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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

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

v.

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

No. 3:12-CV-71-SI

SECOND DECLARATION OF PAUL
WRIGHT IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

I, Paul Wright, declare 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.
2. I am the founder and editor of Prison Legal News ("PLN"), a project of the Human Rights Defense Center (HRDC).
3. Since 1990 I have been the editor and co-founder of the monthly magazine *Prison Legal News* and the executive director of the Human Rights Defense Center ("HRDC"), a 501(c)(3) non-profit corporation organized under Washington law in 1991 as Prisoners' Legal News.
4. For the past 21 years, the core of HRDC's mission has been public education, prisoner education, advocacy, and outreach in support of the rights of prisoners and in furtherance of basic human rights.
5. One of the projects of HRDC is the operation of Prison Legal News ("PLN"), which publishes a monthly magazine of the same name, maintains a website, operates an email list, distributes books of interest to prisoners and publishes self-help, non-fiction reference books.
6. Prisoners of all types (from pre-trial detainees to convicts), family and friends of prisoners, and prisoner advocates, are among the intended beneficiaries of PLN's activities.
7. I am frequently contacted by individuals who are concerned about the health and well-being of one or more prisoners, and who are seeking information or materials from PLN on issues related to prisoners' rights.
8. PLN's website, www.prisonlegalnews.org, gets approximately 100,000 unique visitors per month. The website contains over 23,000 articles, 9,000 court opinions, and 5,000 legal documents in its brief bank and in excess of 4,000 documents in its publications library. The PLN website is the largest online repository of data related to detention facility news and litigation in the world. It is updated on a daily basis.

9. Since prisoners do not generally have access to the internet, they rely on friends, family members and other supporters who are not incarcerated to download and print articles from PLN's website and mail those documents to the prisoners in jails or prisons.

10. PLN has purposely designed its website so that non-prisoners can research topics of interest and importance to prisoners, and then download, print and mail the information to prisoners because PLN lacks the resources to communicate this information individually to each and every prisoner who desires it.

11. In fact, PLN's website invites anyone who corresponds with prisoners to utilize the material on the website to educate prisoners. The website states: "Prisoners generally do not have internet access. We encourage the distribution of information on our website to incarcerated persons by printing it out and mailing it to them. If you are volunteering your time to research a topic for someone in prison, jail or other detention facility please feel free to print out articles and send them to the prisoner." Exhibit 1, at 3, is a true copy of the web page containing this language.

12. Exhibit 2 is a true copy of an email I received on July 6, 2011 referencing our website invitation to print material to send to prisoners, asking questions about whether her brother in prison in North Carolina has the right to receive materials printed from the internet. We have redacted the author's name to protect her privacy.

13. PLN also operates a free email listserv, which has approximately 1,500 subscribers who receive scores of emails on a weekly basis related to detention facility news and litigation. Many of the recipients of these emails print and mail articles of interest to friends and relatives in prisons and jails.

14. In fact, several times per week, friends or relatives contact me by telephone asking me to talk them through the steps of locating material on a particular topic of interest or need on PLN's website for the stated purpose of printing and mailing it to a prisoner who is their family member or friend.

15. The Columbia County Jail's adoption of its Postcard-Only Policy means that no family member, no friend, nor any other concerned individual can ever utilize PLN's website to print and mail information from PLN's website or listserv to prisoners in custody in the Jail. The policy prevents prisoners from receiving free material on the PLN website about prisoners' criminal or civil legal rights, about health and safety issues in Jail, about reasonable accommodation or treatment of medical or mental health issues, about their right to effective assistance of counsel and how to represent themselves in court, or about a host of other important issues to prisoners.

16. Indeed, the Jail's policy prevents individuals from mailing to prisoners from the website PLN's article reporting the Ninth Circuit's opinion in *Clement v. California Dep't of Corr.*, 364 F.3d 1148, (9th Cir. 2004), which informed readers that "The Ninth Circuit Court of Appeals upheld the statewide permanent injunction issued by the U.S. District Court (N.D. Cal.) enjoining the California Department of Corrections' (CDC) policy prohibiting prisoners from receiving Internet-generated mail." Exhibit 3 is a true copy of PLN's article available on our website. The Jail's policy also prevents prisoners from receiving in the mail the amicus brief filed by Prison Legal News in *Clement* on July 1, 2003, in which PLN informed the Ninth Circuit Court of Appeals:

PLN...maintain[s] a Web site (www.prisonlegalnews.org) where it provides back issues for download, links to other Web sites relevant to prison legal issues, and subscription order forms. PLN often receives printouts of these order forms from first-time subscribers who are incarcerated. As prisoners lack Internet access of their own, they must receive these forms after they are printed out and mailed to them by friends or family. When resources allow, PLN intends to extend its Web site to include legal briefs and other informational material of use to prisoners and prisoner-rights activists. Again, prisoners would have to rely on non-incarcerated friends and family to download, print, and mail those materials to them.

Exhibit 4, at 2-3 (a true copy of excerpts of PLN's amicus brief in *Clement*). Now, eight years later, PLN no longer has subscription order forms available for printout on its website because print subscriptions can now be purchased online, but it has met its stated goal in hosting "legal briefs and other informational material" for purposes of downloading, printing and mailing to

prisoners. Exhibit 5 is a true copy of PLN's webpage on which the amicus brief can be downloaded by individuals who want to send it to incarcerated persons.

17. Without question, Defendants' Postcard-Only Policy prohibiting family, friends, and other individuals from mailing to prisoners materials printed off PLN's website frustrates PLN's core mission of educating prisoners.

18. Just two weeks ago an individual notified me that she had recently mailed envelopes containing articles printed from the PLN website to prisoners at the Columbia County Jail. She notified me that the envelopes were refused by the Jail and returned to her unopened, marked "Return to Sender" and "Contraband."

19. I am frequently contacted by prisoners and by individuals who correspond with prisoners who complain of prison or jail censorship or of violations of due process rights. As part of PLN's mission of education and advocacy for prisoners' rights, my staff and I respond to complaints, investigate them, and are sometimes able to take action to remedy them.

20. Beginning in at least February 2011, prisoners in custody at the Columbia County Jail contacted Prison Legal News complaining that the Jail's Postcard-Only Policy interfered with their rights to send and receive mail and asked PLN for help to stop the Jail's violation of their rights.

21. Exhibit 6 is a true copy of a postcard that PLN received from Columbia County Jail prisoner Robert Mead in March 2011.

22. Exhibit 7 is a true copy of a postcard from Spokane County Jail prisoner Cedric Burton to Prison Legal News postmarked September 10, 2010, which states,

I have received mail rejection slips regarding my family sending me mail or Pictures. I have a 15 month old daughter, and am missing inches off her toes (Growth). My grandfather is very ill and doesn't know anything about these new mail changes. He shouldn't have to go out of his way or search for ways to accommodate jail rules. In reference to this new "Jail Rule," I can't receive Pictures, mail, "I miss you dad!" cards, or any other only contact or communication from my family. It is very stressful and psychologically tormenting. I can't sleep or eat well due to this harassment. In addition, it raises constitutional concerns; it in itself is Prejudicial error to my expectation of

Privacy right for officers/Postal workers to have visual access to the content of my mail.

Exhibit 7 also includes a transcription of this postcard because the best photocopy of the original is still too light to read in places.

23. I and members of my staff received, read, and responded to the correspondence of these and other Columbia County Jail prisoners who complained that they and their families were prohibited by a new Jail mail policy from sending letters to each other. We conducted an investigation into their complaints, researched the issue, and strategized actions that PLN could take to educate the prisoners and their families on their legal rights and advocate to protect their First Amendment rights.

24. As a result of the Jail's adoption of its postcard-only policy prohibiting these prisoners and their families from communicating by letter, Prison Legal News was forced to divert its limited resources from other matters to review, respond, and investigate their complaints, and to strategize whether and how PLN could advocate for their First Amendment rights. PLN expended the cost and diversion associated with staff spending several hours on these activities and the cost of postage necessary to communicate with the complaining prisoners. We also received and responded to phone calls from friends and family members of Columbia County Jail prisoners asking for our expertise and assistance in this matter. Additionally, the Defendants' interference with family members or friends communicating with prisoners—especially those seeking help directly from PLN—frustrated PLN's mission of national education and advocacy for prisoners' rights. PLN only has four full time employees in our Vermont office and we have many tasks to accomplish each day in order to publish a monthly magazine: processing book and subscription orders; banking, research, advertising, advocacy, editing, etc. The diversion of our very limited resources from the essential task of producing, publishing and disseminating our publications due to censorship means we have fewer resources to carry out our core public education mission. However, if we ignore these

censorship issues we face the prospect of eventually not being able to reach our prisoner audience at all.

