

NEWS RELEASE

Human Rights Defense Center
For Immediate Release

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Cook County Sheriff's Office Settles Jail Censorship Suit Filed by Human Rights Defense Center

Chicago, IL – On June 25, Cook County finalized a settlement in a lawsuit filed by Prison Legal News, a project of the Human Rights Defense Center (HRDC), over the censorship of publications mailed to prisoners at the Cook County Jail.

In 2016, HRDC, which advocates for criminal justice reform and publishes and distributes books and two monthly print publications, *Prison Legal News* and *Criminal Legal News*, filed suit in U.S. District Court against Cook County, Sheriff Thomas Dart and Nneka Jones Tapia, executive director of the Cook County Jail.

HRDC's complaint noted the jail had a policy of banning incoming newspapers and newsprint publications; this included *Prison Legal News*, which is printed on newsprint. The policy was enforced despite a 2015 federal court ruling that held such censorship was unconstitutional. Additionally, the jail censored softcover books that HRDC sent to prisoners, including copies of the *Prisoners' Guerilla Handbook to Correspondence Programs in the United States & Canada*.

According to the complaint, between March 2015 and June 2016, the Cook County Jail censored at least 112 issues of *Prison Legal News* and 17 copies of the *Prisoners' Guerilla Handbook*. HRDC stated there was "no legitimate penological reason" for censoring *PLN*, which reports on criminal justice-related news and litigation involving prisons and jails. Likewise, there was no legitimate reason to censor the *Prisoners' Guerilla Handbook*, which is a resource guide for educational correspondence programs for prisoners.

The Cook County Jail allowed prisoners to receive other publications and books that were not mailed by HRDC. Further, jail officials did not notify HRDC of the censorship of its books and publications or provide the organization with an opportunity to appeal, in violation of HRDC's due process rights.

HRDC sought injunctive and declaratory relief, as well as damages for "the suppression of Plaintiff's speech; the impediment of Plaintiff's ability to disseminate its political message; frustration of Plaintiff's non-profit organizational mission; the loss of potential subscribers and customers; and the inability to recruit new subscribers and supporters, among other damages."

A settlement was reached on December 3, 2018 in which Cook County agreed to deliver HRDC's publications addressed to individual prisoners at the jail, including issues of *Prison Legal News* and *Criminal Legal News*, and not to censor those publications "solely because they are printed on newsprint."

In addition, if any HRDC publications are withheld from prisoners, jail officials will provide written notice within five business days, and the jail will establish and implement policies to satisfy the settlement terms. Copies of the policies will be made available to both jail staff and prisoners within 60 days, and included in the Prisoner Handbook.

Finally, Cook County agreed to pay \$35,000 in damages plus \$75,000 for HRDC's attorney fees and costs. The federal district court will retain jurisdiction over the case for three years for the purpose of enforcing the terms of the settlement agreement.

“Censorship of reading material impedes prisoner education and forecloses one of the few outlets prisoners have to read and learn – an essential factor in reducing recidivism,” said Sabarish Neelakanta, HRDC's General Counsel and Litigation Director. “The court-ordered injunction reinforces the First Amendment rights of prisoners in Cook County jail to have access to books and magazines and prevent jail officials from arbitrarily censoring reading material.”

“Censorship by government officials is rarely justifiable,” added HRDC executive director Paul Wright. “This is particularly true when jails censor books and publications that inform prisoners about their legal rights and advance their education. HRDC is one of the few publishers that regularly sues to protect our First Amendment rights, and banning publications under the pretext that they're printed on newsprint does not pass constitutional muster.”

HRDC was represented by attorneys Joshua H. Burday, Matthew V. Topic, Arthur R. Loevy and Jonathan I. Loevy with the Chicago law firm of Loevy & Loevy, and by HRDC General Counsel Sabarish Neelakanta and staff attorney Dan Marshall.

The case is *Prison Legal News v. County of Cook, Illinois*, U.S. District Court (N.D. Ill.), Case No. 1:16-cv-06862. The settlement is posted [here](#), and the complaint is [here](#).

The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a non-profit organization dedicated to protecting human rights in U.S. detention facilities. In addition to advocating on behalf prisoners and publishing books and magazines concerning the criminal justice system, HRDC engages in state and federal court litigation on prisoner rights issues, including wrongful death, public records, class actions and Section 1983 civil rights cases.

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