



HUMAN RIGHTS DEFENSE CENTER

2020 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) – our award-winning 72-page monthly publication that covers prison and jail-related news and court rulings – and *Criminal Legal News* (CLN), a 56-page monthly publication focused on policing and criminal law, which celebrated its third full year of publishing in December 2020.

During the past year, HRDC continued to lead the [Stop Prison Profiteering campaign](#) and [Campaign for Prison Phone Justice](#), two national projects that seek to stop the financial exploitation of prisoners and their families, as well as the [Prison Ecology Project](#).

HRDC had several notable litigation successes during 2020, including settlements in First Amendment censorship cases against jails in Marshall County, Tennessee; Mecklenburg County, North Carolina; and Southwest Virginia Regional Jail Authority, Virginia. HRDC also resolved several public records cases against Sandoval County, New Mexico; the Department of Health and Human Services; and the Office of Refugee Resettlement. HRDC also filed ten new First Amendment censorship cases, four new Freedom of Information Act cases, and scored a resounding victory in an as-yet-unresolved case against predatory debit cards in use at the Multnomah County Detention Center in Portland, Oregon.

THE MAGAZINES

PRISON LEGAL NEWS

HRDC's flagship monthly print publication, *Prison Legal News*, reports on prison, jail and criminal justice-related news and court rulings. *PLN* celebrated its 30th anniversary on May 1, 2020, continuing its distinction of being the longest-running independent magazine produced by and for prisoners. *PLN*'s contributing writers are all current or former prisoners, including Kevin Bliss, Dale Chappell, Matt Clarke, Derek Gilna, Gary Hunter, Ed Lyon, David Reutter, Joe Watson, Mark Wilson and Christopher Zoukis. *PLN* published the following cover stories in 2020:



- **January:** In “The Other Family Separation: Prisoners Fight to Keep Their Children,” Victoria Law details the impact of parental incarceration on families nationwide.
- **February:** Originally published in *The Atlantic*, “The Private Option” by Marsha McLeod outlines the dangers of jail healthcare privatization by focusing on the Forsyth County jail in North Carolina’s deadlock with the Correct Care Solutions / Wellpath corporation.
- **March:** Seth Freed Wessler’s article, “Inside the US Marshals’ Secretive, Deadly Detention Empire,” originally appeared in *Mother Jones* and chronicles the little-known but widespread warehousing of pretrial detainees by the US Marshals Service.
- **April:** Michael D. Cohen, M.D.’s “Protect Yourself and Your Facility from COVID-19” provided key emergent information about the pandemic to prisoners especially at risk due to conditions of confinement.

- **May:** “Coronavirus: A Nationwide Survey of the Push for Early Release as Pandemic Fears Grow” by Christopher Zoukis summarizes various early release initiatives aimed at combatting the pandemic in carceral institutions.
- **June:** In an article originally appearing on AL.com in association with *ProPublica*, Connor Sheets’ “These Sheriffs Release Sick Inmates to Avoid Paying Their Hospital Bills” reveals how some sheriffs cut costs by refusing healthcare to their detainees.
- **July:** PLN staff writer David M. Reutter’s “Mississippi Prisons in Crisis” outlines numerous crises facing the Mississippi Department of Corrections.
- **August:** Christopher Zoukis, MBA issues a general update on “Coronavirus in Prison: The Cruel Reality,” in which death tolls are ignored and saving lives takes the backseat to incarceration as usual.
- **September:** In “What’s Justice Got to Do with It?” Doran Larson compares the Icelandic prison system to America’s complacency with indiscriminately warehousing an incarcerated underclass.
- **October:** Originally appearing in *Mother Jones*, “The Toughest Love” by Julia Lurie investigates the Delancey Street Foundation in San Francisco, an eccentric program presenting an alternative to incarceration but with little oversight or scrutiny.
- **November:** Editor Paul Wright chronicles the organization’s history in “Milestone: Thirty Years of *Prison Legal News* and the Human Rights Defense Center.”
- **December:** In “Debit Card Issuers Still Prey on People Released from Prisons and Jails,” Andrew Stewart details the Human Rights Defense Center’s lawsuits against prepaid debit card companies.

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

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

PLN continued to receive a substantial amount of mail throughout 2020, mostly from prisoners, with many requesting legal assistance or sending news clippings, court documents and other items of interest. Regretfully, due to this large amount of mail, *PLN* is unable to respond to the vast majority of people who contact us.

CRIMINAL LEGAL NEWS

HRDC launched a new monthly publication in December 2017, *Criminal Legal News*. *CLN* focuses on criminal law and the persistent expansion of the police state in America; it covers issues that include police and prosecutorial misconduct, habeas corpus relief, ineffective assistance of counsel, sentencing, the militarization of police, the surveillance state, junk science and wrongful convictions, false confessions, eyewitness misidentification, paid/incentivized informants, Fourth Amendment search and seizure violations, Miranda warnings and due process rights, as well as criminal case law and court rulings. *CLN* had its third full year of publication in 2020, and published the following cover stories:



- January:** In an article originally appearing in the *BuzzFeed News Reporter*, Kendall Taggart shows how “Insurance Companies Are Paying Cops to Investigate Their Own Customers” in a questionable alliance.
- February:** Ken Armstrong (*ProPublica*) and Christian Sheckler (*South Bend Tribune*) describe the scientifically unfounded Scientific Content Analysis used by law enforcement for decades in “Why Are Cops Around the World Using This Outlandish Mind-Reading Tool?”
- March:** Christopher Zoukis’ “Prosecutorial Misconduct: Justice Denied as the System Turns a Blind Eye” details how some prosecutors willfully overlook the malfeasance of police and forensic scientists.
- April:** Originally appearing in *The Intercept*, Michael Kwet’s “The Rise of Smart Camera Networks, and Why We Should Ban Them” highlights the dangers of facial recognition technology in conjunction with increasingly interconnected surveillance networks.
- May:** *DigBoston*’s Jean Trounstein’s “Changing Perception, Changing the Law” examines the growing support for decarceration movements across the United States.
- June:** In “Racism and Wrongful Convictions,” staff writer Matt Clarke probes the relationship between race and wrongful conviction in the criminal justice system.
- July:** Contributing writer Christopher Zoukis’s “A Nation on the Brink” summarizes the national outcry following the killing of George Floyd.
- August:** “Police State: From Social Justice to Social Dominance” by Michael Fortino, Ph.D., argues that law enforcement has transitioned from its intended purposes of social service to being a brazen tool of oppression.
- September:** David M. Kennedy of the Niskanen Center’s own summary of his article, “State Violence, Legitimacy, and the Path to True Public Safety” reads “I work with cops, and I support this movement” [to defund the police].