25. Prisoners at the Spokane County Jail in Washington also contacted Prison Legal News complaining about the Jail's mail policy—which, like the Columbia County Jail Policy, restricted incoming and outgoing mail to postcards.

26. Exhibit 8 is a true copy of a postcard from Spokane County Jail prisoner Samuel Bertolet to Prison Legal News stamped "Received" by PLN in September 2010, which states that "I am currently incarcerated in Geiger Corrections Center where the mail is restricted to postcards. My attorney sent me a letter concerning you and the action you are taking to get us our rights back. I am glad to hear that someone is fighting for us, and I am also grateful to hear what you are doing." Mr. Bertolet wrote that "My only source of letting my family know about certain facts about my case and other important personal details of my life is through the mail and I feel as if there is no privacy whatsoever concerning myself and my loved ones."

27. Exhibit 9 is a true copy of a postcard from Spokane County Jail prisoner Kevin Nichols to Prison Legal News postmarked September 2, 2010, which states that he is contacting PLN "about what the Spokane County is doing to are [sic] mail if you can see its on the post card system they set up we are no longer able to send or receive mail only post cards no pictures from loved ones of my kids or family.... My family will be trying to contact you too."

28. Exhibit 10 is a true copy of five (5) pages of the Columbia County Jail Inmate Manual dated "7/23/10" that PLN received from a prisoner.

29. Exhibit 11 is a true copy of a postcard from Spokane County Jail prisoner Daren Suiter to Prison Legal News marked "Received" on September 13, 2010, stating:

I do not believe that the use of postcards is even close to being able to send or receive personal information we are now completely open 4 interpretation how the jail sees fit. I am a 32 yr old male with children and am not able to use the phone to communicate with my children or family[.] I cannot receive pictures or anything else of the sort and try to explain this to a nine yr old let alone a 8 or 6 yr old and I know there a lot of people in the county Jail in the same boat/under the same circumstances....

Mr. Suiter then wrote: “This is a list of inmates who also believe this[.] Thank you from all of us,” which is followed by the signatures of six other prisoners along with their Jail identification numbers.

30. Exhibit 12 is a true copy of an envelope from Spokane County Jail prisoner Caleb Nichols to Prison Legal News postmarked “September 29, 2010,” enclosing a letter that states, in part: “I’m contacting you do to the mail at the S.C.J. Spokane County Jail. They have stoped [sic] the mail to & from inmates that R in envelopes other than legal and even then they look at it before we can seal it. All of are [sic] mail to family-n-loved ones are on a postcard for the public to read... I was told you might be able to help. This is the refusal form they give me rather than my letters. Thank you.”

31. In 2011, PLN filed a lawsuit against the Spokane County Jail, challenging its Postcard-Only Policy, its Magazine Policy, and its inadequate due process procedures. CV-11-029 RHW. PLN successfully obtained a Consent Decree permanently enjoining the Defendants from: enforcing its Postcard-Only Policy; rejecting publication on a categorical basis, and rejecting mail without giving constitutionally adequate due process. *See* Dkt. 31 at Ex. B pgs. 7-8.

32. In 2011, after receiving numerous complaints from the prisoners at the Chelan County Jail in Washington, PLN filed a lawsuit against the Chelan County Jail, challenging its ban on periodicals, magazines, and books, and its failure to provide adequate due process. CV-11-337 EFS. PLN successfully obtained a Consent Decree permanently enjoining the Defendants from: rejecting mail because it is a periodical, magazine, publication, catalog, brochure, or book; and rejecting mail without giving constitutionally adequate due process. Exhibit 13 is a true copy of the Consent Decree in that case.

33. Based on my personal knowledge—from knowing hundreds of prisoners and their families, reading countless government and other sources about prison conditions and issues affecting prisoners and their families, writing and editing PLN for 21 years, and trying to find lawyers to litigate on behalf of prisoners’ rights—I know the following facts to be true:

Individuals incarcerated in jails face enormous obstacles to successfully obtaining judicial relief for constitutional violations related to the conditions of their confinement. These include: the fact that the average duration of a prisoner's stay in a county jail might be less than the period of time in which defendants have just to answer a complaint; the fact that the vast majority of county jail inmates are struggling to cope with other personal crises related to the disruption that sudden incarceration has wreaked on their lives; a lack of legal training; lack of financial resources; high levels of functional illiteracy; ignorance of the legal system and how to use it to vindicate constitutional rights; high rates of mental illness; and a lack of English language skills all contribute to make it difficult for prisoners to successfully vindicate their rights. Friends and family members of prisoners who wish to vindicate their First Amendment rights to send and receive letters from prisoners also face similar obstacles, with additional concerns that any attempt to vindicate their constitutional rights will lead to retaliation or negative consequences for their incarcerated loved one. Nationally, the number of lawyers with the capacity, resources and desire to litigate these issues on behalf of prisoners and their families is miniscule so for the vast majority of prisoners and their families and friends access to a lawyer to vindicate their First Amendment rights is non-existent.

34. As PLN stated eight years ago in its amicus brief to the Ninth Circuit in *Clement*,

PLN has litigated the speech rights of prisoners and their correspondents in order to preserve its own ability to accurately report and effectively distribute legal news relevant to prisoners.... PLN, because of its reliance on the Internet in continuing its mission to provide timely and accurate legal news to prisoners and concerned citizens, and as evidenced by its past involvement in similar litigation, has a strong interest in defending the right of prisoners to receive, and non-incarcerated citizens to send, mail containing speech printed from the Internet.

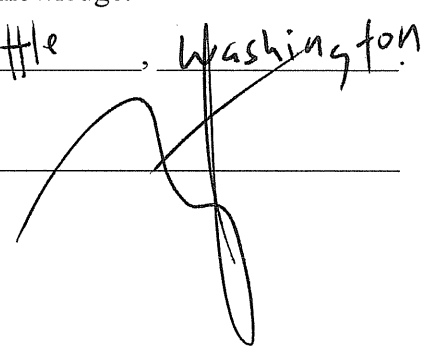
Exhibit 4, at 3. In light of society's fast growing reliance on the internet and the increasing population of prisoners in America, PLN's legal interest in vindicating the rights at stake in this litigation is stronger than ever.

35. Although it fluctuates, in the past 12 months, PLN has had on average 20 subscribers in the Columbia County Jail.

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

DATED this 6th day of March, 2012, at Seattle, Washington.

Paul Wright

A handwritten signature in black ink, appearing to be 'Paul Wright', is written over a horizontal line. The signature is stylized with a large loop and a vertical stroke.

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:

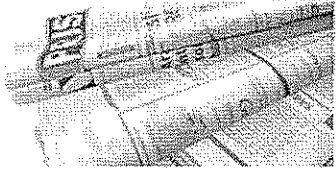
- **Marc D. Blackman**
marc@ransomblackman.com, pat@ransomblackman.com
- **Gregory R. Roberson**
grr@hartwagner.com, cej@hartwagner.com
- **Lance Weber**
lweber@humanrightsdefensecenter.org
- **Jesse Wing**
JesseW@mhb.com

MACDONALD HOAGUE & BAYLESS

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

EXHIBIT 1
TO
SECOND DECLARATION OF PAUL WRIGHT

PRISON LEGAL NEWS
Dedicated to Protecting Human Rights



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Frequently Asked Questions

If you would like more information about PLN you can call our office at (802) 257-1342, or you can email us at <mailto:info@prisonlegalnews.org>.

Q. What is Prison Legal News?
A. Prison Legal News is an independent 56-page monthly magazine that provides a cutting edge review and analysis of prisoner rights, court rulings and news about prison issues. PLN has a national (U.S.) focus on both state and federal prison issues, with international coverage as well. PLN provides information that enables prisoners and other concerned individuals and organizations to seek the protection and enforcement of prisoner's rights at the grass roots level. PLN is published by the Human Rights Defense Center.

Q. What sorts of issues does PLN cover?
A. Prison Legal News' coverage includes court access, disciplinary hearings, prison conditions, excessive force, mail censorship, jail litigation, visiting, telephones, religious freedom, free speech, prison rape, abuse of women prisoners, retaliation, the Prison Legal Reform Act (PLRA), medical treatment, AIDS, the death penalty, control units, attorney fees and much more. Sample copies of the most recent copies of PLN are posted on our homepage in PDF format.

