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Class Action Lawsuit Filed Against Florida Department of Corrections For Unlawfully Confiscating Millions of Dollars of Digital Music and Books

MIAMI/TALLAHASSEE – Today, the Florida Justice Institute (FJI) and the Social Justice Law Collective (SJLC) announced the filing of a federal class action lawsuit against the Florida Department of Corrections (FDOC) for confiscating the lawfully purchased digital music and books of thousands of Florida prisoners. After years of selling digital music and books to Florida prisoners – and realizing millions of dollars in profits from those sales – the FDOC has now implemented a statewide policy forcing Florida prisoners to surrender their digital media players and all of their lawfully purchased music and books, without just compensation. The Complaint alleges violations of the Takings and Due Process Clauses of the U.S. Constitution.

“In effect, the Florida Department of Corrections has stolen millions of dollars of digital music and books from the incarcerated people in its custody,” said FJI Executive Director Dante Trevisani. “This was done merely to obtain a more profitable contract, at the direct expense of incarcerated people and their families.”

William Demler, the named plaintiff in the lawsuit, has brought this lawsuit on behalf of himself and other victims of the FDOC’s unconstitutional policy. He had purchased over 300 digital songs and books from the FDOC and its prior vendor since 2012. Now, the FDOC has taken his digital media player and all of his digital songs and books from him. The FDOC’s explanation is even more callous – in response to the hundreds of formal grievances filed by Mr. Demler and other affected prisoners, the FDOC developed a form response, admitting that the unlawful confiscation of their property was necessary in order for the FDOC and its new vendor to realize additional profits.

According to the lawsuit, the FDOC induced Mr. Demler and other prisoners to purchase the now-confiscated digital music and books by explicitly promising them that they would own any purchased media files forever. The promises had their intended effect, as from 2011 to 2017, FDOC prisoners purchased nearly 6.7 million digital media files, at a cost of roughly \$11.3 million to those prisoners and their families. However, this promise quickly became meaningless when the FDOC had the opportunity to enter into a more profitable contract with a new vendor.

“These men and women relied on the representations made by the FDOC and its vendor that, once purchased, they would own these songs and books for the duration of their incarceration,” said SJLC attorney Josh Glickman. “The FDOC’s confiscation of these individuals’ lawfully purchased property – for no reason other than to turn a profit – is unconscionable.”

The case is *Demler v. Inch*, Case No. 4:19-CV-0094, and is before Judge Mark Walker in the Northern District of Florida.

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