Katherine C. Chamberlain, OSB #042580 katherinec@mhb.com
Jesse A. Wing, pro hac vice
jessew@mhb.com
Of Attorneys for Plaintiff Prison Legal News
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104-1745
(206) 622-1604

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Lance Weber, *pro hac vice* lweber@humanrightsdefensecenter.org Of Attorneys for Plaintiff Prison Legal News Human Rights Defense Center 1037 Western Ave., 2nd Floor West Brattleboro, VT 05303 (802) 257-1342

UNITED STATES DISTRICT COURT DISTRICT OF OREGON PORTLAND DIVISION

PRISON LEGAL NEWS, a project of the HUMAN RIGHTS DEFENSE CENTER,

No. CV 12-71-SI

Plaintiff,

v.

COLUMBIA COUNTY; COLUMBIA COUNTY SHERIFF'S OFFICE; JEFF DICKERSON, individually and in his capacity as Columbia County Sheriff,

Defendants.

SECOND DECLARATION OF LUCY LENNOX

- I, Lucy Lennox, declare and affirm as follows:
- 1. I am over the age of 18 and I am competent to testify. The statements of fact contained herein are based on my personal knowledge and belief.
 - 2. I am a resident of the state of Washington.
- 3. On February 7, 2012, I visited the Prison Legal News website (www.prisonlegalnews.org) and printed multiple copies of the same legal article titled "Prison Legal News Files Censorship Suit Against Florida DOC" to send to 11 prisoners at the Columbia County Jail. I enclosed the printed articles in separate envelopes and sent them to specific prisoners at the Columbia County Jail in standard sized #10 envelopes with the required amount of postage affixed to each one.
 - 4. I sent the website article to the following prisoners at the Columbia County Jail:

Name	Inmate No.
Steven Adams	2011002552
Toni Bertasso	2011002507
Robert Clement	2011002143
Anthony Deherrera	2011001729
Kenna Haynes	2011002213
Scott Laville	2011002501
Samuel Oester	2011002123
Barry Shaft	2011000612
William Temple	2011000529
Alisha Vandolah	2010002105
Shaughnessy Williams	2011000534

- 5. The Columbia County Jail rejected three of the articles I mailed and returned the rejected mailings to me, as described below:
- A. <u>Exhibit A</u> is a true copy of the envelope and article that I mailed to Scott Lavelle on February 7, 2012. The Jail returned the envelope to me, unopened. The returned

envelope is stamped "RETURN TO SENDER." I did not receive a Prohibited Mail Notice or any other communication from the Columbia County Jail regarding the mail I sent to Mr. Lavelle or why the Jail rejected this envelope.

- B. <u>Exhibit B</u> is a true copy of the envelope and article that I mailed to Alisha Vandolah on February 8, 2012. The Jail returned the envelope to me, unopened. The returned envelope is stamped and marked "INSPECTED BY COLUMBIA COUNTY JAIL," "RETURN TO SENDER," and "CONTRABAND."
- C. Exhibit C is a true copy of the Prohibited Mail Notice dated February 11, 2012, that I received from the Columbia County Sheriff's Office regarding my mailing to Alisha Vandolah, and the envelope the notice arrived in. The envelope is postmarked February 14, 2012. The notice states that the Sheriff's Office "denied" my mail because "It is deemed personal mail and not on a postcard."
- D. <u>Exhibit D</u> is a true copy of the envelope and article that I mailed to Shaughnessy Williams on February 8, 2012. The Jail returned the envelope to me, unopened. The returned envelope is stamped and marked "INSPECTED BY COLUMBIA COUNTY JAIL," "RETURN TO SENDER," and "CONTRABAND."
- E. <u>Exhibit E</u> is a true copy of the Prohibited Mail Notice dated February 11, 2012, that I received from the Columbia County Sheriff's Office regarding my mailing to Shaughnessy Williams, and the envelope the notice arrived in. The envelope is postmarked February 14, 2012. The notice states that the Sheriff's Office "denied" my mail because "It is deemed personal mail and not on a postcard."
- 6. Prior to sending the mail described above in Paragraphs 3-4 I visited the Columbia County Sheriff's website in an attempt to learn about the Jail's Inmate Mail Policy and any restrictions on sending mail to prisoners. I clicked on "Inmate Mail" on the left-hand side of website's home page, but the mail policy was not posted. Instead, I found a notice that said the mail policy was "under review."