- **October:** Originally appearing in *The Intercept*, Jordan Smith’s “The Junk Science Cops Use to Decide You’re Lying” details leaked evidence of law enforcement trainings in scientifically discredited lie detection techniques.
- **November:** In “Police Unions: Obstacles to Criminal Justice Reform and Police Accountability,” Douglas Ankney examines how police unions have created a system of special protections for police officers that are tantamount to an alternate, internal justice system.
- **December:** The Council of State Governments found in 2019 that “45 percent of state prison admissions nationwide are due to violations of probation or parole.” Originally published by the Boston Institute for Nonprofit Journalism, Jean Trounstein’s “Revocation Nation: Reincarceration for Technical Parole Violations in the Age of COVID-19” shows how even the pandemic has not halted this practice.

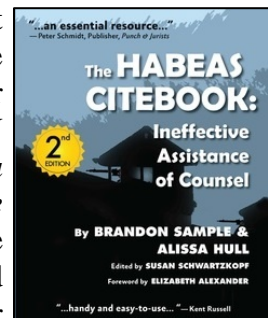
BOOK DISTRIBUTION

BOOK SALES

HRDC offers a [wide variety of books](#) of interest to prisoners, including hard-to-find titles on criminal justice topics as well as self-help legal resources designed to help prisoners who are litigating their own appeals and lawsuits. HRDC distributed over 6,000 books in 2020, including over 1,000 sent at no cost to prisoners around the country.

BOOK PUBLISHING

PLN Publishing seeks to produce quality, nonfiction reference books that provide prisoners and their advocates with reliable, timely and accurate information they can use to help themselves and improve their lives. We offer the highest author royalties in the publishing industry. Thus far, PLN Publishing has published six titles, including the *Prisoners’ Guerrilla Handbook to Correspondence Programs in the U.S. & Canada*, 3rd Ed.; *The Habeas Citebook: Ineffective Assistance of Counsel*, 1st and 2nd Eds.; the *Prison Education Guide*; the *Disciplinary Self-Help Litigation Manual*; and the *Habeas Citebook: Prosecutorial Misconduct*. The latter, written by former HRDC staff attorney Alissa Hull, was published in 2019.



PLN Publishing began work on two new book projects in 2020 that were still pending at the end of the year, including a revised version of *With Liberty for Some: 500 Years of Imprisonment in America* and a litigation handbook and guide to the Prison Litigation Reform Act. Due to Covid both titles have been delayed and will be published in early 2022.

HRDC WEBSITES

We continued to expand HRDC’s online presence in 2020 by increasing our content, including articles, court pleadings and publications. PLN’s website (www.prisonlegalnews.org) receives over 550,000 visitors each month and is a significant resource for media and community out-reach

and public education on criminal justice-related issues. *CLN* separately receives over 170,000 visitors each month. Both *PLN* and *CLN* saw substantial increases in monthly visitors in 2020.

At the end of 2020, *PLN*'s site had over 30,000 articles and 20,000 cases in its searchable database. The publications section had more than 7,800 reports, audits and other documents, while our brief bank contained over 12,000 legal pleadings – including complaints, motions, briefs, verdicts, judgments and settlements. Some content was shared with *CLN*'s website, www.criminallegalnews.org.

HRDC also maintains an organizational site, www.humanrightsdefensecenter.org, as well as separate websites for our various projects, including www.stopprisonprofiteering.org, www.prisonphonejustice.org, www.prisonecology.org, www.privateprisonnews.org, and www.wronglyconvicted.org.

HRDC STAFF

HRDC's executive team during 2020 included Paul Wright, executive director and editor of *PLN* and *CLN*; chief financial officer and advertising director Susan Schwartzkopf; and our general counsel and litigation director Daniel Marshall.

Additional staff included Ken Silverstein, managing editor of *PLN*; Richard Resch, managing editor of *CLN*; staff attorneys Daniel Marshall and Masimba Mutamba; Frances Saucedo, office manager; Judith Cohen, advertising coordinator; Robert Pew, legal assistant; paralegal Kathy Moses; public records manager/development coordinator Michelle Dillon; editorial assistant Betty Nelander; and office assistant Shauna Coolican.

HRDC BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

Bill Trine – Bill Trine has been a trial lawyer for the people for 50 years, and a past president and founder of Trial Lawyers for Public Justice (TLPJ), past president of the Colorado Trial Lawyers Association and on the board of other trial lawyer groups. Bill was the senior partner in his own law firm for many years until his retirement. He started a national prison project through TLPJ in

2005 and has been plaintiffs' counsel in prison-related cases for several years, including numerous lawsuits arising out of a riot at a privately-operated prison in Crowley County, Colorado. Bill helped start the Gerry Spence Trial Lawyers College in 1994 and has been on the faculty and a member of the College's board since its beginning.

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

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

FUNDING IN 2020

In 2020, HRDC was funded primarily through earned revenue from its publishing and litigation projects, as well as book sales and individual donations. We also received grant funding from the New World Foundation, the Sonya Staff Foundation, and the Laura and John Arnold Foundation. HRDC performs annual financial audits, and our Form 990s are available for review.

ACTIVISM & ADVOCACY

HRDC staff engaged in a number of activism and advocacy efforts in 2020 aimed to effect reform in our nation's justice system and to educate the public, policymakers and the mainstream media about criminal justice and prison-related issues. Due to coronavirus, there were virtually no physical conferences or events related to criminal justice reform; the ones that did take place were conducted online.

Those efforts included:

In February 2020, Paul Wright spoke at a Continuing Legal Education seminar sponsored by the National Police Accountability Project in New Orleans about representing prisoners.

Virtual events and speaking engagements included speaking to college classes around the country on criminal justice issues in general and coronavirus impacts on prison and jail populations in particular.