Q. What is PLN's circulation and readership?
A. As of November 2011 PLN has a circulation of approximately 7,000 hardcopy issues per month. PLN also has subscribers in European and Asian countries. About 65% of PLN's subscribers are state and federal prisoners, and PLN has prisoner subscribers in all fifty states. Based on PLN's November 2009 reader survey each subscriber's magazine is read by an average of almost 10 people, so the monthly readership of PLN is around 70,000. PLN also posts all of its back issues on its website. Those back issues have the complete content of the magazine, including all advertisements.

Q. What type of people subscribe to Prison Legal News?
A. About 65% of PLN's subscribers are state and federal prisoners. The balance of PLN's subscribers include civil and criminal trial and appellate attorneys, public defender agencies, journalists, academics, paralegals, university and law school libraries, prison law libraries, investment bankers, prison rights activists, students, family members of prisoners and concerned private individuals. State-level government officials also subscribe to PLN, including attorney generals, prison wardens, and members of other prisoner related agencies.

Q. How does PLN support its operations?
A. PLN is a project of the Human Rights Defense Center, a 501(c)(3) non-profit organization that is primarily funded by subscription and advertising revenue, foundation grants, book sales and individual donations. Subscription rates for prisoners are kept at a near subsidized level by the higher rates for non-prisoners and advertising revenue that enable PLN to cover its operating costs. PLN's financial self-sufficiency enables it to maintain complete editorial independence. We also gratefully accept donations and grants and receives grants from several large foundations.

Q. Does PLN have prisoner oriented advertising?
A. Yes. Each issue of PLN has numerous advertisements from businesses and organizations nationwide that provide prisoner related personal and legal services and books. PLN only accepts advertisements from sources that provide their products or services in a manner consistent with their claims. PLN does turn down ads for products or services that were not reputable or were contrary to the editorial content of PLN. We are not a profit-driven publication. Therefore we can turn down advertising without having to worry about antagonizing shareholders expecting a satisfactory return on their investment.

Our website accepts advertising for a wide variety of products and services that are of interest to our website users.

Q. What does an advertisement in PLN cost?

A. PLN's prisoner advertising rates can be viewed by going to the tab that says "advertising." Contact us about website advertising.

Q. Does PLN sell books?

A. Yes. PLN directly sells about four dozen prisoner oriented books, and indexes of past PLN issues. You can either order over the Internet with your Visa or MasterCard, you can call PLN's office and order with your Visa or MasterCard, or you can print the pages on your printer and mail your order to PLN with the appropriate payment. A flat shipping and handling charge of \$6 applies to all book and index orders under \$50. Orders \$50 and more are shipped at no extra charge. All PLN book and index orders are mailed at the U.S. Postal Service's media mail rate with the delivery confirmation option. Delivery confirmation provides PLN with a legal record of when a book and index purchase is delivered to a prison facility. This protects both the purchaser and PLN from prison mail rooms that are not conscientious in delivering mail.

Go to the PLN bookstore for more details.

Q. How long has PLN been published?

A. PLN has been published monthly since May 1990.

Q. How is PLN produced?

A. Prison Legal News has six full-time employees. We also have work study students, volunteers, part time employees and others who help as needed.

Q. How does PLN get the information published in the magazine?

A. PLN is on all the online news feeds for prison and jail news. PLN has a subscription exchange arrangement with scores of other publications, from well-known alternative magazines to very small, independent newsletters. Another valuable source of information is the scores of newspaper clippings about prison related matters mailed to PLN by readers in the U.S. and other countries. Imprisoned PLN readers also regularly send first person accounts that provide PLN with "inside scoops." Many readers also send "unpublished" court rulings that are a valuable source of not normally reported information. PLN also investigates, develops and breaks news stories, some of which have been picked up by other media. Online research by PLN staff are also a valuable source of news stories.

Q. Who writes for PLN?

A. PLN has "regular" writers and also solicits and publishes articles written by other writers, many of them in prison. Authors and activists who have published in PLN include: Noam Chomsky, Dan Savage, William Kunstler and Ron Kuby, Mumia Abu-Jamal, Ken Silverstein, Jennifer Vogel, Adrian Lomax, Raymond Luc Levasseur, John Perotti, Willie Wisely, Christian Parenti, William Greider, Noelle Hanrahan, and many, many more.

Q. Where is PLN located?

A. PLN's business and editorial office is located in Brattleboro, Vermont.

Q. Who manages PLN's day-to-day operation?

A. PLN's editor is Paul Wright who is also the executive director of the Human Rights Defense Center, the non profit umbrella which publishes PLN. Susan Schwartzkopf is our business manager.

Q. Who is PLN's editor?

A. PLN is edited by Paul Wright. He can be contacted by the information listed on PLN's Contacts webpage.

Web: Contact Us

Email: <mailto:pwright@prisonlegalnews.org>

Q. What other media work does PLN do?

A. In addition to this website and its monthly magazine PLN published a critically acclaimed anthology titled The Ceiling of America: An Inside Look at the U.S. Prison Industry. PLN's second book: Prison Nation was released in January 2003. PLN's next book: Prison Profiteers: Who Makes Money from Mass Imprisonment was published by The New Press in January, 2008. PLN's editor, Paul Wright, and our associate editor Alex Friedmann, do interviews with journalists and media personalities seeking information about prison issues. We also work with other media to develop and distribute prison related stories and news items. Click here to go to PLN's Media Interview Page.

Q. How much does a subscription to PLN cost?

A. Subscriptions are \$30/yr for prisoners, \$35/yr for non-incarcerated individuals, and \$90/yr for lawyers, government agencies and corporations. PLN regularly offers one or more special subscription "specials" at any given time. The current subscription "specials" are listed on the Subscription webpage accessed by clicking on Subscribe Today!

Q. How do I subscribe by mail or telephone to PLN?

A. You can print out the Subscription Order Form and mail it with the a check or money order for the correct amount to: Prison Legal News, P.O. Box 2420, West Brattleboro, VT 05303.

If you have a Visa or MasterCard you can order a subscription and/or any book sold directly by PLN by calling our office at 802 257-1342 from 9:00 am to 5:00pm (East Coast Time) Monday through Friday.

Q. Can prisoners access or receive the material and information on the Prison Legal News website?

A: Prisoners generally do not have internet access. We encourage the distribution of information on our website to incarcerated persons by printing it out and mailing it to them. If you are volunteering your time to research a topic for someone in a prison, jail or other detention facility please feel free to print out articles and send them to the prisoner.

Q. What if I don't want to subscribe, but would like to make a contribution to Prison Legal News?

A. As a 501(c)(3) non-profit organization, donations to PLN or the Human Rights Defense Center can be tax deductible. The same procedures are followed to mail or phone a contribution to PLN that are outlined above to subscribe. You can also donate online via our homepage. In addition to accepting contributions at any time of the year, PLN has an annual fund drive. Contributions are used to fund PLN promotional programs and to ensure that low cost subscriptions can continue to be offered to prisoners.

Q. If I live in the New England area, can I do volunteer work for PLN?

A. Sure. PLN has a regular need for people willing to volunteer a few hours of their time to do envelope stuffing and sorting, particularly during the last week of each month. That time enables PLN's paid staff to focus on the business of running an internationally distributed magazine. As a non-profit organization, PLN is also always interested in people with specialized skills related to fundraising. Contact PLN's office at 802 257-1342 if you have any questions related to volunteering a few hours of your time or you want to contribute your specialized fundraising skills. We maintain a list serv on Google Groups for our Vermont area volunteers who are interested in helping out locally.

Thanks for having an interest in Prison Legal News, and we hope you decide to support our important work by subscribing, advertising, or contributing time or money to PLN!



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EXHIBIT 2

TO

SECOND DECLARATION OF PAUL WRIGHT

Redacted

From: Redacted

Sent: Wednesday, July 06, 2011 23:50

To: pwright@prisonlegalnews.org

Subject: question regarding receipt of material from Prison Legal News

My brother is incarcerated in North Carolina DOC. He called me today to notify me that there was a "memo" placed around the prison to notify inmates that

Effective immediately July 11th inmates are no longer allowed items printed off the internet.

In trying to ascertain if this was a violation of my brother's rights at all, I found your website and noticed this in the FAQ section:

"Q: Can prisoners access or receive the material and information on the Prison Legal News website?"