- 7. The two Prohibited Mail Notices I received, Exhibits D and E, directed me to "the jail's web page at www.co.columbia.or.us/sheriff" to find information about the Jail's mail policy. Therefore, I re-visited the site on March 1, 2012, but the website still had posted the same notice that the mail policy is "under review." Exhibit F is a true copy of the notice I saw on the website. I was unable to locate the Columbia County Jail's Mail Policy on the Sheriff's website.
- 8. Other than the exhibits described above and attached to this declaration I have received no further communication from the Columbia County Jail. I do not know whether the Jail delivered or censored the other eight articles I sent to prisoners at the Columbia County Jail.

I declare under penalty of perjury of the laws of the State of Washington and the United States of America that the foregoing is true and correct to the best of my knowledge.

DATED this Jay of March, 2012, at John

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2012, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- Marc D. Blackman marc@ransomblackman.com,pat@ransomblackman.com
- Gregory R. Roberson grr@hartwagner.com,cej@hartwagner.com
- Lance Weber lweber@humanrightsdefensecenter.org
- Jesse Wing JesseW@mhb.com

MACDONALD HOAGUE & BAYLESS

/s/ Katherine C. Chamberlain
KATHERINE C. CHAMBERLAIN
OSB #042580
(206) 622-1604
Of Attorneys for Plaintiff Prison Legal News

EXHIBIT A

TO

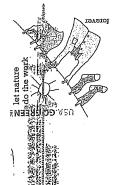
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PLNCOL_Lennox_00120 Ex A to Lennox Decl, Pg 2 of 3





Logged in as: Lucy Lennox Firm: none

Status: Member

Edit Profile Log Out of PLN

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Tuesday, February 07, 2012 5:43 PM



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Prison Legal News Files Censorship Suit Against Florida DOC

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According to the complaint, PLN accuses the FDOC of violating its rights under the First and Fourteenth Amendments by refusing to deliver its monthly publication and books to FDOC prisoners system-wide.

"When the government blocks information based on the content of that information, that's censorship," said Randall Marshall, Legal Director for the ACLU of Florida. "These publications provide inmates with vital information about their legal rights and individuals in FDOC custody have a right to access these publications."

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PLN sued the FDOC in 2004 over similar censorship issues, and the FDOC changed its mail policy in 2005 to allow PLN to be distributed to Florida state prisoners. The district court dismissed the suit as being moot; the 11th Circuit affirmed, noting that the FDOC had "presented sufficient evidence to show that it has 'no intent to ban PLN based solely on the advertising content at issue in this case' in the future." [See: PLN, May 2011, p.10]. However, in 2009 the FDOC changed its mail policy again and began censoring PLN's publications, even though PLN's ad content had not changed.

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https://www.prisonlegalnews.org/24082 displayArticle.aspx

2/7/2012

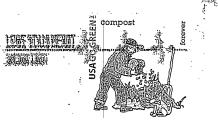
EXHIBIT B

TO

Grey Dennox 4128 S Hatch Spokane, Wit : 99203

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INSPECTED BY COLUMBIA COUNTY JAIL

RETURN TO SENDER

PERSON NOT HERE

CONTRABAND

COMMUNICATION

INTER-FACILITY

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Logged in as: Lucy Lennox

Firm: none Status: Member

Edit Profile Log Out of PLN

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Ridgeway Frank Soffen, now 70 years old, has lived
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https://www.prisonlegalnews.org/24082 displayArticle.aspx

2/7/2012

EXHIBIT C

TO



Ex C to Lennox Decl, Pg 2 of 4

PLNCOL_Lennox_00124

COLUMBIA COUNTY SHERIFF'S OFFICE Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave., St. Helens, OR 97051 Phone: (503) 366-4611 Fax: (503) 366-4644 Web Address: www.co.columbia.or.us/sheriff



016H16501628

\$00.450 02/14/2012 Mailed From 97051 US POSTAGE

Lucy Lennox 4128 S Hatch Spokane, WA 99203

2002288844 0012



J603-R07

February 10, 2012



SIENIS OFFICE Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave. St. Helens, OR 97051 Phone: (503) 366-4611 Fax: (503) 366-4644

