on December 15 about HRDC's Prison Ecology Project.

## Litigation Project

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

HRDC continues to be heavily involved in litigation, mostly due to censorship issues related to *PLN* the magazine and book distribution, as well as denials of our public records requests. Our litigation efforts continued to generate media coverage in 2015, including articles by the Associated Press, Reuters, *Detroit News*, *Las Vegas Review-Journal*, *Orlando Weekly*, *San Diego Reader*, *NBC San Diego*, *Los Angeles Times*, *Fresno Bee*, *Seattle Times*, *Courthouse News Service* and *Pennsylvania Record*, to name several.

HRDC's 2015 litigation docket included the following cases; cases that were both filed and resolved during the year are listed in the "Cases Resolved" section.

### NEW CASES FILED IN 2015

**PLN v. Ryan.** Sometime in 2014, HRDC learned that the Arizona Department of Corrections had begun banning certain issues of *Prison Legal News* on the basis that it contained sexually explicit content, without notifying *PLN* about the censorship. HRDC general counsel Lance Weber wrote a demand letter to Arizona DOC Director Charles Ryan in February 2015, but despite multiple exchanges with attorneys from the Office of the Attorney General over the course of several months, the DOC refused to make any changes to its policies or practices. On November 6, 2015, *PLN* filed suit seeking declaratory and injunctive relief as well as monetary damages. Discovery remained ongoing at the end of 2015. *PLN* is represented by Lisa Ells, Jenny Yelin, Krista Stone-Manista and Andrew Pope of Rosen, Bien, Galvan & Grunfeld, LLP in San Francisco, California; David Bodney and Heather Horrocks with Ballard Spahr, LLP in Phoenix, Arizona; and HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Federal Bureau of Prisons.** Prisoners at the federal Bureau of Prisons' highest-security facility, the U.S. Penitentiary, Administrative Maximum Facility (ADX) have been experiencing censorship of their monthly issues of *Prison Legal News* sporadically over the past several years. *PLN* would occasionally receive belated and incomplete notices of the censorship but never obtained administrative relief despite consistently appealing to the Regional Director. In October 2015, *PLN* sued the Bureau of Prisons in the U.S. District Court for the District of Colorado. Shortly after filing suit, the government amended its policies in an attempt to moot *PLN*'s claims. *PLN* is represented by attorneys Peter Swanson, Matthew Shapanka and Stephen Kiehl of Covington & Burling, LLP in Washington, DC; by Steven Zansberg of Levine Sullivan Koch & Schulz, LLP in Denver, Colorado; by Professor David Shapiro of the Northwestern University Pritzker School of Law in Chicago, Illinois; by Elliot Mincberg of the Washington Lawyers' Committee for Civil Rights & Urban Affairs in Washington, DC; and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Knox County Sheriff.** The Sheriff of Knox County, Tennessee adopted a “postcards only” mail policy at the Knox County jail which operated to ban all mail sent by *PLN* to prisoners at the jail, including books, magazines and envelope mail. In October 2015, *PLN* filed a lawsuit in the U.S. District Court for the Eastern District of Tennessee seeking declaratory, injunctive and monetary relief. *PLN* is represented by attorneys Tricia Herzfeld, Elliott Ozment and Will York of Ozment Law in Nashville, Tennessee and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Macomb County Sheriff.** The Macomb County, Michigan sheriff had a mail policy banning all incoming mail not in the form of a postcard with the exception of privileged correspondence such as legal mail and twelve named periodical publications, including *The Oprah Magazine*, *Martha Stewart Living* and *Parenting*, among others. *Prison Legal News* was not included among the twelve permissible magazines. In June 2015, *PLN* filed suit seeking declaratory, injunctive and monetary relief. Soon after the case was filed the sheriff changed the mail policy, and the case remains pending. *PLN* is represented by James Stewart of Honigman Miller Schwartz and Cohn, LLP; by Dan E. Manville, former HRDC staff attorney and director of the Civil Rights Clinic at the Michigan State University College of Law; and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Northwestern Regional Detention Center.** In February 2014, the superintendent at this regional Virginia jail published a notice to the prisoner population banning incoming books and magazines, and announcing that any publications currently possessed by prisoners would be destroyed if not recovered by “family members” within 30 days. In September 2015, *PLN* filed suit seeking declaratory, injunctive and monetary relief. Soon after the lawsuit was filed, the superintendent agreed to change the jail’s mail policy to once again permit the delivery of publications to prisoners, and the case remains pending. *PLN* is represented by Jeff Fogel and Steve Rosenfield of Charlottesville, Virginia and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Pottawatomie County Public Safety Center Trust.** The executive director of this regional jail in the Oklahoma City metropolitan area had a policy banning all incoming publications, which prevented *PLN* from communicating its mission-related speech to prisoners at the facility. In September 2015, *PLN* filed suit seeking declaratory, injunctive and monetary relief. Soon after the lawsuit was filed the jail abandoned most of its unconstitutional mail practices, and the case remained pending at the end of the year. *PLN* is represented by Robert Nelon and Ashley Roche with the law firm of Hall Estill in Oklahoma City; by Bruce Johnson of Davis Wright Tremaine, LLP in Seattle, Washington; and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Samuels II.** As part of its continued efforts to provide accurate information to the public about the operations of the Bureau of Prisons, *PLN* requested records concerning settlements and judgments in lawsuits against the BOP for any amount greater than \$1,000 in January 2008, January 2010 and November 2013, pursuant to the Freedom of Information Act. No records were produced. On June 3, 2015, *PLN* filed suit in the U.S. District Court for the District of Columbia seeking declaratory, injunctive and other relief. *PLN* is represented in the case by Ronald London and Ashley Vulin of Davis Wright Tremaine, LLP in Washington, DC and Portland, Oregon, respectively, and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. Tulare County Sheriff.** Sometime in 2014, the Sheriff of Tulare County, California adopted a new policy banning the delivery of any publications bound with staples at the Tulare County jail. The new policy prevented the delivery of *Prison Legal News* to its subscribers at the facility, along with many other publications. *PLN* filed suit in federal court in October 2015 and the case remained pending at the end of the year. *PLN* is represented by Lisa Ells, Sanford Rosen and Christopher Hu of Rosen, Bien, Galvan & Grunfeld, LLP in San Francisco, California and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**PLN v. County of Kane.** The Kane County, Illinois jail banned publications bound with staples and refused to provide senders of censored mail with due process of law. *PLN* filed a lawsuit and motion for preliminary injunction in October 2015, and the case remained pending at the end of the year. *PLN* is represented by Arthur Loevy, Jon Loevy and Matthew Topic of Loevy & Loevy in Chicago, Illinois and by HRDC counsel Lance Weber and Sabarish Neelakanta.