A: Prisoners generally do not have internet access. We encourage the distribution of information on our website to incarcerated persons by printing it out and mailing it to them. If you are volunteering your time to research a topic for someone in a prison, jail or other detention facility please feel free to print out articles and send them to the prisoner.

Do you know if it is against any rights my brother has to receive information printed off the internet? For instance, I recently sent him numerous documents from a medical journal to help him diagnose symptoms he has been having that mimic carpal tunnel or a pinched nerve. I've also sent him NC statutes regarding other rules for prisoners, the law pertaining to copyrights, any many religious materials pertaining to his studies and faith, etc. I have never sent him anything that would pose a threat to the security of the prison system, any pornographic content, etc. And certainly this memo was not specifically sent to my brother, rather all inmates but it is a concern to me if I will not be able to aide my brother by sending him things from the internet- it seems like somehow this is not appropriate? Does this also pertain to emails printed off and sent to him? Blog feeds that are printed and sent regarding the football lockout?

Have you any insight or anywhere you can point me to see if in fact there is something that can be done about this? Among many other things, this is one thing that I feel is certainly a violation of rights, but I'm just not sure how to know for certain before I risk getting my brother in trouble by pursuing this further.

Thank you for your time.

Redacted

- sister of an inmate in the NC prison system

EXHIBIT 3
TO
SECOND DECLARATION OF PAUL WRIGHT



PRISON LEGAL NEWS
Dedicated to Protecting Human Rights



Logged in as: Carrie Wilkinson
Firm: MacDonald Hoague Bayless
Status: Member

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California Internet Injunction Upheld

The Ninth Circuit Court of Appeals upheld the statewide permanent injunction issued by the U.S. District Court (N.D. Cal.) enjoining the California Department of Corrections' (CDC) policy prohibiting prisoners from receiving Internet-generated mail. Prison Legal News also filed a friend of the court brief on behalf of the plaintiff in this case. The brief was drafted by Tien Lee of the Electronic Frontier Foundation on PLN's behalf.

Frank Clement, a prisoner at Pelican Bay State Prison (PBSP) had successfully prosecuted a writ of habeas corpus in the district court to enjoin PBSP officials from implementing their policy of arbitrarily prohibiting prisoner mail solely because it was Internet-generated. Affecting only about 500 of PBSP's 300,000 letters per month, and not meeting any of the "legitimate penological interest" tests of *Turner v. Safley*, 482 U.S. 78 (1987), the policy was deemed a prima facie violation of Clement's First Amendment rights. Because in the meanwhile, eight other CDC prisons had implemented copycat regulations in an attempt to bootstrap the ban into a statewide truism, District Judge Claudia Wilken broadened the sweep of her order into a statewide injunction. See: *Clement v. California Dep't of Corrections*, 220 F.Supp.2d 1098 (N.D. Cal. 2002); PLN, Feb. 2003, p.19.

CDC appealed, complaining that the injunction was broader than necessary to remedy the First Amendment violation. The Ninth Circuit strongly disagreed. It noted that CDC's ban was unconstitutional because it discriminated against the source of the mail, not because such mail violated some legitimate penological or security principle. The court further observed that this unconstitutional defect would not be cured by implementing the ban at other prisons, as CDC had suggested. In fact, since PBSP is California's most secure prison, if the ban didn't pass constitutional muster there, it would not pass elsewhere thus justifying the statewide breadth of the injunction.

In its First Amendment analysis, the court relied upon *Prison Legal News v. Cook*, 238 F.3d 1145 (9th Cir. 2001) [prison regulation banning standard rate mail implicates both publisher's and prisoner's First Amendment rights] to conclude that prisoners retain their First Amendment rights to receive information while incarcerated. Adopting the district court's thorough analysis, the Ninth Circuit agreed that a blanket ban on Internet-generated mail was an arbitrary way to reduce mail volume; that it failed the *Turner* test because such policy did not demonstrate a rational connection to a legitimate penological interest; that it was no more likely to contain dreaded coded messages than otherwise-permitted word-processed documents; and because Internet-generated mail was inherently more, not less, amenable to tracking of its origin than any other type of mail. The court next found the ban sufficiently narrowly drawn, citing *Ashker v. California Dept of Corrections*, 350 F.3d 917 (9th Cir. 2003) [PLN, Aug. 2004].

The Ninth Circuit agreed with the district court's analysis, based on *Armstrong v. Davis*, 275 F.3d 849, 870-872 (9th Cir. 2001) [scope of relief dictated by extent of violation established], that to nip this spreading ban in the bud would forestall repetitive litigation at CDC's 33 other prisons. The court found the injunction conservative in that it did not require court supervision, enjoined only an unconstitutional policy and did not interfere with prison mail security measures. Accordingly, the Ninth Circuit affirmed the district court upholding the statewide injunction. See: *Clement v. California Department of Corrections*, 364 F.3d 1148 (9th Cir. 2004). Note: PLN previously reported the enjoining of a similar ban in Arizona prisons. (See: *Canadian Coalition Against the Death Penalty v. Ryan*, 269 F.Supp.2d 1199 (D. AZ 2003); PLN, Dec. 2003, p.35.)

BREAKING NEWS

EXHIBIT 4
TO
SECOND DECLARATION OF PAUL WRIGHT

**In the
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Case No. 03-15006

FRANK CLEMENT,
Plaintiff-Appellee,

v.

CALIFORNIA DEPARTMENT OF CORRECTIONS, et al.,
Defendants-Appellants.

**On Appeal from the United States District Court
For the Northern District of California, Judge Claudia Wiken,
Case No. C 00-1860 CW**

**BRIEF OF PRISON LEGAL NEWS AS AMICUS
CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE
FRANK CLEMENT AND IN FAVOR OF
AFFIRMANCE**

Attorneys for Amicus Curiae

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Kevin Bankston
Electronic Frontier Foundation
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San Francisco, CA 94110
(415) 436-9333
(415) 436-9993 (fax)

July 1, 2003

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I. INTERESTS OF AMICUS

Amicus Curiae Prison Legal News (PLN) publishes a 36-page monthly magazine providing cutting-edge review and analysis of prisoner rights, prisoner-relevant legislation and court rulings, and news about general prison issues. This information helps prisoners and other concerned individuals and organizations protect prisoners' rights. Founded in 1990 by two prison inmates with a budget of \$50 and access only to a typewriter and a prison law library, PLN is now a non-profit corporation with three full-time employees, based in Seattle, Washington.

PLN covers such issues as court access, prison conditions, excessive force, mail censorship and other free speech issues, prison rape, abuse of women prisoners, the Prison Legal Reform Act, medical treatment for prisoners, AIDS in prisons, the death penalty, and many more topics of great import to prisoners and those concerned about them. A purposeful publication with limited resources, the PLN magazine uses no color and contains almost nothing but informative text; no space or money is wasted on crossword puzzles or personal ads. Unsurprisingly, this Court has characterized PLN as "core political speech." *Prison Legal News v. Cook*, 238 F.3d 1145, 1149 (9th Cir. 2001).

PLN subscribers and readers include state and federal prisoners, civil and criminal trial and appellate attorneys, judges, public defenders, journalists, academics, paralegals, prison rights activists, students, family members of prisoners, concerned private individuals, politicians and

government officials. As of December 2002, PLN was distributing approximately 4,000 issues per month, including overseas distribution to 23 countries. In the United States, roughly 65% of PLN's subscribers are state and federal prisoners, and PLN has prisoner subscribers in all 50 states. Thirteen percent of its subscribers are located in California, more than any other state.

PLN maintains a stable of regular contributing writers, most of whom are imprisoned. PLN also uses an extensive network of freelance writers, again often imprisoned. To enable imprisoned writers to adequately research and report on an assignment, PLN typically must send source material via mail, such as news articles, case law, and other legal sources concerning prison-related issues, litigation, and legislation. To the extent resources allow, PLN also sends such materials to prisoners who request them, regardless of whether they are contributing writers.

PLN relies extensively on the Internet for much of this material. PLN especially relies on government Web sites, as well as online databases such as Westlaw, Lexis-Nexis, and the free resource Findlaw, to locate and print necessary source materials. Internet sources are particularly important for timely reporting on new court decisions and statutes that have not yet been published on paper.

