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PRESS RELEASE

Human Rights Defense Center  
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Court Rules that Public Records Suit Against Private Prison Firm can Proceed

MONTPELIER – A state superior court has denied an attempt by Corrections Corporation of America (CCA), the nation's largest for-profit prison company, to dismiss a public records suit filed against it. The lawsuit, filed by Prison Legal News, a monthly publication that reports on criminal justice-related issues and a project of the Human Rights Defense Center, seeks records related to the treatment of Vermont prisoners held in out-of-state CCA prisons.

Each year, about a third of Vermont's prison population spends time in CCA-operated facilities in Beattyville, Kentucky and Mason, Tennessee. While there, CCA provides Vermont prisoners with everything that the state's Department of Corrections would: uniforms, food, recreation and supervision. The state has paid CCA about \$73 million since July 2007.

Prison Legal News (PLN) has reported extensively on the private prison industry and has requested records concerning conditions in private prisons under different states' public records laws. In September 2012, PLN requested records from CCA about Vermont prisoners, but the company ignored the request. Therefore, in May of last year, PLN filed suit in superior court in Montpelier, represented by the ACLU Foundation of Vermont.

CCA moved to dismiss the lawsuit, arguing that Vermont's public records law does not extend to private corporations. In opposing the motion, PLN argued that private contractors performing government functions are the equivalent of government agencies, and thus subject to the state's public records law. On January 9, 2014, the superior court agreed with PLN, denying CCA's motion and ordering a conference to be scheduled for further proceedings.

"We're pleased that the court has allowed the suit to proceed," said Prison Legal News editor Paul Wright. "We think it's a matter of common sense to treat the state's private jailer as the functional equivalent of the Department of Corrections." Wright noted that state courts elsewhere, most recently in Tennessee, have reached the same conclusion.

"For the Vermonters who are under lock and key in Tennessee and Kentucky, CCA is inter-changeable with the Department of Corrections," said Dan Barrett, the ACLU of Vermont attorney representing Prison Legal News. "We, the public, should know how our state's prisoners are being treated in privately-run facilities," he added.

The case is Prison Legal News v. CCA, Vermont Superior Court, Washington Unit, Docket No. 332-5-13 Wncv. Case filings are available on the ACLU of Vermont website: [http://acluvt.org/docket#pln\\_v\\_cca](http://acluvt.org/docket#pln_v_cca)

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The Human Rights Defense Center, founded in 1990 and based in Lake Worth, Florida, is a not-for-profit organization dedicated to protecting the human rights of people held in U.S. detention facilities. HRDC publishes Prison Legal News (PLN), a monthly magazine that includes reports, reviews and analysis of court rulings and news related to prisoners' rights and criminal justice issues. PLN has a monthly average of 9,000 subscribers nationwide and operates a website ([www.prisonlegalnews.org](http://www.prisonlegalnews.org)) that includes a comprehensive database of prison and jail-related articles, news reports, court rulings, verdicts, settlements and related documents.