PROHIBITED MAIL NOTICE

Lucy Lennox	Date: 2-11-12
Lucy Lennox 4128 S Hatch	
Spokane WA 99203	
Because of rules contained in the Columbi	a County Jail Inmate Mail Policy,
we are 🛘 returning or 🗖 confiscatin	
you sent to inmate <u>Al, sha Vand</u>	olah , Booking # 2010 602105
The mail was denied for the following reas	on(s):
It is deemed personal mail and not on a	post card.
\square It contains sexually explicit material at ${}_{ m I}$	page(s):
\square It contains prohibited material or a forei	gn substance:
\square It did not come directly from a publisher	; book club, or bookstore.
\square It contains plans for escape, criminal act	ivity, or activity that violates jail rules.
☐ It contains inflammatory materials, such their religion, race, gender or ethnicity.☐ Other	as advocating violence against a group based upon
	de which contains guidance on mail rules and complaint at www.co.columbia.or.us/sheriff to find the information. The all this decision as well.
by sending in a written letter stating the reasons you of this letter. Your appeal should identify specifical and include your name and return address. You are	e/publication was improperly denied, you may appeal the decision believe that the decision was wrong within 15 days from the date ly why you believe that our decision to deny the mail was wrong not required to provide a phone number, but it may be useful if cision on your appeal within fifteen days of receiving it. Please

Jail Commander ATTN: Denied Mail Appeal Columbia County Sheriff's Office

901 Port Ave.

St. Helens, OR 97051

Vail Handler and DPSST #

White - Sender > Yellow - Inmates Jail File > Pink - Inmate

J603-R07

February 10, 2012

INMATE MAIL GUIDE

Personal Mail

Inmates may send or receive personal mail from friends, family, or associates on postcards only. Inmates may receive postcards in any size that is delivered by the U.S. Postal Service up to a maximum size of 5-1/2" tall x 8-1/2" wide. Inmates may receive postcards with photographs on one side as allowed by the U.S. Postal Service. The jail does not permit any other form of personal mail for inmates.

Addressing Inmate Mail

Inmate mail must have the inmate's booking number as part of the addressee information. Incoming mail must have a return address to include the name and address of the sender.

Prohibited Mail

Jail staff will not allow an inmate to receive or send mail that-

- 1. Contains
 - a. Threats of physical harm, blackmail, extortion, or other criminal activity.
 - b. Plans for escape, criminal activity, or activity that violates jail rules.
 - c. Gang-related material.
 - d. Information that, if conveyed, could result in physical harm to someone.
 - e. Sexually explicit materials
 - f. Inflammatory material
 - g. Contraband materials including but not limited to such commonly mailed items as:
 - (1) Books larger than 9 by 12 inches or with plastic or metal bindings
 - (2) More than three books in a single piece of mail
 - (3) Controlled substances as defined by ORS 475.525
 - (4) Foreign substances, such as:
 - (a) Bodily fluids
 - (b) Lipstick or perfume
 - (c) Glue or paint
 - (d) Anything with an unusual stain or odor that indicates a foreign substance may be present
 - 2. Is written in code or suspected code
 - 3. Was a form of written communication not sent through the USPS or other approved system
 - 4. Is to or from a victim of a crime that the inmate is in custody for in either pretrial or sentenced status.
 - 5. Would violate a court order.
 - May produce a hostile work environment, such as sexual harassment.
 - 7. Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms.
 - 8. Is fraudulently marked as legal or official mail.

EXHIBIT D

TO

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PERSON NOT HERE

CONTRABAND

BEET CASE CO

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REFUSENIOLATES SECURITY

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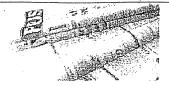
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Logged in as: Lucy Lennox Firm: none

Status: Member

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Ridgeway Frank Soffen, now 70 years old, has lived more than half his life in prison, ...

https://www.prisonlegalnews.org/24082 displayArticle.aspx

2/7/2012

EXHIBIT E

TO



.N. \$.5

PLNCOL_Lennox_00129 Ex E to Lennox Decl, Pg 2 of 4

COLUMBIA COUNTY SHERIFF'S OFFICE Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave., St. Helens, OR 97051 Phone: (503) 366-4611 Fax: (503) 366-4644 Web Address: www.co.columbia.or.us/sheriff



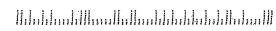
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016H16501628

\$00.450 02/14/2012 Mailed From 97051 US POSTAGE

Lucy Lennox 4128 S Hatch Spokane, WA 99203

992099424 0012



J603-R07

February 10, 2012



Address: 901 Port Ave. St. Helens, OR 97.051 Phone: (503) 366-4611 Fax: (503) 366-4644

