



A Note From The Director's Desk

I'm delighted to share Social Justice Legal Foundation's inaugural annual newsletter with you. SJLF was founded through generous support from Hueston Hennigan, opening its doors in the fall of 2021. We hit the ground running, and have seen our organization and practice flourish in exciting ways (more detail in the following pages). We continue to learn and work towards accomplishing our dual mission - molding our fellows into fearless civil rights litigators, and advancing social justice for impacted communities through systemic trial-level litigation.

I am proud of the way our team has embraced the adventure that has been our first year of existence. Our fellows, Alyssa Martinez, Emily Olivencia-Audet, and Amelia Piazza, have shown perseverance and passion throughout, with invaluable guidance from our staff attorneys - particularly Claire Simonich, who joined us in January. A special shout out to our organizational MVP, Kevin McKinnon, who keeps our ship afloat. Each and every one of us is grateful for the opportunity to do this work, and we look forward to the fight for justice ahead!

- Shubhra



Focus Area

SJLF was founded in the period of public reckoning that followed George Floyd's murder. In its first few months of operation, SJLF worked in coordination with impacted communities, grassroots organizations, and other advocates, to identify our first focus area for litigation: the injustices of the carceral system. We recognize the instruments of carcerality are fundamentally racialized and commit to this recognition in the work that we do. SJLF is focused on combatting the myriad and intersectional injustices of the carceral system, at every stage - from police misconduct, to the criminalization of poverty via onerous fines and fees, to prison surveillance and conditions of confinement, and finally, barriers to individuals seeking re-entry into the community.

Our systemic litigation aims to achieve justice for people directly impacted by these systems, pursue accountability for public and private actors who are too often shielded, and disrupt the legal and economic frameworks that incentivize surveillance and imprisonment. We are privileged to engage in this fight and look forward to sharing more about our battles ahead.

SJLF's Work Throughout The Year

POLICING

In December 2021, mere months after opening our doors, SJLF and ACLU of Louisiana obtained an important legal victory for our client, **Deanna Thomas**, an unhoused, chronically ill Louisiana woman who was repeatedly harassed and injured by local police and had her personal belongings seized and discarded, allowing Ms. Thomas to continue to seek justice for her mistreatment, and shedding light on the treatment faced by unhoused individuals everywhere at the hands of law enforcement.

In March 2022, SJLF (with the ACLU of Louisiana) filed its first case, *Mills v. Connelly, et al.* (M.D. La.) seeks to address a culture of aggressive and unconstitutional law enforcement searches motivated by Louisiana's asset forfeiture regime. Nia Mills was driving through Louisiana on interstate I-10 with her partner Cory when a deputy pulled her over for purported improper lane usage and failure to signal. The deputies proceeded to subject her to prolonged detention, invasive searches, verbal harassment, and the seizure of \$3500 in stimulus money. When Cory fled out of fear, deputies pursued him on foot and beat him over the head with a rifle, despite Cory having recently undergone brain surgery (Cory is currently not a party to the lawsuit but his claims remain viable).

Clark v. Hotard, et al. (M.D. La.), which SJLF and the ACLU filed in May 2022, confronts a Louisiana Parish's practice of racist policing and a culture of impunity. Livingston Parish is a hyper-segregated area that was once the seat of the KKK. Its law enforcement still disproportionately targets the single Black neighborhood in its jurisdiction. This case centers on 67-year-old Alexander Clark, who was attempting to get gas when he was unlawfully seized, detained, and subjected to unconstitutional and invasive searches, demeaning comments, false arrest, and excessive force that necessitated multiple surgeries for the torn tendons and fractured bones. The lawsuit also includes several pattern-and-practice claims for the racial profiling of the neighborhood, conspiracy to racially profile, and deliberate indifference to complaints of both racial profiling and excessive force by local law enforcement.



