

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT OF
FLORIDA, IN AND FOR PALM BEACH
COUNTY, FLORIDA.

CIVIL DIVISION

CASE NO.

PRISON LEGAL NEWS,
a not-for-profit
Washington Corporation

Plaintiff(s),

vs.

THE GEO GROUP, INC.

Defendant(s).

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COMPLAINT

Plaintiff, **Prison Legal News (hereinafter "PLN")**, sues **THE GEO GROUP, Inc. (hereinafter "GEO")** and alleges:

1. This is a complaint for temporary and permanent relief demanding access to public records as defined in F.S. 119.011 (11) and within the jurisdiction of this court F.S. 119.11.

2. Plaintiff Prison Legal News (PLN) is a non-profit, charitable Washington corporation under IRS Code 501(c)(3) with its office in Seattle, Washington. PLN publishes Prison Legal News, a monthly journal of prison news and analysis.

3. Plaintiff is a publisher of a monthly magazine, Prison Legal News, and distributor of books and other materials

pertaining to legal rights of prisoners and the conditions affecting prisoners. Prison Legal News is comprised of writings from legal scholars, attorneys, inmates and news wire services. PLN has over 4,600 subscribers in the United States and abroad, including subscribers in prisons in all 50 states. Plaintiff has numerous prisoner subscribers in the Florida state correctional system, including facilities operated by the Defendant, GEO. Subscribers to Prison Legal News also include The Florida State (legislative) Library, attorneys, judges, journalists, academics, and others who have an interest in topics included in the magazine. The purpose of PLN is "to educate prisoners and the public about the destructive nature of racism, sexism, and the economic and social costs of prisons to society."

4. Defendant, **GEO**, is a Florida for profit corporation with its corporate offices located in Boca Raton, Palm Beach County, Florida.

5. Defendant, GEO, is a contractual party with the State of Florida, Department of Corrections, and other governmental agencies in Florida acting on behalf of the Florida Department of Corrections and/or the other governmental agencies and subject to the Public Records Law, F.S. 119.01(1) and 119.011(1). GEO has completely assumed the Department of Corrections governmental obligations to incarcerate and provide rehabilitative services to duly sentenced felons committed by circuit court judges throughout the state to the Department of Corrections. Said obligation is performed in most other correctional facilities by the Department

of Corrections.

6. GEO owns and/or operates, pursuant to a contract with the Department of Corrections or other governmental entities, numerous correctional facilities in Florida. Through this contract, GEO has completely assumed the Department of Correction's or other public entities' governmental obligations and GEO has been delegated the Department of Corrections or other public agencies governmental functions regarding the incarceration, rehabilitation, educating, medical and mental health services of detainees or sentenced felons at numerous facilities in Florida and is a public agency as defined in F. S. 119.011 (2).

7. The Defendant, GEO, is required to produce any public records requested pursuant to its contract with the Department of Corrections or other public entities.

8. PLN, by specific written requests, copies attached hereto and incorporated by reference as exhibits, have requested certain public records kept in Palm Beach County, Florida, as defined in F.S. 119.011(11) from GEO: as set forth below (all exhibits incorporated herein by reference):

I. Exhibit "A", letter from PLN to GEO dated April 6, 2005 by certified mail, incorporated herein by reference.

II. Exhibit "B", letter from GEO's attorney Louis Carrillo, dated May 6, 2005, to PLN, incorporated herein by reference.

III. Exhibit "C", letter from PLN to GEO's attorney.

Louis Carrillo, dated September 22, 2005, by certified mail incorporated herein by reference received by GEO on September 26, 2005.

9. GEO has not stated any exemption to PLN's public records request, F.S. 119.07(1)(c).

10. PLN has retained the undersigned attorney and has agreed to pay him a reasonable fee and costs.

11. Time is of the essence for these requests.

12. The Plaintiff is entitled to accelerated hearings and/or a trial on all counts pursuant to F.S. 119.11.

COUNT ONE

13. Paragraphs 1 thru 12 inclusive are realleged by reference herein.

14. The initial public records request, Exhibit "A", was sent to the GEO corporate headquarters, in Palm Beach County, Florida, by certified mail on April 6, 2005, and received by GEO on or about April 11, 2005.