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

**Brown v. Stored Value Cards.** Danica Brown was charged with interfering with an officer during a peaceful protest of the police shooting death of Michael Brown, and 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 Multnomah County confiscated. After releasing her the next day, the jail did not give Ms. Brown her cash but instead gave her a preloaded debit card that assessed various exorbitant fees. No one asked her whether she wanted to receive her money in cash or in the form of a preloaded debit card, nor did she assent to receiving the debit card instead of cash. Moreover, Ms. Brown did not receive any cardholder agreement or terms and conditions, and never agreed to arbitrate any claims associated with the card. She filed a class-action suit alleging that returning 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 subsequently filed a Motion to Compel Arbitration, and the district court entered an Agreed Order to stay discovery until it ruled on the arbitration issue. Ms. Brown submitted her response and a sur-reply arguing that the arbitration provision was unenforceable. The arbitration motion remained pending at the close of 2015. Ms. Brown is represented by Phil Goldsmith, Benjamin Haile, Raymond Audain, and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Brown v. Stored Value Cards, Inc.*

**Pope v. EZ Card and Kiosk, LLC.** John Pope was arrested by the Ft. Lauderdale police during a sit-in protest over the police shooting of Michael Brown; he was charged with a first-degree misdemeanor and booked into the Broward County Jail. The \$178 in cash he had on his person was confiscated when booked into the jail, and upon his release the next morning Mr. Pope received a preloaded debit card instead of cash. No one asked him whether he wanted to receive

his funds in cash or in the form of a preloaded debit card that assessed numerous fees. He never assented to receiving the debit card instead of cash nor was he given any opportunity to reject the card. Further, Mr. Pope did not recall receiving a cardholder agreement or terms and conditions with the debit card, nor did he agree to arbitrate his claims. He filed a class-action complaint that alleged violations of the Electronic Funds Transfer Act and the Florida Deceptive and Unfair Trade Practices Act, as well as conversion and unjust enrichment claims. The defendants filed a Motion to Compel Arbitration to which Mr. Pope filed an opposition, arguing that the arbitration clause was unenforceable. The district court subsequently granted the defendants' motion and submitted the case for arbitration, where it remained pending at the end of 2015. Mr. Pope is represented by Raymond Audain, Oren Giskan, and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Pope v. EZ Card and Kiosk, LLC*.

### **PRIOR CASES STILL PENDING IN 2015**

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

**Sullivan County, Tennessee Jail Censorship Case.** *PLN* filed suit in federal court against Sheriff Wayne Anderson and the Sullivan County Jail on October 10, 2013. The lawsuit alleges that prisoners can only send and receive postcards, which prevents them from receiving *PLN*'s magazines and books in violation of the First and Fourteenth Amendments. In addition to the complaint, *PLN* filed a motion for a preliminary injunction to prohibit enforcement of the jail's restrictive mail policy. The case remained pending at the end of 2015. *PLN* is represented by Tricia Herzfeld and Will York with the Nashville firm of Ozment Law, and by HRDC general counsel Lance Weber. The case is *Prison Legal News v. Anderson*.

**Florida Statewide Ban on *Prison Legal News*.** On November 17, 2011, *PLN* filed a lawsuit challenging a statewide ban on *Prison Legal News* by the Florida Department of Corrections (FDOC); the ban is purportedly based on *PLN*'s advertising content, including pen pal ads. *PLN* previously sued the FDOC over a similar policy in 2003, but that case was dismissed as moot after the defendants changed their policy on the eve of trial and assured the court that *PLN* would not be banned based on its ads. Private prison companies Corrections Corporation of America and GEO Group were also named as defendants, as they also censored *PLN* at their Florida facilities. A bench trial was held in January 2015, and in August 2015 the district court ruled that FDOC's censorship of *PLN* was permissible but that FDOC had violated *PLN*'s due process rights; the court issued an injunction against FDOC on those grounds. *PLN* filed an appeal with the Eleventh Circuit Court of Appeals, which remains pending. *PLN* is represented on appeal by

Paul Clement and Michael McGinley of Bancroft PLLC, by Randall Berg and Dante Trevisani with the Florida Justice Institute, by Benjamin Stevenson with the Florida ACLU, and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Jones*.