PROHIBITED MAIL NOTICE

Lury Lennox		Date: _	2-11-12 *
Lury Lennox 4128 S Hatch			
Spokane, WA	99203		,
Because of rules contained		ounty Jail Inmate Mai	il Policy,
we are \square returning or ${\mathfrak l}$	I confiscating th	ne 🗆 letter or 🗆 p	ublication
you sent to inmate $\int \int_{a} $	ighnessy Wi	Mans, Boo	oking # <u>201/000534</u>
The mail was denied for the	following reason(s	s):	
⊠ It is deemed personal ma	il and not on a post	card.	
☐ It contains sexually expli	cit material at page	(s):	
☐ It contains prohibited ma	terial or a foreign s	ubstance:	
☐ It did not come directly f	rom a publisher, bo	ok club, or bookstore	e.
\Box It contains plans for esca	pe, criminal activity	y, or activity that viol	ates jail rules.
☐ It contains inflammatory their religion, race, gende☐ Other		idvocating violence a	gainst a group based upon
The reverse side of this letter is an information. You may also go to the number was also notified of this de	the jail's web page at w	ww.co.columbia.or.us/sh	n mail rules and complaint eriff to find the information. The
y sending in a written letter stati of this letter. Your appeal should nd include your name and return	ng the reasons you belic identify specifically wh address. You are not r	eve that the decision was ny you believe that our de equired to provide a phon	denied, you may appeal the decision wrong within 15 days from the date cision to deny the mail was wrong the number, but it may be useful if afteen days of receiving it. Please
· /.		nied Mail Appeal ounty Sheriff's Office e.	

White - Sender * Yellow - Inmates Jail File * Pink - Inmate

J603-R07

February 10, 2012

INMATE MAIL GUIDE

Personal Mail

Inmates may send or receive personal mail from friends, family, or associates on postcards only. Inmates may receive postcards in any size that is delivered by the U.S. Postal Service up to a maximum size of 5-1/2" tall x 8-1/2" wide. Inmates may receive postcards with photographs on one side as allowed by the U.S. Postal Service. The jail does not permit any other form of personal mail for inmates.

Addressing Inmate Mail

Inmate mail must have the inmate's booking number as part of the addressee information. Incoming mail must have a return address to include the name and address of the sender.

Prohibited Mail

Jail staff will not allow an inmate to receive or send mail that-

- Contains
 - a. Threats of physical harm, blackmail, extortion, or other criminal activity.
 - b. Plans for escape, criminal activity, or activity that violates jail rules.
 - c. Gang-related material.
 - d. Information that, if conveyed, could result in physical harm to someone.
 - e. Sexually explicit materials
 - f. Inflammatory material
 - g. Contraband materials including but not limited to such commonly mailed items as:
 - (1) Books larger than 9 by 12 inches or with plastic or metal bindings
 - (2) More than three books in a single piece of mail
 - (3) Controlled substances as defined by ORS 475.525
 - (4) Foreign substances, such as:
 - (a) Bodily fluids
 - (b) Lipstick or perfume
 - (c) Glue or paint
 - (d) Anything with an unusual stain or odor that indicates a foreign substance may be present
 - 2. Is written in code or suspected code
 - 3. Was a form of written communication not sent through the USPS or other approved system
 - 4. Is to or from a victim of a crime that the inmate is in custody for in either pretrial or sentenced status.
 - 5. Would violate a court order.
 - 6. May produce a hostile work environment, such as sexual harassment.
 - 7. Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms.
 - 8. Is fraudulently marked as legal or official mail.

EXHIBIT F

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Inmate Mail

The inmate mail policy is under review at this time.

Last Updated on Tuesday, 24 January 2012 08:11

A - Recent Headlines

- Sheriff's Office Releases 2011 Annual Report
- Neighbors Thwart Daytime Burglary near
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 CCSO requests public assistance in identifying robbery suspect
- CCSO Search and Rescue Locates Body of Missing

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facebook

CCSO is on facebook!

CCSO UP CLOSE

Informational Video on your Sheriff's Office



Valid XHTML and CSS.

Columbia County Sheriff's Office 901 Port Ave., St. Helens, OR 97051 (503) 366-4611 | Emergencies: Dial 911

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