In December, 2020, HRDC celebrated its 30th anniversary with a virtual online event. The keynote speaker was author and Yale Law Professor James Forman. The master of ceremonies was Victoria Law. The event is available online at: <https://www.humanrightsdefensecenter.org/night-remember/>

MEDIA OUTREACH

HRDC's efforts to educate, advocate and litigate around prisoners' rights continued to receive national and international media attention in 2020. Coverage included newspapers, magazines, television, radio and online news outlets. HRDC staff members were interviewed and quoted, our advocacy work was profiled and our award-winning publications were cited. HRDC also issued seven press releases during 2020. The following is a partial list of the media coverage that HRDC, *Prison Legal News* and *Criminal Legal News* received in 2020, excluding articles about our litigation. Links to these articles and many others are on our website under "[In the News.](#)"

- Tennessee's *The Hour* summarized HRDC's victory in a censorship lawsuit against that state's Marshall County Jail on January 16, 2020.
- Paul Wright was quoted in a *Santa Fe New Mexican* article about Corizon Health on January 25, 2020.
- *PLN* issued a press release about HRDC's Maryland censorship cases on February 24, 2020.
- Paul Wright and Christopher Zoukis were quoted in a *KTVZ* article about "prison consultants" for the wealthy on March 11, 2020.
- Paul Wright was quoted in a *Bloomberg* article about coronavirus in prisons on March 11, 2020.
- *PLN* issued a press release about the Ninth Circuit Court of Appeals' ruling about prepaid debit card companies' exploitation of prisoners on March 17, 2020.
- Daniel Marshall was quoted in an *Oregonian* article about prepaid debit cards on March 20, 2020.
- *PLN* issued a press release about the Southwest Virginia Regional Jail Authority's permanent injunction against censoring *PLN* on March 30, 2020.
- *The Appeal* listed *PLN*'s book *Prison Profiteers* on a recommended reading list on April 1, 2020.
- Paul Wright was quoted in *Sputnik News* concerning the dehumanization of Rikers prisoners who dug mass graves for COVID-19 casualties on April 2, 2020.
- *Daily KOS* quoted Paul Wright in an article on prison labor on April 2, 2020.
- *Virginia Lawyer Weekly* described an injunction HRDC was awarded against the Southwest Virginia Regional Jail Authority on April 15, 2020.
- Michelle Dillon was quoted in a *PEN America* article on the availability of free e-readers to prisoners on April 16, 2020.
- Michelle Dillon was quoted in an article for *The Guardian* about technological aides for prisoners on April 18, 2020.
- *The Philadelphia Tribune* covered HRDC's Prison Phone Justice campaign on April 20, 2020.
- *PLN* issued a press release about HRDC's public records litigation against the Department of Justice and Drug Enforcement Administration on May 6, 2020.
- *InsiderNJ* referred to *PLN*'s coverage of the Wellpath corporation's corrupt "pay-for-play" practices on May 18, 2020.

- *PLN* issued a press release about Texas's Attorney General ruling that private prison companies are responsible for public records access on May 26, 2020.
- HRDC and *PLN* were mentioned in a *Heavy* article on federal prison lockdowns on June 2, 2020.
- Paul Wright was quoted in a Bloomberg article on Walmart's prison labor policy on June 24, 2020.
- *PLN* was mentioned in an *Earth Island Journal* article on COVID-19 in prisons on June 29, 2020.
- *PLN* issued a press release about a class action lawsuit against the nation's largest inmate calling service providers on June 29, 2020.
- *Business Insider* mentioned *PLN* in an article about ending qualified immunity for police officers on July 2, 2020.
- *PLN* issued a press release about HRDC's public records suits against private prison companies and the New Mexico Department of Corrections on July 7, 2020.
- The *Santa Fe New Mexican* published an article about HRDC's litigation against the New Mexico Department of Corrections and the private prison operators Management and Training Corp. and GEO Group on July 10, 2020.
- *American Incarcerated* published an interview with Paul Wright on July 13, 2020.
- Nashville's *Belmont Vision* discussed HRDC's private prison initiatives in an article published on July 14, 2020.
- The editor of Idaho's *Lewiston Tribune* mentioned HRDC in an article on wrongful convictions on July 14, 2020.
- *Newsweek* mentioned Prison Legal News in an article on Ghislaine Maxwell's jail on July 16, 2020.
- Paul Wright was quoted in a *Wyoming Public Media* article about prison phone services published on July 27, 2020.
- HRDC's litigation project was mentioned in a *Columbia Daily Herald* article about the movement to remove Confederate monuments on August 1, 2020.
- The *Santa Fe New Mexican* reported on HRDC's Freedom of Information Act litigation in an article published on August 14, 2020.
- *PLN* issued a press release about HRDC's censorship litigation against the Minnesota Sherburne County Jail on August 21, 2020.
- Minnesota's *Star Tribune* published an article about HRDC's lawsuit against the Sherburne County Jail over their refusal to deliver *PLN* and *CLN* on August 24, 2020.
- Paul Wright was quoted in an article about business opportunities for ex-prisoners in *Verna Magazine* on September 4, 2020.
- *PLN* issued a press release about HRDC's censorship litigation against the Kansas Johnson County Jail on September 14, 2020.
- *NPR* covered HRDC's litigation against the Johnson County Jail in Kansas over the censorship of *PLN* and *CLN* on September 15, 2020.
- *Fast Company* referred to researchers at Washington State University using HRDC's data in a report on the private prison incarceration pipeline on September 18, 2020.

- John Kiriakou mentioned *PLN* in an article for *Consortium News* about United States prison conditions on September 21, 2020.
- Kentucky's *Henderson Gleaner* wrote about the HRDC's lawsuit against the Henderson Detention Center for censorship on September 25, 2020.
- Paul Wright was quoted in a *Pike County Courier* article on housing fees for jail detainees on September 30, 2020.
- *Newsmax* referred to HRDC in an article on cruel and unusual sentencing practices on October 2, 2020.
- An October 8, 2020 article on luxury lockups published by *Ozy* cited *PLN*.
- *Colorado Politics* covered a federal judge's order in a HRDC case against the Adams County Jail over censorship issues on October 28, 2020.
- Paul Wright was quoted in a *Courthouse News* article on private prisons in Tennessee on October 31, 2020.
- *PLN* issued a press release about HRDC's censorship litigation against the Indiana Department of Corrections on November 16, 2020.