**Livingston County, Michigan Jail Censorship Suit.** *PLN* filed suit against Livingston County, Michigan and Sheriff Bob Bezotte on August 9, 2011. The federal lawsuit alleges that the county jail “adopted and implemented written mail policies and practices that unconstitutionally restrict correspondence to prisoners via postcards only...,” and raises claims under the First and Fourteenth Amendments. Summary judgment briefing was completed in April 2014. *PLN* continued to engage in discovery in 2015, and was granted leave to file an amended complaint that added Lt. Thomas Cremonte, the Jail Administrator, as a defendant along with violations of the Takings Clause and conversion claims. *PLN* is represented by attorneys Thomas M. Loeb, Brian J. Prain and Dan E. Manville, plus HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Bezotte*.



**Bureau of Prisons FOIA Lawsuit.** In September 2005, *PLN* filed a Freedom of Information Act suit in the District of Columbia against the federal Bureau of Prisons, seeking records related to all cases over a multi-year period in which the BOP paid \$1,000 or more to resolve claims or lawsuits. The BOP responded to *PLN*'s FOIA request by denying *PLN*'s status as a media agency and trying to charge an exorbitant amount of money to search for and copy the requested records. The district court ruled in *PLN*'s favor on June 26, 2006 and ordered the BOP to provide the records at no charge. The BOP produced some of the requested records but

many were redacted or incomplete. In March 2009, the court ordered the BOP to “conduct anew its searches for the records sought by plaintiff,” or to demonstrate the adequacy of its search. *PLN* filed five motions for summary judgment in this case, and on July 23, 2013 the district court granted summary judgment to the defendants. *PLN* appealed to the DC Circuit Court of Appeals in August 2013, and also moved for attorneys’ fees and costs as the prevailing party because the lawsuit resulted in the BOP producing the requested records. In May 2015, an amicus brief in support of *PLN*'s appeal was filed by nine organizations, including the Reporters Committee for Freedom of the Press, American Society of News Editors, First Amendment Coalition, the National Press Club and the Society of Professional Journalists. *PLN* was represented before the district court by Washington, DC attorney Ed Elder, the Partnership for Civil Justice Fund and HRDC general counsel Lance Weber. On appeal, *PLN* is represented by Ronald London and Lisa Zycherman with the Washington, DC law firm of Davis Wright Tremaine, LLP and by HRDC general counsel Lance Weber. The case is *Prison Legal News v. Samuels (Samuels I)*.

**FOIA Lawsuit for UNICOR Records.** In July 2012, *PLN* requested, via the Freedom of Information Act (FOIA), copies of records from the Bureau of Prisons or Federal Prison Industries – also known as UNICOR. The requested records related to UNICOR’s electronics recycling program, with a focus on hazardous or toxic materials and hazardous working conditions, deaths or injuries that have resulted from same, and related litigation involving UNICOR resulting in settlements or verdicts in favor of claimants. The BOP responded to *PLN*'s FOIA request by assessing \$2,744 in search and copying fees. *PLN* appealed the assessment of fees and followed up by letter but never received a response. *PLN* filed suit for FOIA violations in April 2014, with representation by attorneys Carl Messineo and Mara Verheyden-Hilliard

with the Partnership for Civil Justice Fund in Washington, DC and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Federal Bureau of Prisons*.

**Nevada Department of Corrections Censorship Case.** *PLN* filed a federal lawsuit against the Nevada Department of Corrections on June 27, 2013 over censorship of *PLN*'s books, magazines and correspondence pursuant to the prison system's "approved vendors" and "unauthorized correspondence" policies, as well as policies that prohibited the use of address labels and required that books be sent to prisoners via first-class mail. In 2000, the Nevada Department of Corrections had settled a censorship suit filed by *PLN* over similar issues, and agreed that state prisoners "shall be permitted to subscribe to the publications of their choice." Soon after the lawsuit was filed, the DOC amended its policies to address all of *PLN*'s concerns. *PLN* agreed to settle the case in 2015 on terms that are enforceable in the U.S. District Court for the District of Nevada, as well as for the payment of damages, attorneys' fees and costs. The case remained pending final resolution of the settlement at the end of 2015. *PLN* is represented by Nevada attorneys Staci Pratt and Allen Lichtenstein; Lisa Ells, Sanford Rosen and Ernest Galvan with the San Francisco law firm of Rosen Bien Galvan & Grunfeld, LLP; and HRDC counsel Lance Weber and Sabarish Neelakanta. The case is *Prison Legal News v. Cox*.

#### **CASES RESOLVED IN 2015**

***PLN v. County of Bernalillo.*** The Metropolitan Detention Center in Albuquerque, New Mexico had a policy that prohibited the delivery of books directly to prisoners through the mail. *PLN* books, including the *Prisoner Diabetes Handbook*, were censored by jail staff and not delivered. *PLN* filed a complaint and a motion for preliminary injunction in February 2015, and ultimately resolved the case in November 2015 with a change in policy requiring jail officials to deliver publications to prisoners plus the payment of damages, costs and attorneys' fees in the amount of \$235,000. *PLN* was represented by Laura Ives and Mike Timm of Kennedy, Kennedy & Ives, LLC in Albuquerque; by Bruce Johnson and Angela Galloway of Davis Wright Tremaine, LLP in Seattle; and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**Kankakee County, Illinois Censorship Case.** *PLN* filed suit in December 2014 against the sheriff of Kankakee County, Illinois over a policy and practice that prohibited prisoners at the county's two jails from receiving individual subscriptions to magazines and other periodicals. The practices of jail staff evolved so that an exception was being made to allow delivery of *PLN* but not other publications. In his response to *PLN*'s motion for a preliminary injunction, the sheriff denied that *PLN* was ever censored and avoided the issue of whether individual subscriptions were banned. The case was resolved in May 2015 after the defendants changed their mail policy to require jail staff to deliver publications to prisoners and agreed to pay damages and *PLN*'s attorneys' fees and costs. *PLN* was represented by Jon Loevy, Arthur Loevy and Matt Topic of Loevy & Lovey in Chicago, and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case was *Prison Legal News v. County of Kankakee*.