15. GEO has responded to this public records requests through counsel by e-mail, see Exhibit "B" on May 6, 2005.

16. GEO only provided a public record on a single category of public records PLN requested. The other public records requests were ignored.

17. PLN, in an attempt to resolve this matter without litigation, put its final request for public records request in the letter, Exhibit "C" sent to the GEO attorney on September 22, 2005. GEO has ignored this written, certified mail request, received by GEO on September 26, 2005.

18. That it is GEO's duty to produce these public records immediately upon request is clear. There is no doubt that GEO is an agency within the scope of F.S. 119.011 (2) and it is subject to this public records request. GEO has no "good faith belief" it is not subject to this request.

19. GEO has stonewalled the majority of PLN's public records requests. The Defendant has made no effort whatsoever to bring this matter before the court for a judicial determination regarding this public records request.

20. GEO has failed to respond to PLN's written requests for public records, Exhibits "A" and "C".

21. The date given for a reply to the final public records request was October 22, 2005. Nothing has been received from GEO, in response to the requests at the time this suit is filed on December 2, 2005.

22. The denial of access to the requested public records by the GEO is illegal, malicious and willful; without basis in law and it is designed to delay PLN from obtaining the public records because they are critical of the operations of the prison facilities operated by GEO, including but not limited to, sexual harassment allegations, disturbances, GEO staff on prisoner

attacks and other injuries, prisoner on prisoner attacks, and other altercations, verdicts, settlements, sanctions, contract sanctions and penalties and the excessive profits obtained by GEO as the result of a poorly written contract for the operation of this facility at the State's (taxpayers') expense.

23. The contracts for the operation of the DOC's facilities and other privatized governmental services as approved by state agencies and encouraged by the Governor and the Florida Legislature are extremely profitable for the Defendant. Without the Defendant's public records, the Plaintiff cannot determine whether or not the taxpayers and the prisoners at GEO facilities are receiving a fair return and the services required, based on the contracts and/or whether the monies are being appropriately allocated for the prisoners' services needed.

24. The requested records would allow PLN, other media entities, circuit judges, defense attorneys, incarcerated persons, their families and citizens of Florida access to information on the operations and profits of GEO. The access would allow PLN and the people of the State of Florida to prepare their public comments, suggestions and arguments for the changes in the operation, contractual provisions and/or the contractor for the operations of correctional facilities by GEO.

25. Any delay or precondition prior to the production of public records is illegal.

26. The denial of access to the requested public records by GEO is illegal, malicious and willful; without basis in law and it

is designed to prevent PLN from reviewing the original records because they are critical of the GEO operations. Access to the original requested public records would allow PLN, the public, circuit judges, attorneys, other media entities and citizens of Florida access to information on the operations of the GEO facilities paid for by the taxpayers of Florida.

27. Access to the public records requested would allow PLN and the people of the State of Florida to prepare their public comments, suggestions and arguments for the changes in the operation and/or the contractor for the operation of the GEO facilities with the Department of Corrections and other Florida governmental entities.

RELIEF

28. The Plaintiff in this count is entitled to the following relief:

A. An order advancing this case on the docket and/or the issuance of a rule to show cause to require the Defendant to produce the records.

B. Temporary and permanent relief as deemed appropriate by the Court including a final judgment in favor of the Plaintiff requiring the production of the public records sought by the Plaintiff.

C. A finding by the Court that GEO and/or their employees have unlawfully, maliciously, willfully and knowingly

violated the Public Records Law.

D. A finding by the court that the Plaintiff and/or its representatives can review the GEO records where they are normally kept or in an electronic format, pursuant to the Public Records Law.

E. An order awarding the Plaintiff costs and attorney's fees, F. S. 119.12.

F. Any other relief the Court deems proper.

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