In 2021 the **Florida legislature passed a HB1, titled Combating Public Disorder**. It is an anti-protest bill and explicitly targets the Black Lives Matter and criminal justice reform movements. HB1 allows the executive branch unilaterally to take over and change city budgets if the city approves any decrease in police funding, for any reason. This effectively prohibits cities from experimenting with alternatives to public safety. SJLF wrote an amicus brief supporting Public Rights Project's lawsuit challenging the legality of HB1. SJLF partnered with local government law professors to explain the historical importance of local government autonomy and to reiterate the need for local governments to have control over their own budgets. 10 local government law professors from across the country signed onto the brief.

Also in July, we filed an amicus brief in *U.S. v. Nunez* on behalf of Dignity and Power Now, in support of the Federal Public Defender's office, to shed light on LASD deputies' misconduct, which was consistent with the violent and unlawful behavior associated with "deputy gang" membership.

POST-ARREST

CA courts charge up to \$300 when individuals are late on a payment for court debt or miss a court appearance. **The charges are called civil assessments.** This has devastating effects in traffic court, where a civil assessment may be double or triple the initial fine, and often leaves individuals in an endless cycle of debt. Civil assessment debt disproportionately affects low income individuals, particularly those of color. Through court-watching, public record requests, and interviews, SJLF and the Southern California Coalition identified particularly problematic counties and advocated for those courts to change their policies. In July 2022 a large coalition successfully lobbied the state legislature to institute broad reform, including lowering the maximum civil assessment to \$100 and eliminating over \$750 million in civil assessment debt.



SJLF is partnering with ACLU SoCal to litigate a case, *Butts v. Lancaster*, against the city of Lancaster and the Los Angeles County Sheriff's Department (LASD) for their citation system, which criminalizes poverty and deprives indigent individuals due process. In Lancaster, an individual cited for a low-level infraction or misdemeanor cannot challenge that citation without paying a deposit of up to \$1,000. There is no exception for indigent individuals, many of whom are cited for offenses related to being unhoused. What's more, the city's expenditures spent enforcing the citation system exceed the revenue it obtains from it. The complaint alleges that our client, Leroy Butts, was cited by LASD while handing out Know-Your-Rights materials to unhoused individuals. Mr. Butts was unable to afford the deposit required to appeal his citation. The complaint alleges constitutional violations including procedural due process, equal protection, and excessive fines, as well as waste of taxpayer funds, and a violation of the Bane Civil Rights Act.

Thompson v. Spitzer is a California lawsuit challenging the Orange County District Attorney's (OC DA) expansive DNA collection program and was brought under taxpayer standing. SJLF filed an amicus brief in the case highlighting findings from the SJLF team's extensive court observations—namely that the DA's Office is violating an accused person's right to counsel before, during, and after the plea negotiation process. Additionally, the DA's Office capitalizes on the less formal protections of misdemeanor court and rely on the pressures inherent to the criminal justice system to force accused persons to provide their DNA before being convicted of any wrongdoing—and without adequate understanding of what they are giving up. One woman asked for her DNA described feeling "like a slave, like a lab rat, not like a human being." 1 in every 16 Orange County residents have their DNA in the database, and the collection is only ramping up. The OC DA has made the uncommon request to respond to our brief.

SJLF's Work Throughout The Year

CONDITIONS OF CONFINEMENT

In April 2021, San Mateo County jails adopted a policy which prohibited physical mail for incarcerated individuals, replacing it with an electronic surveillance technology run by a private company, Smart Communications. The physical mail is uploaded to a database searchable by law enforcement and then destroyed. According to those impacted most, the policy impinges on individuals' privacy, free expression, and familial connection rights. In May 2022, SJLF filed a public record request on behalf of Silicon Valley Debug (SVDB), a grassroots organization that supports family members of incarcerated individuals. The documents revealed concerning practices, including an unusual contracting process and evidence that the policy may chill letter writing. SJLF is working with SVDB and well as the Electronic Frontier Foundation (EFF) and the Knight First Amendment Institute at Columbia University to advocate against this policy.