**Censorship Suit at GEO Group Prison in Indiana.** Staff at the New Castle Correctional Facility in Indiana, operated by the GEO Group, began censoring *PLN*'s monthly publication in 2014, purportedly due to certain ads contained in the magazine despite the lack of censorship at other Indiana prisons. *PLN* filed suit in federal court on November 26, 2014, along with a motion for a preliminary injunction. The GEO Group agreed to the court's entry of a consent injunction in December 2014, and final judgment was entered in August 2015 with payment of an agreed

amount for *PLN*'s damages, costs and attorneys' fees. *PLN* was represented by Ken Falk, Gavin Rose and Kelly Eskew of the ACLU of Indiana; by Jon Loevy, Arthur Loevy and Matt Topic of Loevy & Lovey in Chicago; and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case was *Prison Legal News v. The GEO Group*.

**PLN v. Kane.** The graduating class of Goddard College in Vermont chose *PLN* columnist and Pennsylvania prisoner journalist Mumia Abu-Jamal to deliver their commencement speech. Abu-Jamal, who received a bachelor's degree from Goddard while on death row, did not mention the crime for which he was convicted or any of the related facts or circumstances in his pre-recorded speech. In response, Pennsylvania lawmakers passed the Revictimization Relief Act in just three weeks, allowing victims of personal injury crimes to sue an offender for "injunctive and other appropriate relief, including reasonable attorneys' fees and other costs associated with the litigation," if they can establish mental anguish as a result of the offender's conduct, including exercising their free speech rights. *PLN* and other plaintiffs filed a federal lawsuit challenging the constitutionality of the law in January 2015. The district court ruled in favor of *PLN* and struck down the law on April 28, 2015. *PLN* was represented by Thomas B. Schmidt III, Amy Ginesky, Eli Segal and Tucker Hull of Pepper Hamilton, LLP; by Witold Walczak and Sara Rose with the ACLU of Pennsylvania; by Seth Kreimer of the University of Pennsylvania School of Law; and by HRDC counsel Lance Weber and Sabarish Neelakanta.

**CCA Public Records Case in Vermont.** *PLN* filed suit in Superior Court in Vermont on June 7, 2013, alleging that by housing and overseeing Vermont prisoners, CCA was a "public agency" as defined by the state's public records law and thus was required to comply with public records requests. The lawsuit was filed after CCA failed to respond to *PLN*'s records request related to Vermont prisoners held in out-of-state CCA facilities. *PLN* asked the court to declare CCA was a "public agency" for purposes of Vermont's public records statute; the suit also sought reimbursement of costs and attorneys' fees. The court denied CCA's motion to dismiss in January 2014, finding that Vermont's public records act extended to the company; however, CCA continued to refuse production of the documents based on a claim of confidentiality. In January 2015, the court ordered CCA to submit the documents under seal for *in camera* inspection. The court ordered that some of the documents should be redacted to remove the names of prisoners who had been victims of sexual assault, and in November 2015 *PLN* settled its claim for attorneys' fees. *PLN* was represented by ACLU Foundation of Vermont staff attorney Dan Barrett and cooperating attorney Abigail Winters. The case was *Prison Legal News v. CCA*.



**Walton County, Georgia Censorship Suit.** *PLN* filed a federal lawsuit against Walton County, Georgia on September 21, 2012. The complaint accused the Walton County jail of censoring *PLN*'s books, magazines and correspondence due to a postcard-only policy and a ban on books and magazines. The district court granted in part and denied in part *PLN*'s motion for a preliminary injunction on March 26, 2013, and a bench trial was held in February 2014. The court issued a ruling in August 2014 that declared the jail's due process policy and ban on publications were unconstitutional. *PLN* settled its remaining claims for damages, and the district court granted *PLN*'s motion for attorneys' fees and costs in September 2015. *PLN* was represented by Georgia attorneys Brian Spears, Gerry Weber, Jeff Filipovits and Albert Wan, as well as HRDC general counsel Lance Weber. The case was *Prison Legal News v. Chapman*.



**Immigrant Detention Facility FOIA Suit.** In July 2013, *PLN* filed a FOIA request for records related to telephone services and other documents concerning the ability of prisoners to communicate with people outside the Northwest Detention Center in Tacoma, Washington. Despite follow-up letters, the government never responded to *PLN*'s FOIA request; accordingly, *PLN* filed suit in April 2014. The court granted *PLN*'s motion for summary judgment in June 2015 and the case settled in September. *PLN* was represented by Eric Stahl and Angela Galloway with Davis Wright Tremaine, LLP in Seattle and by HRDC counsel Lance Weber and Sabarish Neelakanta. The case was *Prison Legal News v. U.S. Dept. of Homeland Security*.