Litigation Project

2020 was an eventful year for HRDC's litigation team. The Covid pandemic forced staff to work from home, and all of its court appearances, depositions, and mediations were done remotely. Despite these obstacles, HRDC remains at the forefront of prisoners' civil rights litigation in the United States. HRDC litigates censorship cases, public records lawsuits, prison conditions and wrongful death cases, as well as class-action suits against correctional facilities nationwide. In addition to furthering prisoners' rights, all of HRDC's cases have a public education and media component to complement our criminal justice reform advocacy work.

HRDC's legal team continues to be led by General Counsel Daniel Marshall. Long time Staff Attorney Masimba Mutamba left the organization in March. Staff Attorney Eric Taylor briefly took over the position, and Staff Attorney Jesse Isom came onboard at the end of the year. Paralegal Kathy Moses and legal assistant Robert Pew rounded out the legal team.

HRDC's litigation docket included the following cases. HRDC captions some of its censorship cases under the name of its flagship monthly publication, *Prison Legal News*.



*HRDC General Counsel and
Litigation Director
Daniel Marshall*

I. FIRST AMENDMENT CENSORSHIP CASES

HRDC filed more First Amendment cases in 2020 than in any year previously. HRDC's First Amendment litigation seeks to protect the rights of prisoners and their correspondents to receive books, magazines, and letters free from government censorship. The first three issues of *Prison Legal News (PLN)* was banned by Washington state prison officials on the pretext that it posed a security risk. In fact, *PLN* and many of HRDC's publications and books have been targeted for

ensorship because they highlight constitutional abuses, misconduct and corruption within prisons and jails. However, these unconstitutional attempts to thwart HRDC's mission to inform and educate prisoners about their legal rights have largely been unsuccessful when challenged in court. HRDC has a lengthy track record of prevailing in First Amendment cases.

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

A. New Cases Filed in 2020

1. ***Human Rights Defense Center v. Placer County, CA*** – On Feb. 6, 2020, HRDC filed suit against Placer County, CA due to the censorship of HRDC's books, and the failure to provide due process notice of the censorship decisions. HRDC also filed a motion for a preliminary injunction seeking to end the censorship while the case was pending. Defendants quickly modified their mail policies and agreed to settle the case. HRDC was represented by General Counsel Daniel Marshall, as well as attorneys Sanford Rosen, Jeffrey Bornstein, Ernest Galvan, Lisa Ells, and Benjamin Bien-Kahn of Rosen, Bien, Galvan & Grunfeld LLP in San Francisco.
2. ***Human Rights Defense Center v. Tehama County, CA*** – On Feb. 14, 2020, HRDC filed suit in federal court against Tehama County, CA for the unlawful censorship of HRDC's magazines, books, and mail. Further, the censorship of the publications at the county jail was implemented without due process notice or opportunity to appeal, prompting HRDC to seek a preliminary injunction. After the filing of the lawsuit, the County agreed to the entry of a consent decree remedying the First and Fourteenth Amendment violations. HRDC was represented by General Counsel Daniel Marshall, as well as attorneys Sanford Rosen, Jeffrey Bornstein, Ernest Galvan, Lisa Ells, and Benjamin Bien-Kahn of Rosen, Bien, Galvan & Grunfeld LLP in San Francisco.
3. ***Human Rights Defense Center v. Napa County, CA*** – The third of HRDC's California cases in 2020, the Napa County Jail was rejecting HRDC's magazines due to staples. HRDC filed suit on Feb. 20, 2020. The jail changed its policies and agreed to a consent decree that ensures HRDC's magazines can reach prisoners there, as well as mandating due process notice if a publication is rejected. HRDC was represented by General Counsel Daniel Marshall, as well as attorneys Sanford Rosen, Jeffrey Bornstein, Ernest Galvan, Lisa Ells, and Benjamin Bien-Kahn of Rosen, Bien, Galvan & Grunfeld LLP in San Francisco.
4. ***Human Rights Defense Center v. Montgomery County, MD*** – In February 2020 HRDC filed suit against Montgomery County, MD to stop the county jail's policy of rejecting books mailed to prisoners at the facility, and of failing to provide due process. After negotiations, the county agreed to policy changes to correct the constitutional violations.



*HRDC staff attorney
Masimba Mutamba*

HRDC was represented by General Counsel Daniel Marshall, as well as attorneys Ronald London and Courtney DeThomas with Davis Wright Tremaine, LLP.

5. ***Human Rights Defense Center v. Prince George's County, MD*** – Also in February, HRDC sued Prince George's County, MD over the extensive censorship of its publications, letters, and other mail without due process. The parties entered into settlement negotiations after briefing HRDC's motion for a preliminary injunction and the Defendants' motion to dismiss. At the end of the year the parties were preparing to mediate the case. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Ronald London and Courtney DeThomas with Davis Wright Tremaine, LLP.
6. ***Human Rights Defense Center v. Sherburne County, MN*** – In August, HRDC brought suit against Sherburne County, MN due to the censorship of its magazines and lack of accompanying due process. Although the Court denied HRDC's motion for a preliminary injunction, the case pressed forward, and at the end of the year the parties were engaged in discovery. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys R.J. Zayed, Alex Hontos, and Donna Reuter of the firm Dorsey & Whitney LLP in Minneapolis.
7. ***Human Rights Defense Center v. Adams County, CO*** – In September, HRDC sued Adams County, CO for the rejection of its magazines without due process by its jail. The Court indicated that HRDC was likely to prevail on its motion for a preliminary injunction, which impelled the defendants to enter into settlement negotiations, which were ongoing at year's end. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Steven Zansberg and Matt Thornton of Ballard Spahr LLP.
8. ***Human Rights Defense Center v. Johnson County, KS*** – Also in September, HRDC filed suit against Johnson County, KS over First and Fourteenth Amendment violations. At the close of the year discovery was ongoing. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Maxwell Kautsch of Kautsch Law, LLC and Bruce E.H. Johnson of Davis Wright Tremaine, LLP.
9. ***Human Rights Defense Center v. Henderson County, KY*** – The third case filed in September was against Henderson County, KY to ensure delivery of HRDC's publications and mail at that jail. At the end of 2020 the parties were conducting discovery to determine the extent of the jail's censorship so that the Court could rule on HRDC's motion for preliminary injunction. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Greg Belzley of Belzley, Bathurst & Bentley and Bruce E.H. Johnson of Davis Wright Tremaine, LLP.
10. ***Human Rights Defense Center v. Carter et al. (Indiana DOC)*** – Finally in 2020, HRDC sued the Indiana Department of Corrections and several of its personnel due to the rejection

of HRDC's books and magazines at several prisons in that state. At the end of the year the Court was considering HRDC's motion for preliminary injunction. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Richard Waples of Waples & Hanger, and attorneys Kenneth Schuler, Marc Zubick, Sarah Wang, Kirsten Lee, and Greer Gaddie of Latham & Watkins LLP in Chicago.