SJLF is working with local community activists and organizations to seek information and documentation via a **Freedom of Information Act (FOIA) request regarding the recent (and sudden) death of Mr. Melvin Calero-Mendoza at Aurora Detention Center**, an immigration detention facility in Denver, CO. Aurora Detention Center is run by GEO Group, the largest private immigration detention operator in the country. This is part of a larger effort by immigrants' rights advocates, lawyers, and organizers to seek greater transparency and accountability for private contractors and ICE in the operation of immigration detention, as well as to support the Denver community in pushing for the closure of Aurora. Colorado Congressman Jason Crow and U.S. Senators Michael Bennet and John Hickenlooper have recently requested an independent investigation of the death of Mr. Calero-Mendoza, the third death at Aurora Detention Facility since 2017.

RE-ENTRY BARRIERS



SJLF is investigating – through public records requests and community group meetings – **the lack of gender-affirming housing for trans and gender nonconforming individuals reentering the community** after being incarcerated. When trans individuals are released from prison or jail and ordered to attend either a residential rehabilitation program or required to live in transitional housing (commonly referred to as a “halfway house”) they are often discriminated against because such housing is gender segregated and gender-affirming housing is unavailable. In June 2022 – in response to concerns from grassroots advocates regarding the lack of safe reentry housing

facilities for trans individuals – SJLF submitted a public records act (PRA) request to the California Department of Corrections and Rehabilitation (CDCR) seeking documents regarding its treatment of trans individuals who are seeking parole. In response, SJLF received over 3,000 pages of documents. Our analysis revealed that these individuals' inability to procure reentry housing due to discriminatory practices also result in a denial of parole. In November, we presented our findings from the PRA to a group of advocates who assist trans and gender nonconforming individuals in reentry. In the future, we plan to co-author a report regarding our data with the UCLA Williams Institute. We also hope to continue pursuing litigation.

Creating New Partnerships

Over the course of the year, SJLF has developed partnerships with lawyers at the ACLU, Public Rights Project, the Knight First Amendment Institute at Columbia, the Electronic Frontier Foundation (EFF), and Loyola and UC Irvine law schools, as well as with community-based organizations such as Silicon Valley De-Bug and Dignity and Power Now – both of whom provide services and advocate on behalf of incarcerated individuals and their families. We look forward to continuing to build meaningful relationships with those dedicated to the work,

Howard University and SJLF: It Just Makes Sense



In August 2022, SJLF and Howard University School of Law announced that Howard graduates will now participate in SJLF's fellowship program. "This collaboration is a natural fit. Molded by the vision and impact of Thurgood Marshall, SJLF's mission matches Howard's mission of creating social engineers who use the law to move the country toward a more perfect union," said Lucius Outlaw III, Professor at Howard University and SJLF Board of Advisor member.

"I am excited for this partnership and the opportunity for Howard students to make an impact."
Lucius T. Outlaw III

Howard graduates will work and learn alongside fellows from SJLF's other partner schools as well as experienced litigators, advocates, academics from SJLF's Board of Advisors, and trial lawyers from SJLF's founding firm, Hueston Hennigan.

SJLF's 2022 Additions



Pilar Gonzalez Morales

Pilar Gonzalez Morales joined our team as our Managing Attorney at the end of October. Pilar has devoted her legal career to civil rights litigation and advocacy, specifically disability justice, immigrant rights and anti-carceral litigation. Prior to joining SJLF, Pilar worked at the Civil Rights Education and Enforcement Center (CREEC) and Disability Rights California (DRC).

Claire Simonich



obtained numerous noncustodial resolutions for clients facing many years in prison.

Vanessa Domenichelli

Vanessa Domenichelli is SJLF's newest Senior Attorney, having joined our team in December. Vanessa has a wealth of experience in civil litigation, including as trial counsel in litigation in courts in New York and California. She has a demonstrated commitment to civil rights issues, having worked with youth to combat the school to prison pipeline, and serving on the Board of a non-profit seeking to empower families affected by the carceral system.



Claire Simonich joined the SJLF team as a Senior Attorney in January 2022. Claire was most recently a deputy federal public defender with the Office of the Federal Public Defender for the Central District of California. Claire engaged in creative litigation efforts challenging unfair practices in the criminal justice system and