***PLN v. County of San Diego.*** In October 2014, *PLN* filed a lawsuit and motion for preliminary injunction challenging a San Diego County sheriff's policy that prohibited jail prisoners from receiving correspondence other than postcards, and other rules that suppressed *PLN*'s free speech rights. In May 2015, Judge Lorenz of the U.S. District Court for the Southern District of California granted *PLN*'s motion for a preliminary injunction and struck down the sheriff's "postcards-only" mail policy and other unconstitutional aspects of the jail's mail regulations. *PLN* settled the case in December 2015 for a consent decree and \$125,000 in damages plus \$280,000 in attorneys' fees and costs. *PLN* was represented by Ernest Galvan, Blake Thompson and Jenny Yelin of Rosen Bien Galvan & Grunfeld, LLP in San Francisco; by Julia Yoo and Grace Jun of Iredale & Yoo, APC in San Diego; and by HRDC counsel Lance Weber and Sabarish Neelakanta.



*HRDC's 2015 Attorneys: Lance Weber and Sab Neelakanta*

## **AMICUS BRIEFS**

The Human Rights Defense Center joined in the following amicus briefs in 2015:

**Clarence Brown v. Allison Taylor.** HRDC submitted an *amicus curiae* brief to the U.S. Court of Appeals for the Fifth Circuit in support of claims raised by Clarence Brown, who is civilly committed to confinement as a sexual offender and detained under conditions similar to those who have been convicted of criminal offenses. Mr. Brown's district court filing had been rejected as untimely even though he had timely delivered it for mailing to a staff person at the commitment center at which he was confined. Mr. Brown's claim asked the court to apply the so-called prison mailbox rule to civil detainees, who are not technically confined in prison yet whose liberty is similarly restrained so that they are forced to rely on their custodians to have access to the U.S. Postal Service. HRDC was represented by Christopher J. Richart of DLA Piper, LLP in Houston, Texas.

**Antoine Bruce v. Charles Samuels, Jr.** HRDC submitted an *amicus curiae* brief to the United States Supreme Court along with *amici* Southern Poverty Law Center and National Association of Criminal Defense Lawyers in support of the claim of Antoine Bruce, a prisoner whose prison trust account was being charged to recover court filing fees pursuant to provisions of the Prison Litigation Reform Act (PLRA). The PLRA requires prison officials to recover the cost of filing fees for cases brought *in forma pauperis* despite the indigency of the prisoner. Mr. Bruce's case called into question the application of the PLRA in situations where a prisoner has filed more than one case at a time. HRDC was represented by Clifford Sloan, Paul Kerlin, Marisa Van Saanen and James Altman of Skadden, Arps, Slate, Meagher & Flom, LLP in Washington, DC.

## OTHER ACTIVITIES & ACHIEVEMENTS

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### CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC's work organizationally and through the national Campaign for Prison Phone Justice (co-founded by HRDC in 2011) resulted in the adoption of a landmark order by the Federal Communications Commission (FCC) on October 22, 2015. Under the order, *all* debit and prepaid calls from federal and state prisons were capped at \$.11 per minute; collect calls were capped at \$.14 per minute, to be phased down to the lower cap over a two-year transition period. *All* debit and prepaid calls from jails in the U.S. were capped at \$.14 to \$.22 per minute under a tiered structure based on a jail's population level, and collect calls were capped at \$.49 per minute, to be phased down to the debit/prepaid cap over two years. The Campaign for Prison Phone Justice was instrumental in achieving this victory; Commissioner Mignon Clyburn "expressly thanked" HRDC for its dedication to prison phone reform in her comments made at the time of the FCC's vote. HRDC associate director Alex Friedmann was present in Washington, DC for the vote.

Prison telecoms Global Tel\*Link and Securus filed appeals in the U.S. Court of Appeals for the DC Circuit, seeking stays from the appellate court to delay implementation of the rate caps for both interstate and intrastate calls. They are also challenging the FCC's elimination of most ancillary fees and caps on the three fees that remain, which, along with the rate caps, are scheduled to go into effect in state and federal prisons in March 2016 and in jails across the country in June 2016. Under the FCC's October 22, 2015 order, prison phone companies cannot charge more than \$3.00 to electronically deposit money into a prepaid phone account or \$5.95 if a live customer service agent is used to deposit money. Additionally, a fee of \$2.00 per month can be charged if a customer requests a monthly billing statement. All other fees including surcharges and connection fees were banned, as were flat-rate prison and jail phone calls.



HRDC associate director Alex Friedmann joins other prison phone justice advocates outside the FCC building on Oct. 22, 2015

HRDC focused its resources heavily on prison phone justice during 2015. In a dozen filings on the FCC's docket, we supplied a comment and reply comment on the Commission's 2<sup>nd</sup> and 3<sup>rd</sup> Further Notices of Proposed Rulemaking, and also provided data on other prison phone-related topics. In May 2015, executive director Paul Wright and prison phone justice director Carrie Wilkinson met with Commissioner Clyburn and other FCC staff to discuss how HRDC could further assist the Commission with its mandate to achieve fair, just and reasonable rates for phone calls made from detention facilities.

On June 24, 2015, HRDC submitted a comment related to news reports about Securus' revenue and profits, based on a leaked Securus investor presentation. That same day, HRDC filed a comment to place two news articles in the record, related to the cost of prison phone calls in Alabama and West Virginia.

The following month, HRDC submitted a comment to the FCC concerning the lack of transparency by prison phone service providers, and filed a supplemental comment on the same issue on July 30.