B. Cases Still Pending in 2020:

1. ***Human Rights Defense Center v. Baxter County, AR*** – In 2017, HRDC filed suit challenging a postcard-only policy at the Baxter County Jail in Arkansas. After granting HRDC partial summary judgment on its due process claims, in January 2019 the Court held a bench trial on HRDC's First Amendment claims. After the Court ruled in defendant's favor, HRDC filed an appeal to the Eighth Circuit Court of Appeals. Oral argument was held in June 2020, and at the end of the year HRDC was awaiting a decision from the Court. HRDC is represented by General Counsel Daniel Marshall; by Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson and Caesar Kalinowski IV with Davis Wright Tremaine, LLP.
2. ***Human Rights Defense Center v. Union County, AR*** – In 2017 HRDC filed a lawsuit challenging a postcard-only policy at the jail in Union County, Arkansas. Proceedings in this case have been stayed pending the outcome of the appeal in the Baxter County case. HRDC is represented by General Counsel Daniel Marshall; by local counsel Paul J. James with James, Carter & Priebe, LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
3. ***Human Rights Defense Center v. Heidi Washington et al. (Michigan DOC)*** – In 2019 HRDC filed suit against the Michigan Department of Corrections for censorship of *Prison Legal News* and HRDC's books, and the failure to provide due process notice of the censorship decisions. HRDC also filed a motion for a preliminary injunction seeking to end the censorship of *Prison Legal News* while the case is pending. As of the end of 2020, the parties were conducting discovery. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys James Stewart, Andrew Pauwels, and Rian Dawson with the law firm of Honigman LLP, and Dan Manville of the Michigan State University College of Law Civil Rights Clinic.
4. ***Prison Legal News v. Director Charles Ryan (Arizona DOC)*** – HRDC filed suit against the Arizona DOC in 2015 over the censorship of certain issues of *Prison Legal News* on the spurious basis that they contained sexually explicit content, and the DOC's failure to provide due process notice. After numerous discovery disputes that extended into early 2018, the parties filed cross motions for summary judgment. In March 2019 the Court granted summary judgment to HRDC. Defendants' appeal to the Ninth Circuit Court of Appeal remains pending at the end of 2020. HRDC is represented by General Counsel Daniel Marshall; by attorneys Sanford Rosen, Lisa Ells, and Amy Xu with Rosen Bien Galvan & Grunfeld, LLP; and by David Bodney and Michael A. DiGiacomo with Ballard Spahr, LLP in Phoenix, Arizona.

5. *Human Rights Defense Center v. Director John R. Baldwin (Illinois DOC)* – In 2018, HRDC filed suit against the Illinois Department of Corrections for censorship of *Prison Legal News* and the failure to provide due process notice of the censorship decisions. In late March 2018, HRDC also filed a motion for a preliminary injunction seeking to end the censorship of *Prison Legal News* while the case is pending. Later in 2018, another lawsuit brought on behalf of the publication *Black and Pink*, based on similar censorship and due process violations, was re-assigned to the same district court. As of the end of 2020, the DOC has revised its mail policy, and the parties continue to seek a negotiated resolution of the case. HRDC is represented by General Counsel Daniel Marshall, as well as attorneys Marc Zubick, Malorie Medellin, Sarah Wang, and Greer Gaddie with the law firm of Latham & Watkins, LLP, and Nicole Schult, Elizabeth Mazur, and Alan Mills with the Uptown People’s Law Center.

C. Cases Resolved in 2020

- 1. *Human Rights Defense Center v. Marshall County, TN*** – In 2019 HRDC filed suit against Marshall County for censoring magazines mailed to prisoners at the county jail, and sought a preliminary injunction to prevent future censorship and provide for due process protections. The jail quickly entered into a stipulated preliminary injunction. In 2020, the settlement of the case was finalized, including making the injunction permanent. HRDC was represented by in-house attorneys Sabarish Neelakanta, Daniel Marshall and Masimba Mutamba; by Gautam Hans and the Vanderbilt Law School First Amendment Clinic; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 2. *Human Rights Defense Center v. Sheriff Irwin Carmichael (Mecklenburg County, NC)*** – On April 24, 2018, HRDC sued the Sheriff of Mecklenburg County and several other jail officials for the unlawful censorship of HRDC’s magazines, books and correspondence, and for failing to provide due process notice of censorship decisions. HRDC further sought a preliminary injunction preventing the jail from continuing to censor HRDC’s mail without due process. Prior to a hearing on the preliminary injunction, in June 2018, Sheriff Irwin Carmichael entered into a consent decree that required explicit due process notice for censorship of any mail, and allowed the delivery of HRDC publications. In early 2020 the parties agreed to a settlement of the remaining claims, which included keeping the consent decree in effect. HRDC was represented by General Counsel Daniel Marshall and Staff Attorney Masimba Mutamba; by Paul Cox and Jonathan Sasser with Ellis & Winters LLP; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.
- 3. *Human Rights Defense Center v. Southwest Virginia Regional Jail Authority (VA)*** – In 2018, HRDC filed suit and sought a preliminary injunction against the Southwest Regional Authority, which consists of four detention facilities, for censoring HRDC’s books, magazines and correspondence without due process. The Court granted a preliminary injunction in 2018. After conducting discovery, the Court granted summary judgment to HRDC on the issue of the defendants’ liability in June 2019. The parties entered a settlement agreement as to damages in November 2019. Finally, in March 2020 the Court entered a permanent injunction mandating that the defendants allow publications in their jails and send due process notice if publications are rejected. HRDC was represented by

General Counsel Daniel Marshall and Staff Attorney Masimba Mutamba; by Thomas Hentoff, Sean Douglass and Thomas Chapman with Williams & Connolly; and by Bruce E.H. Johnson with Davis Wright Tremaine, LLP.