PLN also relies on the Internet for publicity and distribution, maintaining a Web site (www.prisonlegalnews.org) where it provides back issues for download, links to other Web sites relevant to prison legal issues,

and subscription order forms. PLN often receives printouts of these order forms from first-time subscribers who are incarcerated. As prisoners lack Internet access of their own, they must receive these forms after they are printed out and mailed to them by friends or family. When resources allow, PLN intends to extend its Web site to include legal briefs and other informational material of use to prisoners and prisoner-rights activists. Again, prisoners would have to rely on non-incarcerated friends and family to download, print, and mail those materials to them.

PLN has litigated the speech rights of prisoners and their correspondents in order to preserve its own ability to accurately report and effectively distribute legal news relevant to prisoners. *See, e.g., Prison Legal News v. Cook*, 238 F.3d at 1149 (challenge to a prison regulation banning standard or "bulk" mail); *Prison Legal News v. Schumacher*, USDC OR, Case No. 02-248-MA (negotiated settlement with Oregon Department of Corrections under which all mailings from PLN will now be delivered to prisoners regardless of postal classification).

PLN, because of its reliance on the Internet in continuing its mission to provide timely and accurate legal news to prisoners and concerned citizens, and as evidenced by its past involvement in similar litigation, has a strong interest in defending the right of prisoners to receive, and non-incarcerated citizens to send, mail containing speech printed from the Internet.

Plaintiff has consented to the filing of this brief, and Defendants have

DATED: July 1, 2003

By

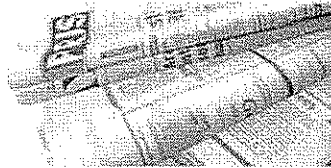
Lee Tien, Esq. (SBN 148216)
Kevin Bankston, Esq. (SBN 217026)
ELECTRONIC FRONTIER
FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333 x108
Facsimile: (415) 436-9993

Attorneys for Amicus Curiae
PRISON LEGAL NEWS

EXHIBIT 5
TO
SECOND DECLARATION OF PAUL WRIGHT

PRISON LEGAL NEWS

Dedicated to Protecting Human Rights



Email

Password

[Member Login](#) [Help](#)

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[Book Review](#) | [FAQ's](#) | [Interviews](#) | [PLN links](#) | [PLN in the News](#) | [Annual Reports](#) | [Referral Directory](#)

[SEARCH](#)

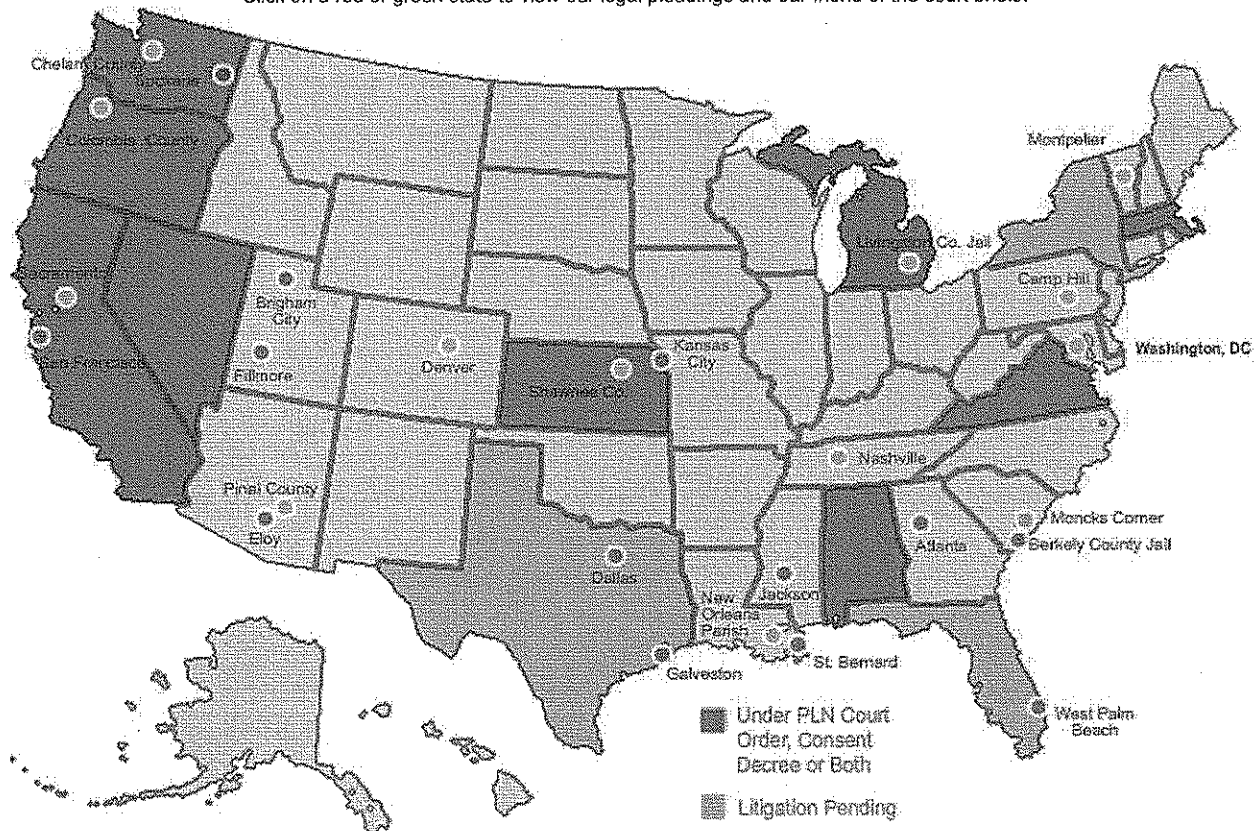
☒ Articles ☐ List Serv Messages

Monday, March 05, 2012 9:06 PM

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www.inmateTollBusters.com

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Click on a red or green state to view our legal pleadings and our friend of the court briefs.



Friends of Court:

- PLN US Supreme Court Amicus Brief in Banks v. Beard. Pennsylvania control unit ban on publications case.
- PLN US Supreme Court Amicus Brief in Goodman v. Georgia. Right of disabled prisoners to collect damages in ADA cases. 2005
- PLN US Supreme Court Amicus Brief in support of certiorari in Jones v. Bock. Michigan PLRA administrative exhaustion case. 2005
- PLN US Supreme Court Amicus Brief in support of plaintiff in Jones v. Bock. Michigan PLRA administrative exhaustion case. 2005
- PLN Amicus Brief, Pavey v. Conley. Support for rehearing en banc in Seventh Circuit Indiana PLRA administrative exhaustion case 2008.
- PLN Amicus Brief, Williams v. Donald, US District Court case, Georgia DOC ban on internet downloads, 2005.

- PLN Amicus Brief, Clement v. CDC, California Ban on Internet Downloads 2003
- Haywood v. Drown, PLN amicus brief, USSC, Right to Sue Prison Employees in State Court, 2008
- Norris v. Nelson, PLN Amicus Brief 8th Circuit, Shackling Women Prisoners in Labor 2008
- Hammer v. Ashcroft, PLN Amicus Brief, Cert Petition to US Supreme Court, 2010
- Matos v. Agharinos HRDC Amicus Brief 9th Circuit Taser 2010
- Smith v. Almada, HRDC Amicus Brief 9th Circuit Police Hiding Exculpatory Evidence 2010



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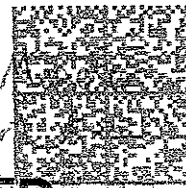
EXHIBIT 6
TO
SECOND DECLARATION OF PAUL WRIGHT



Joe Meek – Oregon's First Sheriff
Picture taken circa 1865

0530382420

From: Robert A. Hasler
901 Port



Hasler

RECEIVED R 77051

MAR 13 2011

COLUMBIA COUNTY
JAIL

To:

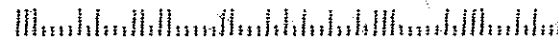
Lance Weber

PO Box 2430

Brattleboro VT

05303

1st Class
015H16501628
Postage
\$00.44
Required
03/13/2011
Mailed From 97051
US POSTAGE



I would like to start by saying, thank you for the free book and trial subscription to PLV. I have received two issues now and really enjoy them. I have not however received the packet of informational brochures.. I have used information out of the book to file 3 medical related grievances and also one on the mail rules. The jail had an overall ban on all books periodicals and publications unless they were religious in nature. I filed a grievance for that infringement upon my first amendment rights to free press and won the grievance. I have filed 3 or medical experienced retaliation suppression and a general cold shoulder response followed by a sweeping under the rug. I am not done and have a lawsuit planned in the near future. I would like to receive more information etc from you guys. I am a mentally ill inmate I experience hallucinations and have severe paranoia, panic disorder, and anxiety. I have done almost 14 years in prisons/jails almost 3 years solitary confinement. I really learned alot from the february 2011 issue of PLV's cover story, Mass torture in america it shed alot of light on why I am the way I am etc. I really want your book prison madness. I am in the process of establishing a guilty except insanity defense. I think I could learn alot from that book and maybe use parts to help in my case. After my release from 18 months solitary confinement directly to the streets I have struggled really bad. I hide in closets or under beds for no reason I run when no one chases me etc. Long story short I panicked when a cop tried to pull me over and I got in a high speed chase. Any information or help that you may offer or maybe a reference would be awesome!!! Thank you again oh and you like the post card? I'd send copies of my grievances etc but they won't fit on the card I'm filling out the next!