HRDC submitted another comment to the FCC in July 2015 regarding the costs incurred by jails to provide phone services for prisoners. "It is HRDC's position that the proposed rate caps for [Inmate Calling Services] at jails are too high, and that while jails and prisons may incur certain costs for the provision of phone services for prisoners, such incidental costs are part of their overall operational expenses and should not be borne by prisoners' families," HRDC wrote.

On August 8, 2015, HRDC filed a comment with the FCC related to a news article on prison phone companies offering lucrative deals to jails, including million-dollar signing bonuses and free computer tablets for prisoners, in exchange for monopoly phone contracts.

HRDC submitted another comment to the FCC on September 8 concerning the financial impact that each \$.01 reduction in prison phone rates would have on prisoners and their family members.

On October 4, 2015, HRDC filed a comment regarding "the abuse, corruption, and lack of accountability by Inmate Calling Service (ICS) providers and this nation's correctional facilities and the critical need for the Commission to address this issue as part of comprehensive ICS reform." The comment referenced the federal indictment of former Mississippi DOC Commissioner Christopher Epps, who is accused of taking bribes – including from a consultant for ICS provider Global Tel\*Link.

Carrie Wilkinson traveled to Washington, DC in October 2015 as part of a delegation that met with FCC Commissioners Mignon Clyburn and Jessica Rosenworcel to provide additional data related to the prison phone industry and the immediate need for rate relief for prisoners and their families. She also met privately with Commissioner Clyburn and Gigi Sohn, counselor to FCC Chairman Tom Wheeler, to discuss HRDC's efforts related to prison phone justice and next steps. As a presenter at a congressional briefing, she discussed the abuses inherent in the prison phone industry and with newer technologies such as video visitation.

The FCC's October 22, 2015 order represents the largest victory to date for millions of prisoners and their families, who will experience lower prison and jail phone rates once the order goes into effect. But there is much more to be done. The FCC stopped short of eliminating commission kickbacks, which provide a percentage of prison phone revenue to the contracting government agency, such as a Department of Corrections or sheriff's office, and which increase the rates charged for prison and jail phone calls. In the coming year we will be focusing heavily on elimination of kickbacks throughout the country at the state level with a focus on Washington State, where HRDC founded the Washington Campaign for Prison Phone Justice in 2014. HRDC continues to advocate for a rate cap of \$.05 per minute for all types of calls, which has been achieved in some forward-thinking states that have already eliminated commission payments.



*Phone Justice delegation to the FCC, Oct. 2015*



*Carrie Wilkinson (left) at the FCC meeting, Oct. 2015*  
*Photos from MAG-Net*

HRDC closed out the year by submitting a comment to the FCC on December 31, 2015 regarding a significant reduction in prison phone rates in Virginia, noting that this indicates low rates can be provided without sacrificing security and safety features.

New technologies being created and pushed by telecom companies to replace lost prison phone revenue are also on our radar. Fee-based video visitation has become increasingly prevalent since the FCC capped interstate rates for prison phone calls in February 2014. In some jails, in-person visitation is being eliminated to increase the volume of video visits in an attempt to replace lost phone revenue – this practice must be stopped. Other forms of communication such as voice mail and email, as well as computer tablets provided to prisoners that integrate various communication services, are being monetized as a means of producing revenue. While there is certainly a place for technology in prisoner rehabilitation and reentry, HRDC will work through its Stop Prison Profiteering campaign to ensure that such new technologies are not used primarily as a means to generate profit. The longstanding abuses of the prison phone industry should not be allowed to spill over into other technologies that continue to price gouge prisoners and their families.

### **STOP PRISON PROFITEERING CAMPAIGN**

Founded by HRDC in 2015, the Stop Prison Profiteering campaign (SPP) has one mission: to fight the companies and government agencies that financially exploit prisoners and shift the costs of mass incarceration onto prisoners' family members through money transfer services, debit release cards, enhanced commissary services, pay-to-stay and booking fees, for-profit probation fees and services within the bail bond industry. HRDC will work through SPP to ensure that these services and fees are not implemented simply to generate profit for private companies and detention facilities.

On March 23, 2015, HRDC coordinated a joint comment filed with the Consumer Financial Protection Bureau (CFPB), urging protections for prisoners who are forced to accept debit cards containing the balance of their funds when they are released from prisons and jails. Such cards typically include a number of fees that released prisoners must pay to access their own money. The joint comment was signed by 68 criminal justice reform groups, civil rights organizations and public interest law clinics. HRDC submitted another comment to the CFPB on September 10, 2015 in response to a late comment filed by JPay.

HRDC also filed lawsuits in federal district courts in Oregon and Florida in 2015, raising challenges to debit release cards; there is much to be done in this new area of litigation, and our work will continue.

Currently, SPP's efforts are focused, in large part, on data gathering. We are collecting information about the ways in which family members of prisoners and detainees are impacted by the high cost of money transfers, and how funds are returned to prisoners upon their release through prepaid debit cards issued by private companies or banks that include numerous fees.

Modeled much like the Campaign for Prison Phone Justice's work with the FCC, our SPP campaign is working with the CFPB to obtain regulatory relief for prisoners' families who are forced to pay exorbitant fees to transfer money to their incarcerated loved ones. In addition to filing comments with the CFPB, HRDC executive director Paul Wright and Carrie Wilkinson met with CFPB officials in May 2015 to discuss the numerous financial abuses within the prison industry and how SPP can best assist the agency to achieve reforms needed to protect prisoners' families. We continue to remain in contact with the CFPB, and will continue collecting information and data that will help shape regulatory action.

Individuals can join the SPP campaign at [www.stopprisonprofiteering.org](http://www.stopprisonprofiteering.org) and tell their stories on the Take Action page.