II. PUBLIC RECORDS AND FOIA CASES

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

A. New Cases Filed in 2020

1. ***Human Rights Defense Center v. Armor Correctional Health Services, Inc.*** – In May HRDC filed suit in Florida state court against Armor Correctional Health Services for its refusal to provide documents concerning claims, verdicts, and settlements against Armor related to its provision of medical services at the Palm Beach County Jail. Armor filed a motion to dismiss, which was erroneously granted by the Court. At the end of the year, HRDC’s appeal was still waiting to be heard. HRDC is represented by General Counsel Daniel Marshall and attorney Sabarish Neelakanta of SPN Law.
2. ***Human Rights Defense Center v. Drug Enforcement Agency*** – Also in May, HRDC sued the U.S. Department of Justice and the Drug Enforcement Agency over its failure to respond to a FOIA request for documents related to lawsuits against the agency. The DEA began releasing documents almost immediately, although HRDC is still disputing many redactions. At year’s end the DEA was continuing periodic document productions. HRDC is represented by General Counsel Daniel Marshall and attorneys Caesar Kalinowski IV and Eric M. Stahl with Davis Wright Tremaine, LLP.
3. ***Human Rights Defense Center v. GEO Group* and *Human Rights Defense Center v. Management & Training Corporation*** — In July HRDC filed two cases against private prison companies in New Mexico, GEO Group and MTC, due to their refusal to respond to public records requests. Both companies released the requested documents after the Court denied MTC’s motion to dismiss. At the end of the year the parties were in negotiations to resolve the cases. HRDC is represented by General Counsel Daniel Marshall and Staff Attorney Eric Taylor, as well as attorneys Mark Donatelli and Caroline Manierre of the firm Rothstein Donatelli.
4. ***Human Rights Defense Center v. U.S. Dept. of Veteran’s Affairs*** — In September HRDC sued the Department of Veteran’s Affairs for its refusal to provide documents concerning claims, verdicts, and settlements against the agency. At the end of the year the defendant had agreed to produce records, and HRDC was awaiting the initial production. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.

B. Cases Resolved in 2020

1. ***Human Rights Defense Center v. Sandoval County, et al.* (NM)** – On August 14, 2019 HRDC sued Sandoval County, NM and several of its employees due to its denial of HRDC’s request for records concerning claims, verdicts, and settlements against the Sandoval County Sheriff’s Department. The defendants immediately produced the requested records. In 2020 the parties settled the remaining claims. HRDC was represented by General Counsel Sabarish Neelakanta, and by Mark Donatelli and Caroline Manierre with the law firm of Rothstein Donatelli, LLP.
2. ***Human Rights Defense Center v. Dept. of Health & Human Services*** – HRDC filed suit against the Department of Health & Human Services on May 28, 2019 after that agency failed to produce contracts with the Vera Institute of Justice. The agency quickly agreed to produce the requested records. In 2020 the agency completed document production, and the parties resolved the other claims in the case. HRDC was represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.
3. ***Human Rights Defense Center and Michelle Dillon v. U.S. Dept. of Health and Human Services & Office of Refugee Resettlement*** – HRDC filed suit on October 1, 2018, seeking records related to litigation against the U.S. Dept. of Health and Human Services and Office of Refugee Resettlement. The defendants responded in November 2018, denying that they had any obligation to disclose the records. Despite the defendant’s assertions, it has since agreed to produce the requested documents in a rolling production. In 2020 ICE completed its production of the requested documents, and the parties settled the remaining issues. HRDC was represented by attorney Jeremy E. Roller with Yarmuth Wilsdon, PLLC.

C. Cases Still Pending in 2020

1. ***Prison Legal News v. Corizon Health* (NM)** – In March 2016, HRDC filed a public records complaint against private prison medical contractor Corizon Health in New Mexico, over the company’s failure to produce records related to litigation, settlements and verdicts in connection with its contract with the New Mexico Department of Corrections. Corizon argued that it was not subject to the state’s public records law because it is not a public entity, despite the fact that it performs a core governmental function of providing healthcare to prisoners. In 2019 another New Mexico court ruled against Corizon on this very issue. At the end of the year the parties were negotiating about redactions in the documents produced, and other issues. HRDC is represented by General Counsel Daniel Marshall, and by local counsel Laura Schauer Ives with Kennedy, Kennedy & Ives in Albuquerque.

2. ***Human Rights Defense Center v. United States Park Police*** – On May 23, 2019 HRDC filed suit against the United States Park Police after that agency failed to respond to a FOIA request for litigation and claims against the agency. The parties entered into an agreement for the defendant to produce some responsive records. However, the agency would not produce all the requested records, and at the end of the year the parties were beginning briefing on a motion for summary judgment. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.
3. ***Human Rights Defense Center v. Washington Metropolitan Area Transit Authority*** – On July 16, 2019 HRDC sued WMATA seeking records concerning claims, verdicts, and settlements against WMATA’s police force. Defendant filed a motion to dismiss; however, the agency began producing documents when the Court indicated the motion would be denied. At the end of the year WMATA was in the process of producing documents. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.
4. ***Human Rights Defense Center v. United States Customs & Border Protection*** – On December 10, 2019 HRDC filed suit against the United States Customs and Border Protection over the non-disclosure of records regarding claims, verdicts, and settlements against that agency. At the end of the year the defendant was in the process of producing records. HRDC is represented by General Counsel Daniel Marshall and by attorney Deb Golden of the Law Office of Deborah M. Golden PLLC.
5. ***Human Rights Defense Center v. GEO Group (Texas)*** – HRDC filed suit against the GEO Group on August 28, 2018, after the company failed to produce records related to verdicts and settlements involving GEO facilities in Texas. Despite numerous legal maneuvers to avoid production, including petitions to the Supreme Court of Texas and the Attorney General’s Office, GEO was ultimately ordered to produce the records. HRDC is represented by General Counsel Daniel Marshall, and by Thomas Leatherbury and Michelle Arishita with the law firm of Vinson and Elkins.
6. ***Human Rights Defense Center v. Centurion of Florida, LLC and MHM Health Professionals, LLC*** – On December 6, 2019 HRDC sued two private companies who provide health care to prisoners in the custody of the Florida Department of Corrections. The companies had rejected HRDC’s public records request for the personnel file of one of their employee doctors. Defendant filed a motion to dismiss, which was pending at the end of the year. HRDC is represented by General Counsel Daniel Marshall and attorney Sabarish Neelakanta of SPN Law.
7. ***Human Rights Defense Center v. Wellpath*** – HRDC’s case against Wellpath in Vermont State Court continued with the Court ruling on the parties’ cross-motions for summary

judgment. HRDC is arguing to extend the state's functional equivalence test to private companies that provide health care to prisoners. Although the trial court granted summary judgment to Wellpath, HRDC's appeal was pending before the Vermont Supreme Court at year's end. HRDC is represented by General Counsel Daniel Marshall and attorney Robert Appel.