EXHIBIT 7
TO
SECOND DECLARATION OF PAUL WRIGHT

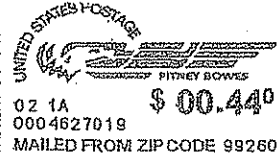
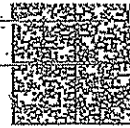
I'm a U.S. Citizen. Detained at
in the SPOKANE COUNTY Jail. I have
received mail rejection slips regard-
ing my family sending me mail or
pictures. I have a 15 month old
daughter, and am missing inches
out her toes (growth). My Grand-
father is said "and don't know
any more about them, you shall
know". He shouldn't have to go
out of his way or search for ways
to accommodate jail rules. In
reference to this new "Fair Rule,"
I can't receive pictures, mail,
"I miss you dad." cards, or
any other only contact or commu-
nication from my family. It is
very stressful and psychologically
tormenting. I can't sleep or eat
well due to this. I am adding
\$100.00 per week to my official
effect. The prison workers refuse
to have visual access
to the content of my mail. If

Name Cedric E. Burton

CCID# 313627

Cell# 6W20

Spokane County Jail
1100 W. Mallon
Spokane, WA 99260



Taul Wright: Editor

Prison Legal News

P.O. BOX 2420

West Brattleboro, VT 05303

INMATE CORRESPONDENCE

SI
OFF

278

Simply frustrates the Purpose of our Constitutional Guarantee our founding fathers have established, and has been settled long, many years ago. If im not mistaken, my right to Privacy has been the First amendment since the 1800's. I think we should not forget that we are a Government of law and not of men.

P.S. Please send me the 100-1000 and 10-1000 Low bands. (10/10)

1 Jesse Wing, WSBA #27751

Hon. Robert H. Whaley

JesseW@mhb.com

2 Katherine C. Chamberlain, WSBA #40014

KatherineC@mhb.com

3 MacDonald Hoague & Bayless

705 Second Avenue, Suite 1500

4 Seattle, Washington 98104-1745

206-622-1604

5 Lance Weber, *Pro Hac Vice*

6 lweber@humanrightsdefensecenter.org

Human Rights Defense Center

7 PO Box 2420

Brattleboro, VT 05303

8 802-257-1342

9 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

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

Plaintiff,

12 v.

13 SPOKANE COUNTY; et al.,

14 Defendants.

No. CV-11-029 RHW

DECLARATION OF BRINA
CARRANZA

15 I, Brina Carranza, declare as follows:

16 I am an employee at the law firm of MacDonald Hoague & Bayless,
17 attorneys for Plaintiff Prison Legal News. I am over the age of 18, and am
18 competent to testify.

19
20
DECLARATION OF BRINA CARRANZA - 1

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

1 1. The following is a true transcription (grammar and punctuation
2 uncorrected) of the text of Exhibit 7 (a prisoner postcard) to the Declaration of
3 Paul Wright:

4 Im a U.S. Citizen. [illegible] Detained in the Spokane County Jail. I
5 have received mail rejection slips regarding my family sending me
6 mail or Pictures. I have a 15 month old daughter, and am missing
7 inches off her toes (Growth). My grandfather is very ill and doesn't
8 know anything about these new mail changes. He shouldn't have to
9 go out of his way or search for ways to accommodate jail rules. In
10 reference to this new "Jail Rule," I can't receive Pictures, mail, "I
11 miss you dad!" cards, or any other only contact or communication
12 from my family. It is very stressful and psychologically tormenting. I
13 can't sleep or eat well due to this harassment. In addition, it raises
14 constitutional concerns; it in itself is Prejudicial error to my
15 expectation of Privacy right for officers/Postal workers to have visual
16 access to the content of my mail. It simply frustrates the Purpose of
17 our constitutional guarantees our Founding Fathers have established,
18 and has been settled law, many years now. If im not mistaken, my
19 right to Privacy has been the First amendment since the 1800s. I think
20 people need not forget that we are a government of law and not of
men.

(P.S. Please send me the latest issue and PLN's Legal books.
Thanks!)

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

DATED this 8th day of July, 2011, at Seattle, Washington.


Brina Carranza

DECLARATION OF BRINA CARRANZA - 2

9870.02 eg070901

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Ex 7 to Wright Decl, Pg 4 of 4

EXHIBIT 8
TO
SECOND DECLARATION OF PAUL WRIGHT

Name Samuel BertoletCCID# 279486Cell# B-301Spokane County Jail
1100 W. Mallon
Spokane, WA 99260UNITED STATES POSTAGE
PITNEY BOWES
02 1A
0004627019
\$ 00.44⁰⁰
MAILED FROM ZIP CODE 99260Paul Wright, EditorPrison Legal NewsP.O. Box 2420West Brattleboro UT 05303

INMATE CORRESPONDENCE

SHERIFF OZZIE D. KNEZOVICH
SPOKANE COUNTY, WASHINGTON
OFFENDER INFORMATION (509) 477-2278

WWW.SPOKANESHERIFF.ORG

05303+2420

Dear, Paul Wright,

My name is Samuel C. Bertolet. I am currently incarcerated in Geiger Corrections Center where the mail is restricted to postcards only. My attorney sent me a letter concerning you and the action you are taking to get us our rights back. I am glad to hear that someone is fighting for us, and I am also grateful to hear what you are doing. I have shared the information with many other men here at Geiger and you should be receiving more of more letters from hopeful people other than myself. I am a firm believer in standing up for my rights and to be completely honest the fact that they did this disgusts me. My only source of letting my family know about certain facts about my case and other important personal details of my life is through the mail and I feel as if this is no privacy whatsoever concerning myself and my loved ones. I hope to see us get our rights back and I have faith that this will happen. Over the past week since I received the letter concerning you I have spread the information like wildfire, because I hope and believe that the chances of things changing are better in numbers. If there is any further ways that I may be of an assistance please let me know.

Thank you

Samuel Bertolet

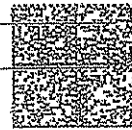
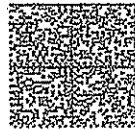
(The mail has been restricted to 5.5 x 8.5 in, or smaller postcards.

Also will you please send me a copy of PLN's Latest issue and one of your free legal books? Thank you

EXHIBIT 9

TO

SECOND DECLARATION OF PAUL WRIGHT

Name Kevin NicholsCCID# 277054Cell# 4W24Spokane County Jail
1100 W. Mallon
Spokane, WA 99260UNITED STATES POSTAGE
02 1A
0004627019
\$ 00.44⁰⁰
MAILED FROM ZIP CODE 99260RECEIVED
SEP 02 2010
Prison Legal NewsPaul Wright, Editor
Prison Legal NewsPO box 2420West Battleborn VT 05303MAILED FROM ZIP CODE 99260
02 1A
0004627019
\$ 00.00⁰⁰
UNITED STATES POSTAGE

INMATE CORRESPONDENCE

SHERIFF OZZIE D. KNEZOVICH
SPOKANE COUNTY, WASHINGTON
OFFENDER INFORMATION (509) 477-2278
WWW.SPOKANESHERIFF.ORG

Dear Paul

Hi I would like to start by saying I heard from Attorneys to contact you about what the Spokane county is doing to are mail if you can see its on the post card system they set up we are no longer able to send or recieve mail only post cards NO pictures from loved ones of my kids or family they say its because they dont have the funds to pay the mail room then on the or around Oct they are taking time off are visits as of Rite now Im pre trial awaiting my future im looking at 17 years with a 1st Assault & 1st robbery with no plea set Please contact me back to make sure this post card has reached you we as inmates are worried the county may Intercept this on the way out I have your number my family will be trying to contact you too. I would like the latest Free PLN News letters

Thank you

EXHIBIT 10
TO
SECOND DECLARATION OF PAUL WRIGHT

pages from Inmate Manual
 (4 pages)

You may receive work time credit only if you are sentenced and your sentence order authorizes it. Any change of a job description or shift must be approved by a Supervisor.