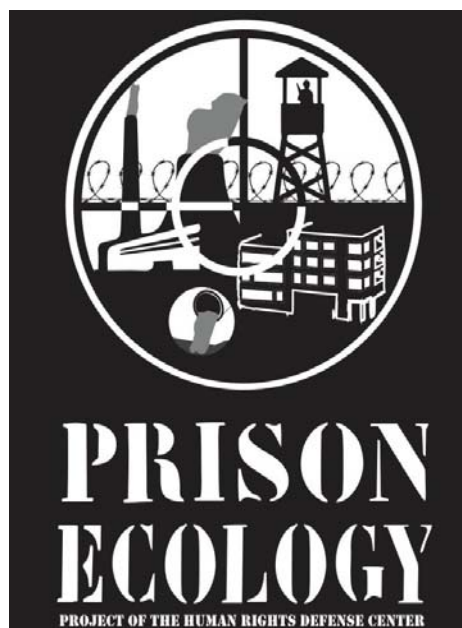
## **PRISON ECOLOGY PROJECT**

HRDC unveiled its Prison Ecology Project (PEP) in spring 2015 at the Public Interest Environmental Law Conference in Eugene, Oregon to a standing-room only crowd. Within a month after the conference, on March 30, PEP filed an extensive comment with the Bureau of Prisons related to the proposed construction of a federal prison on a former coal mining site in Letcher County, Kentucky. The PEP comment addressed concerns ranging from impacts to endangered species in the area to significant health threats related to building a massive prison on land contaminated by coal strip mining.

PEP's comment was signed by 23 other groups and individuals, including the Global Justice Ecology Project, the Center for Biological Diversity and three professors at Eastern Kentucky University. PEP submitted another joint comment on August 31, 2015 that raised similar concerns after the BOP issued its final environmental impact statement for the proposed Letcher County prison.

HRDC also launched a PEP website on the Nation Inside platform and began establishing a social media presence. By summer 2015, news of the project was spreading through grassroots activist circles, including a presentation on prison ecology issues given to activists from across the country at the national Earth First! Rendezvous.

On July 14, 2015, PEP submitted comments on the EPA's Environmental Justice 2020 plan on behalf of 93 organizations, urging the EPA to recognize prisoners as environmental justice populations. The comment included a dozen examples of environmental health issues in prisons and jails across the country, including facilities on or near military Superfund sites, former coal mines, landfills and uranium mills; prisoners forced to use contaminated water; facilities located in flood zone areas; and environment-related diseases that affect prisoners.



“It’s encouraging to see the EPA attempting to increase the effectiveness of protecting vulnerable communities that have been overburdened by industrial pollution, but a significant component is missing when impacts on millions of prisoners and their families are ignored,” said HRDC special projects coordinator Panagioti Tsolkas in a press release regarding the joint PEP comment.

PEP simultaneously launched a successful crowdfunding campaign on Indiegogo.com that kicked-off with a community event at the Potters House in Washington, DC in July 2015. The crowdfunding campaign raised more than \$15,000. Further, PEP co-hosted an event at The Commons in New York City with the National Lawyers Guild and a dozen other local and national organizations, building momentum on the EJ 2020 and Letcher County campaigns.

In August 2015, PEP public records requests and research resulted in a *PLN* cover story, “Greenwashing Washington State’s Prisons in a River of Sewage,” and in the fall PEP conducted a speaking tour under the banner of “Just Transition not Toxic Prisons,” including events at the Heartwood annual gathering in Indiana, Indiana University, the University of Kentucky and the Appalachian Public Interest Environmental Law Conference (APIEL) in Tennessee.

On November 12, 2015, as part of the PEP campaign, HRDC submitted comments to county commissioners in Escambia County, Florida in opposition to a proposed new jail that would be built near a former EPA Superfund site.

Throughout the year, Panagioti Tsolkas contributed articles to *PLN* on prison ecology-related topics and responded to dozens of media inquiries about PEP. At the close of 2015, PEP participated in the formation of the Campaign to Fight Toxic Prisons, a nationwide grassroots coalition organizing around the BOP’s Letcher County prison siting and other prisons affected by environmental issues. More details are available at [www.prisonecology.org](http://www.prisonecology.org).

## **PRIVATE PRISON SHAREHOLDER RESOLUTIONS**

In November 2014, HRDC associate director Alex Friedmann, who owns a small amount of stock as an activist shareholder in both Corrections Corporation of America and GEO Group, the nation’s two largest for-profit prison firms, filed shareholder resolutions that would require the companies to spend 5% of their net profit each year on rehabilitative and reentry programs at their correctional facilities, above what they are required to spend based on their contracts with government agencies.

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

Both CCA and GEO Group filed objections to the shareholder resolutions with the SEC, which issued a no-action letter allowing them to exclude the resolutions. Thus, the resolutions did not go before CCA and GEO shareholders for a vote. HRDC issued [press releases](#) noting that the nation’s two largest private prison companies had quashed the resolutions.

“CCA’s objection to a shareholder resolution that would require the company to spend just 5% of its net income on rehabilitative and reentry programs demonstrates the lack of the company’s sincerity when it claims to care about reducing recidivism,” stated HRDC executive director Paul Wright. “Evidently, retaining 95% of its profits isn’t enough for CCA – which isn’t surprising, because as a for-profit company CCA is only concerned about its bottom line, not what is best for members of the public, including those victimized by crime.”