8. ***Human Rights Defense Center and Michelle Dillon v. Dept. of Homeland Security & Immigration and Customs Enforcement*** – On August 3, 2018, HRDC requested records related to litigation against ICE and its employees or agents created since January 1, 2010. Because ICE failed to produce responsive documents, HRDC filed suit in the Western District of Washington alleging that the non-disclosure violated the Freedom of Information Act. In 2020 ICE completed its production and HRDC was preparing to file a motion for summary judgment over a redaction issue. HRDC is represented by attorney Eric M. Stahl with Davis Wright Tremaine, LLP.

III. CONSUMER CLASS-ACTIONS

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

A. Cases Still Pending in 2020

1. ***Reichert v. Keefe Commissary Network, LLC*** – In this case, most of 2020 was spent litigating the defendants' appeal of the denial of their motion to compel arbitration as to the newly named plaintiff Gary Moyer. Although the appellate court remanded the case for the trial court to consider additional facts, Plaintiffs are confident the Court will reach the same conclusion and again deny the defendants' motion.

Jeffrey Reichert was arrested and booked into the Kitsap County Jail in Washington State in October 2016. When he entered the jail he had approximately \$177.66 in cash. Upon his release a short time later, he received a prepaid debit card instead of the cash he had surrendered. The card required Mr. Reichert to pay unreasonable and excessive fees in order to access his own money; he never consented to receiving the card instead of cash, and never agreed to any contract with the defendants, including Keefe Commissary Network. A class-action lawsuit was filed in October 2017, arguing that those practices violated the Takings Clause, the Electronic Funds Transfer Act, the Washington Consumer Protection Act and common law claims of conversion and unjust enrichment. Mr. Reichert is represented by HRDC General Counsel Daniel Marshall; and by Chris Youtz, Rick Spoonemore, and Eleanor Hamburger with the firm of Sirianni Youtz Spoonemore Hamburger, PLLC.

2. ***Brown v. Stored Value Cards*** – HRDC scored a resounding victory in this case in March 2020. The Ninth Circuit Court of Appeals reversed the trial court’s grant of summary judgment to the defendants, rejecting the debit card companies’ primary defenses and allowing the case to proceed.

Danica Brown was charged with interfering with an officer during a peaceful protest of the 2014 police shooting death of Michael Brown, and booked into the Multnomah County Detention Center in Portland, Oregon. At the time of her arrest she had approximately \$30 in cash on her person, which the jail confiscated. After releasing her the next day, Ms. Brown did not receive her cash but instead was given a preloaded debit card that assessed various exorbitant fees. No one asked her whether she wanted to receive her money on a debit card, nor did she consent to receiving the card instead of cash. Ms. Brown also did not receive any cardholder agreement or terms and conditions, and never agreed to arbitrate claims associated with the card. She filed a class-action lawsuit alleging the return of her money in the form of a fee-laden debit card violated the Electronic Funds Transfer Act and the Oregon Unfair Trade Practices Act, along with claims of conversion and unjust enrichment. At the close of the year the parties are awaiting the trial court’s decision on the defendants’ new motion for summary judgment. Ms. Brown is represented by HRDC General Counsel Daniel Marshall; by Chris Youtz and Rick Spoonemore with the firm of Sirianni Youtz Spoonemore Hamburger, PLLC; and by Karla Gilbride with Public Justice, P.C., and by Megan Glor in Portland, Oregon.

IV. PRISON CONDITIONS / DEATH CASES

A. Cases Still Pending in 2020

1. ***Lorine Gaines v. Julie Jones (FL)*** – On August 1, 2018, HRDC filed a wrongful death lawsuit in federal court on behalf of the mother of a Florida state prisoner, Vincent Gaines, who died of starvation and inadequate medical and mental health care in December 2015. Vincent was serving a five-year sentence; he had previously been hospitalized twice for mental health care, and diagnosed with bipolar disorder and mania with psychotic features. He was transferred to the Florida Department of Correction’s (FDOC) Transitional Care Unit at the Dade Correctional Institution in March 2014, due to hallucinations and delusions. As part of his treatment plan, Vincent was placed on a “boneless diet” served without utensils. Following a disciplinary report in April 2015 for trying to enter the facility’s food service area without permission, he was transferred to the Florida State Prison in Raiford, then to the Union Correctional Institution, where he was placed in Close Management status (solitary confinement). While held by the FDOC, his psychotropic medications were discontinued. On December 1, 2015, a Corizon Health social worker intern wrote that Vincent was “alert, calm and cooperative and his speech was appropriate.” However, two days later he was found unresponsive in his cell and pronounced dead. According to the Medical Examiner, at the time of his death Vincent was 5’9” and weighed just 115 pounds. During his two-and-a-half years in FDOC custody, while under Corizon’s medical and mental health care, he had lost 75 pounds – around 40 percent of his body weight. He essentially starved to death.

The lawsuit was brought by Vincent's mother, Lorine Gaines, and raises claims under the Americans with Disabilities Act and the Eighth and Fourteenth Amendments. The defendants named in the complaint include FDOC Secretary Julie Jones, prison employee Kevin D. Jordan, Corizon Health – the FDOC's former medical contractor, a number of medical personnel who failed to treat Mr. Gaines, and two guards who allegedly withheld food. The parties were briefing competing summary judgment motions at the end of the year. Mrs. Gaines is represented by HRDC General Counsel Daniel Marshall; by Jack Scarola and Elise Allison of Searcy, Denney, Scarola, Barnhardt and Shipley, PA; and by Edwin Ferguson with The Ferguson Firm, PLLC.