INTERCOM SYSTEM

The call buttons in the cells are to be used for **emergency purposes only**. They are not to be used for any other communication. If the call buttons are misused, the inmate violating this rule will be written up for failure to abide by the rules of the Columbia County Jail.

LAW LIBRARY

All inmates of the Columbia County Jail will be given access to one hour in the law library per request. Use of the law library will be limited only by time and the need to maintain the safety and security of the facility. To gain access, you must submit a request form at least twenty-four (24) hours in advance. You will be expected to take a note pad and pencil with you to the law library to assist you in your research. All law books, reference material and other articles must remain in the law library to ensure equal access for all inmates. There will be very limited copying capabilities available to you for which your account will be charged a fee per copy. No inmate will be denied this service based on an inability to pay.

When you finish, you are required to leave the law library orderly and neat. Please be aware that corrections staff **cannot provide you with legal advice or legal assistance**. If you have any questions, please consult your attorney.

LIBRARY

All inmates of the Columbia County Jail will be afforded ample opportunity to have access to library books within the jail library. The books may be delivered by a cart. All books must be returned to the library or the cart, prior to checking out more. If a search of your person or cell reveals that you have more than six books in your possession, you may be subjected to disciplinary action. Damaged books must be returned to a Deputy, immediately. Possession of damaged books may be grounds for disciplinary action.

You may have six (6) books in your possession/cell at any time. The six books may be any combination of novels, personal books, religious or educational materials.

MAIL

The mail is delivered to the Sheriff's Office per U.S. Postal Service guidelines, excluding holidays.

General Rules: You may send and receive correspondence through the U.S. Mail. **Hand delivered mail, messages and notes will not be accepted or forwarded to you.**

Except for unusual circumstances, such as on holidays or weekends, incoming mail will be **forwarded to you within 24 hours of its receipt**. Outgoing mail will be placed in a pickup box within 24 hours of receiving it from you. If we receive mail for you after your departure, it will be returned to the sender. You must notify the post office of your forwarding address when you leave the jail.

Ex 10 to Wright Decl, Pg 2 of 6

Except for "Official or Legal and Confidential mail," staff may scan and inspect all incoming and outgoing mail.

"Official or Legal and Confidential mail" is all mail to or from your attorney, government officials, Jail Commander, Sheriff, courts, your doctor or medical facility, verifiable religious contacts, or the media. We may open and inspect this mail in front of you to ensure it does not contain contraband.

General Mail Rules:

We may place limits on your mail because of its volume, its affect on your rehabilitation or treatment, or for the safety, security, and good order of the jail. We may open and inspect all mail for contraband and may read all personal mail.

We will provide an Inmate Mail Guide for members of the public. It explains mail rules and what they can and cannot send you. Ask a Deputy for copies. People may also call (503) 366-4630 to get the information found in the guide or read it on the jail's web site at:

www.co.columbia.or.us/sheriff

"Do" Mail Rules for Inmates

For mail, you must do the following:

1. Use only lead or pencils to write letters.
2. Use only jail-approved postcards sold through the commissary or issued by staff for social mail.
3. Keep the weight of legal or official correspondence in a pre-stamped envelope below 1 ounce (28 gm). To keep a business envelope to one ounce or less means the contents cannot be more than four 8-1/2" x 11" sheets of standard weight paper.
4. Keep your friends and family informed if you received books, newspapers, or money they have provided for you.
5. When you are released or transferred from the jail, send change-of-address notifications to those that send you postcards and periodicals.
6. Put the return address noted on the sample postcard below on all your outgoing mail. Tell people sending you postcards or other acceptable mail to use it to address mail to you. Write the recipient's full name and complete address legibly on any mail you send.

"Don't" Mail Rules for Inmates

You may not do any of the following:

1. Draw or write anything on a postcard in the address area or on the picture of the postcard other than name and address information.
2. Send out jail forms for others to fill out on your behalf.
3. Send prohibited mail.
4. Send out jail property.
5. Order publications on credit or delayed billing from the jail.
6. Operate a commercial business or nonprofit organization from the jail.
7. Order correspondence courses unless you have a jail command officer's approval.
8. Conduct commercial or personal business transactions or request services from a government agency unless you have a jail command officer's approval.
9. You may not send mail to another inmate in this facility without prior written permission.

Ex 10 to Wright Decl, Pg 3 of 6

Sending and Receiving Mail

You may send and receive correspondence only through the U. S. Postal Service. The jail internal mail system for communicating only with jail staff. Any transfer of written communication on your part that does not comply with mail rules and procedures is a rule violation that subjects you to discipline. This includes sending notes to other inmates or notes, postcards or mail to anyone by way of a contact visit, court appearance, or transport. People may not leave mail, messages, or notes for you at the jail. Personal mail must come on a commercially produced postcard which does not exceed 5 ½ by 8 ½ inches.

Except in unusual circumstances and on holidays or weekends, we will deliver incoming mail to you within 24 hours of its receipt. We will put outgoing mail in a pickup box within 24 hours of receiving it from you. There is no pickup by the post office on weekends and holidays.

It is important that you use a person's complete and correct address when sending mail. If someone says he or she did not receive something you sent and you did not receive a confiscation notice from us, it is a matter for you to resolve with the post office—not the jail. For your convenience, the addresses of commonly contacted government agencies are in appendix 2, Government Pages.

We do not forward mail. If we receive mail for you and you are not here, we will return it to the sender. (Please tell those sending you mail to put on return addresses. We confiscate mail without return addresses or destroy it if you are no longer in jail.)

Legal and Official Mail

Legal mail is mail addressed to your attorney or comes from your attorney and is clearly marked "legal mail". Official mail is to or from confining authorities, like a jail command officer, the sheriff, the county administrator, probation authorities, district attorney, state attorney general, Governor, court, or a court official.

We will open and inspect legal and official mail in front of you to make sure it does not contain contraband. If you send this type of mail, you must label it on the front of the envelope as "legal mail" or "official mail" or we will treat it as personal mail. We will treat mail from your attorney not marked as "legal mail" as personal mail. You are subject to disciplinary action and criminal prosecution for fraudulently labeling an envelope as legal or official mail.

Books

You may receive up to three new or used books per month, which may be paperback or hardback. Hardback books are not allowed in male or female segregation. Inmates in segregation may only receive new paperback books. A person from outside the jail must pay for and order books directly from the publisher, a book club, or a reputable bookstore for you. Books may not be larger than 9 by 12 inches (228 by 305 mm). They may not have plastic or metal bindings.

Periodicals

We do not accept any periodicals.

Acceptable Mail

We only accept packages that contain publications from an approved source. An incoming or outgoing envelope may only contain these types of items, and with the noted limits and restrictions:

Acceptable Personal Mail

<u>Type of Mail Item</u>	<u>Limits and Restrictions</u>
Written correspondence	Must be a commercially produced postcard or legal or official mail. Excludes junk mail.
Pictures	Only photographs printed on photo paper and used as a postcard, delivered via the U.S. Postal Service.
Checks and money orders	We do not accept checks or money orders. Touchpay is available in the lobby and can be accessed by phone or the Internet.
Personal business documents	None, unless general mail rules would apply.

If it is not listed in this section, it is contraband and we will return the item to the sender, confiscate it, or destroy it if it presents a health or safety risk.

Prohibited Mail

We will not deliver or send mail that:

1. Contains threats of physical harm, blackmail, extortion, or other criminal activity.
2. Concerns plans for escape, criminal activity, or activity that violates jail rules.
3. Is contraband material (tape, stickers, markers, crayons, foreign substances, etc.)
4. Is an item that could hide contraband.
5. Concerns sending or receiving contraband.
6. Encourages or instructs in how to commit a crime.
7. Contains gang-related or security threat group material.
8. Contains information that, if communicated, would create a danger of violence or physical harm to a person.
9. Is written in code or suspected code. (This may include a foreign language if we cannot find a translator in a reasonable period of time.)
10. Contains sexually explicit material, pictures or written language.
11. May create a sensation. (A threat to the safety, security, or good order of the jail or disrupts your progress in a rehabilitative program.)
12. Contains a foreign substance or bodily fluid.
13. Is from or addressed to an inmate in this correctional facility or on electronic home detention.
14. Is addressed to or from a victim of a crime that you are in custody for, either in pretrial or sentenced status, or in any other no contact order.
15. Is from or to an inmate by way of a third party.
16. Is an item that exceeds size or number limits.
17. Is a publication that did not come directly from the publisher, bookstore, or book club.
18. Is an unacceptable check or money order.
19. Is unsolicited junk mail.