In December 2015, Alex filed another shareholder resolution with CCA and the GEO Group, on a technical issue called proxy access. Under proxy access policies, long-term investors

that hold large amounts of stock in a company are able to nominate their own candidates for positions on the company's board of directors, which dilutes the company's power in terms of selecting its own nominees for board positions.

CCA agreed to alter its bylaws to implement a proxy access policy in exchange for the withdrawal of the shareholder resolution, and was in the process of doing so at the end of 2015. GEO Group, conversely, indicated that it would not object to the resolution but would allow it to proceed to a vote at the company's next annual shareholder meeting in 2016.

Alex is represented before the SEC *pro bono* by attorney Jeffrey Lowenthal with the New York law firm of Strock & Strock & Lavan, LLP.

## **PRIVATE PRISON INFORMATION ACT**

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

HRDC and Christopher worked with staff in U.S. Rep. Sheila Jackson Lee's office to draft the legislation, and the Private Prison Information Act was [reintroduced](#) by Rep. Jackson Lee as [H.R. 5838](#) on December 10, 2014, just before the end of the Congressional session, but failed to pass.

HRDC associate director Alex Friedmann and Christopher coordinated a coalition of 55 criminal justice, civil rights and public interest organizations that submitted a [joint letter](#) to Rep. Jackson Lee on March 11, 2015, expressing continued support for the PPIA. The letter noted that "If private prison companies like CCA and GEO would like to continue to enjoy taxpayer-funded federal contracts, then they must be required to adhere to the same disclosure laws applicable to their public counterparts, including FOIA."

The PPIA was [introduced](#) again in the 114<sup>th</sup> Congress in May 2015, as [H.R. 2470](#), with 12 co-sponsors. It was referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations on June 16, 2015, where it remained pending at the end of the year.

## **HRDC SOCIAL MEDIA**

HRDC has maintained social media accounts for many years, including [Facebook](#) and [Twitter](#) accounts as well as a free [email newsletter](#). As of the end of 2015, social media director Monte McCain reported that HRDC had approximately 2,000 e-newsletter members, 2,740 Facebook likes and 4,500 Twitter followers.

## **COLLABORATIONS AND AFFILIATIONS**

HRDC collaborated with other organizations in 2015 on a variety of advocacy efforts, reports, campaigns and other projects – including Working Narratives, the Prison Policy Initiative, Organize Justice, the Associated Press, In the Public Interest and Grassroots Leadership. HRDC also joined the Education from the Inside Out Coalition in 2015, to advocate for reinstatement of Pell grants for prisoners via the REAL Act. Additionally, HRDC staff maintained the following affiliations with other organizations:

- **HRDC executive director Paul Wright** is a member of the National Lawyers Guild and serves on the board of the NLG's National Police Accountability Project. He is also a member of the American Bar Association, American Correctional Association and American Jail Association.
- **HRDC associate director Alex Friedmann** serves in a volunteer, non-compensated capacity as president of the Private Corrections Institute, a non-profit watchdog group that opposes prison privatization. He also volunteers as a consultant to the Presbyterian Criminal Justice Network and works with the Tennessee Consultation on Criminal Justice, serves on the advisory board of the Prison Policy Initiative and is a member of the National Lawyers Guild and National CURE.
- **HRDC general counsel and litigation project director Lance Weber** is a member of the National Lawyers Guild's National Police Accountability Project, the First Amendment Lawyers Association, the American Bar Association's Civil Rights Litigation Committee, and the American Bar Association's First Amendment and Media Litigation Committee.
- **HRDC staff attorney Sabarish Neelakanta** is a member of the First Amendment Lawyers Association, the National Lawyers Guild's National Police Accountability Project, the American Civil Liberties Union, the American Constitution Society, the Trial and Public Interest sections of the Florida Bar, and the Palm Beach County Bar Association.
- **HRDC special projects coordinator Panagioti Tsolkas** is a co-chair of the Palm Beach County Environmental Coalition, as well as an active member of the national Earth First! movement and a former executive committee member of the Sierra Club's Loxahatchee Group.

## **LOOKING FORWARD: GOALS FOR 2016**

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We are pleased with HRDC's progress during 2015 in terms of our media outreach, litigation project and advocacy efforts, among other activities. Our websites continue to be an important source of news and legal research for prisoners' rights advocates, policy makers, academics, researchers, journalists, attorneys and other people involved in criminal justice-related issues.

Our litigation project continued to expand throughout 2015 due to ongoing censorship of *Prison Legal News* and the books we distribute by prison and jail officials. We anticipate filing additional legal challenges in 2016 related to public records and FOIA requests, censorship and postcard-only policies enacted by county jails, as well as continuing litigation against companies that exploit prisoners by returning their funds on fee-laden debit cards upon their release.

Further, HRDC will continue to co-coordinate the Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates nationally. One of our goals for 2016 is further developing the Washington Prison Phone Justice Campaign, with the objective of ending all commission kickbacks and lowering costs for prison and jail phone calls in Washington State. Our phone justice advocacy before the FCC will depend on the outcome of the pending litigation filed by telecom companies challenging the FCC's October 22, 2015 order and rate caps.



The Prison Ecology Project will continue to conduct research and publish its findings, expand HRDC's social media network into the environmental movement, and advocate for prisoners' environmental health rights and protection of the communities surrounding prisons.

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

Another major goal for 2016 is to further develop HRDC's Stop Prison Profiteering campaign by exposing jail officials who profit from prisoners and their families by charging fees for money transfers, release debit cards, video visitation and other fee-based services.

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



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