V. AMICUS BRIEFS

The Human Rights Defense Center joined in the following amicus briefs in 2020:

1. ***Taylor v. County of Pima*** – HRDC joined numerous civil rights organizations in arguing on behalf of a prisoner who was wrongly convicted, spent 42 years in prison, and after his original conviction was overturned was forced to enter a no contest plea in order to gain immediate release and avoid additional incarceration. The Ninth Circuit held that his no contest plea precluded him from bringing a civil rights lawsuit; the amicus brief was in support of a petition for certiorari to the US Supreme Court.
2. ***Cameron v. Bouchard* and *Troutman v. Louisville Metro Dept. of Corrections*** – Since the United States Supreme Court issued its opinion in *Kingsley v. Hendrickson*, courts have begun applying an objective standard for deliberate indifference in Section 1983 cases involving pretrial detainees. In June 2020 HRDC joined an amicus briefs in support of two Plaintiff prisoners who were arguing the Sixth Circuit should follow other courts and adopt the objective deliberate indifference standard. The briefs were authored by the organization Rights Behind Bars.
3. ***Herrera v. Cleveland*** – HRDC joined numerous civil rights organizations in arguing for prisoners' right to amend civil complaints with the names of defendants even after the statute of limitations had run, when the defendants' identities were unknown at the time the lawsuit was filed. The brief in the federal Seventh Circuit Court of Appeals was authored by the organization Rights Behind Bars and the MacArthur Justice Center.

OTHER ACTIVITIES

CAMPAIGN FOR PRISON PHONE JUSTICE

HRDC co-founded the national [Campaign for Prison Phone Justice](http://www.prisonphonejustice.org) in 2011, with the goal of reducing the cost of phone calls between prisoners and their family

members. As part of our strategy to achieve this goal, HRDC worked extensively with the Federal Communications Commission (FCC) from 2011 through 2016, speaking at FCC workshops and



filing comments on the docket for the Wright Petition – an FCC proceeding seeking to reduce the high cost of prison and jail calls.

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

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

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

In 2020 the California Public Utilities Commission announced rulemaking regulations against prison phone providers in that state. HRDC has been working closely with the Center for Accessible Technology to ensure prisoners in local, state and federal detention facilities have access to low cost telephone technology.

STOP PRISON PROFITEERING CAMPAIGN

HRDC’s [Stop Prison Profiteering campaign](#) focuses on the ongoing financial exploitation of prisoners and their families by both government

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

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

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



PRISON ECOLOGY PROJECT

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

HRDC special projects coordinator Panagioti Tsolkas continued to work on prison environmental issues in 2020. Covid largely overshadowed all other criminal justice issues in 2020 as advocates scrambled to try to make prisons and jails safer for prisoners caged in them.



FOIA PROJECT

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



Throughout 2020, HRDC public records manager and development coordinator Michelle Dillon continued to submit Freedom of Information Act and public records requests to law enforcement and corrections agencies nationwide. Our FOIA Project filed four lawsuits in 2020 over denials of our public records requests. For details on those cases, see the litigation section above.

HRDC SOCIAL MEDIA

HRDC maintains a robust social media presence, including three accounts on Facebook ([PLN](#), [CLN](#) and [HRDC](#)), a [Twitter](#) account and a free [email newsletter](#) published five days a week. At the end of 2020, HRDC had over 4,500 e-newsletter members, over 16,000 combined Facebook likes, over 20,000 Twitter followers and over 600 followers on LinkedIn.



COLLABORATIONS & AFFILIATIONS

HRDC collaborated with other organizations in 2020 on a variety of advocacy efforts, reports, campaigns and other projects – including Justice Catalyst, Working Narratives, the Prison Policy Initiative and the Private Corrections Institute. Additionally, HRDC staff members maintained the following affiliations with other organizations:

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

member of the American Bar Association, American Correctional Association and American Jail Association.

- **HRDC general counsel and litigation director Daniel Marshall** is a member of the National Lawyers Guild's National Police Accountability Project, the Florida Association of Criminal Defense Lawyers and the Palm Beach County Association of Criminal Defense Lawyers.
- **HRDC staff attorney and William A. Trine Fellow Masimba Mutamba** is a Florida Bar Delegate to the American Bar Association House of Delegates, a representative on the Florida Bar Young Lawyers Division Board of Governors, and an appointed member of the Florida Bar's Standing Committee on Media & Communications Law. He is also a member of the National Lawyers Guild's National Police Accountability Project. In his local community, Masimba is actively involved in the Palm Beach County Judicial Diversity Initiative, the F. Malcolm Cunningham, Sr. Bar Association, the Palm Beach County Bar Association's standing Committee for Diversity and Inclusion, and that Bar's Young Lawyers Section.

LOOKING FORWARD: GOALS FOR 2021

HRDC plans to continue our criminal justice reform and public education efforts in 2010 with respect to our media outreach, litigation project, publishing, advocacy and other activities. Our websites continue to be important sources of news and research for prisoners' rights advocates, policy makers, attorneys, academics, journalists and other people with an interest in criminal justice-related issues.

HRDC's litigation project expanded in 2020 due to ongoing censorship of *Prison Legal News*, *Criminal Legal News* and the books we distribute by prison and jail officials, and we expect that trend to continue in 2021. We plan to file additional legal challenges through our FOIA Project due to denials of our public records requests, and to pursue additional litigation through our Stop Prison Profiteering campaign.

While HRDC continues to coordinate the national Campaign for Prison Phone Justice and advocate for lower prison and jail phone rates, due to the lack of resources we have had to significantly scale back the project. Though it could be quickly scaled up again if funded..

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

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

A critical priority for HRDC has been, and will be, to maintain the safety of its staff during the Covid pandemic to ensure we have the organizational capacity to continue publishing, advocating and litigating on behalf of prisoners and their families. Despite the serious challenges of having a majority of our staff working remotely through 2020 we filed more lawsuits and shipped more books than at any point in our 30 year history. As 2020 closed, no HRDC staff had contracted Covid.



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www.humanrightsdefensecenter.org

www.prisonlegalnews.org

www.criminallegalnews.org

www.prisonphonejustice.org

www.stopprisonprofiteering.org

www.prisonecology.org

www.privateprisonnews.org

www.wronglyconvicted.org