Mail Confiscation:

We will give you a confiscation notice for mail we confiscate. When we confiscate items because they exceed a number limit, such as books or magazines, we will confiscate all of them rather than selecting some to bring the number down to the limit amount. We will return stored confiscated mail to you when you are released, if it was not disposed of for health or safety reasons. You may submit a grievance to ask for its return before then. We will return to sender any form of prohibited

Ex 10 to Wright Decl, Pg 5 of 6

mail. You may not get a notice that we have returned contraband to the sender.

Use of Envelopes

You may use an envelope sold through the commissary to send these types of letters:

1. Legal or official mail.
2. A legal or official mail letter that should not or cannot be folded or that is more than one ounce.
3. With staff approval, a personal letter that contains a program-related diploma or certificate that should not or can not be folded. You must have a Deputy confirm that you are sending a diploma or certificate before you seal the envelope.

You may not use these envelopes for any type of mail that does not meet one of the three criteria listed above. We will deduct the cost of the postage from your inmate account for acceptable manila envelopes.

Sending Certified Legal or Official Mail

You may send a legal or official letter using U. S. Postal Service Certified Mail and Return Receipt mail services. You will get receipts that you sent the letter and that the letter was received by the addressee. We will charge you the standard postal rates for these services. You must have money in your inmate account to pay the postal rates or have appropriate approval if you are indigent. A deputy will supply you with a request for Certified Mail form that you need to fill out and submit along with the letter. You may only send 2 certified-mail letters in a 30-day period.

Outgoing Mail

Inmates will place all outgoing mail in the mail drop located in the day room of each housing unit. You are expected to legibly address your correspondence and use the proper postage. All outgoing mail must list the following return address:

Your full name
Columbia County Jail
901 Port Avenue
St. Helens Oregon 97051

MEALS

Meals will be served three times daily at approximately 6:30 A.M., 12:00 P.M. and 5:00 P.M. Inmates on disciplinary lock-down are required to eat in their cells. All others will eat at the tables provided in the day rooms. Televisions will be off during the serving of meals. Once the meals have been served and the Deputy leaves the pod, the television may be turned back on.

All special personal preference diet requests such as vegetarian meals must be pre-approved by the jail supervisors. All inmates on a personal preference diet will be charged a fee of \$ 1.00 per meal to be taken directly out of their individual inmate trust account to cover the additional cost of these meals. Indigent inmates will not be eligible to receive this type of special diet.

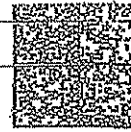
Do not save food from meal service.

EXHIBIT 11

TO

SECOND DECLARATION OF PAUL WRIGHT

Dear Paul/Editor I am definatly interested in this sort I do not believe that the use of post cards is even close to being able to send or receive personal information we are now completely open to interpretation how the jail sees fit. I am a 32 yr old male with children and am not able to use the phone to communicate with my children or family I cannot receive pictures or anything else of the sort and try to explain this to a 12 yr old let alone a 8 or 6 yr old and I know there are a lot of people in the county Jail in the same boat/under the same circumstances I am putting this in the mail box on 9/3 to see if you receive it my return address is on the top of the card. Over →
Sincerely D. Suiter

Name Daren A. SuiterCCID# 259913Cell# B, 101Spokane County Jail
1100 W. Mallon
Spokane, WA 99260

UNITED STATES POSTAGE
02 1A \$ 00.44⁰
0004627019
MAILED FROM ZIP CODE 99260

RECEIVED
SEP 13 2010
Prison Legal News

Paul Wright, Editor
Prison Legal News

PO Box 2420

West Brattleboro, VT
05303

INMATE CORRESPONDENCE

SHERIFF OZZIE D. KNEZOVICH
SPOKANE COUNTY, WASHINGTON
OFFENDER INFORMATION (509) 477-2278
WWW.SPOKANESHERIFF.ORG

This is a list of inmates who also believe this
Thank you from all of us,

Daren Suiter #259913

Jason Berg #296312

Brandon Birkland #235818

Michael Yamaguchi #307075

Stephen Huron #313784

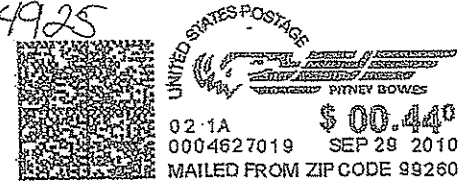
Jeremy T. Shelton #278281

Samuel C. Bertolot #279986

EXHIBIT 12
TO
SECOND DECLARATION OF PAUL WRIGHT

~~Name _____
Bldg. _____
Geiger Correctional Center
P.O. Box 19202
Spokane, WA 99210-8902~~

Name Caleb G. Nichols ^{CID}
Floor 2nd Cell # 38
Spokane County Jail
1100 West Mallon
Spokane, WA 99260



ATTN: Prison Legal News
Paul Wright, (Editor)
Post Office Box 2420
West Brattleboro, VT 05783

INMATE'S MAIL
Spokane County Jail
1100 West Mallon
Spokane, WA 99260-0320

OVER →

Hi my name is Caleb George Nichols CID#254925,
 I'm contacting you do to the mail at the S.C.J.
 Spokane County Jail, They have stoped the
 mail to & from Inmates that R in envelopes
 other then legal and even then they look
 at it before we can seal it. All of are
 mail to family & loved ones are on a postcard
 for the public to read. I was told you
 might be able to help. This is the
 Refusal form they give me rather then my
 letters.

Thank you

you may contact my girlfriend she
has the letters they have sent back

Melissa Pierce (509) 216-2062

or
489-6476

I have also sent Human Rights
Defense center a letter.

**SPOKANE COUNTY SHERIFF OFFICE
DETENTION SERVICES
POSTCARD / LETTER / PACKAGE REFUSAL FORM**

TO: Nichols Caleb G CELL 6E04
LN FN MI

A postcard / letter package received for you on 090310 from:

NAME: Melissa Nichols

ADDRESS: 2717 E Diamond #1
Spokane, WA 99217

This item was returned to sender for the following reason:

- | | | |
|--|--|--|
| <input type="radio"/> Exceeded size limit | <input type="radio"/> Letter/note with money order | <input type="radio"/> Check not accepted |
| <input type="radio"/> Incomplete return address | <input type="radio"/> Sexually explicit material | <input type="radio"/> Book not paperback |
| <input type="radio"/> Incomplete addressee | <input type="radio"/> Glossy finish | <input type="radio"/> Book not new frm store |
| <input type="radio"/> Unknown/unapproved substance (e.g., stickers, glue, glitter, lipstick, crayon, lipstick, etc...) | | |
| <input type="radio"/> Detrimental to the safety, security and/or orderly operation of this facility. | | |

Other reason: not a postcard

ROUTING: Original to Inmate Copy: Inmate file

Employee Initials / Nr.

**SPOKANE COUNTY SHERIFF OFFICE
DETENTION SERVICES
POSTCARD / LETTER / PACKAGE REFUSAL FORM**

TO: NICHOLS CAVER CELL 6E-06
LN FN MI

A postcard / letter / package received for you on 9/01/10 from:

NAME: MELISSA PIERCE

ADDRESS: 2717 E. DIAMOND #1
SPOKANE, WA 99217

This item was returned to sender for the following reason:

- | | | |
|--|--|---|
| <input type="radio"/> Exceeded size limit | <input type="radio"/> Letter/note with money order | <input type="radio"/> Check not accepted |
| <input type="radio"/> Incomplete return address | <input type="radio"/> Sexually explicit material | <input type="radio"/> Book not paperback |
| <input type="radio"/> Incomplete addressee | <input type="radio"/> Glossy finish | <input type="radio"/> Book not new fm store |
| <input type="radio"/> Unknown/unapproved substance (e.g., stickers, glue, glitter, lipstick, crayon, lipstick, etc...) | | |
| <input type="radio"/> Detrimental to the safety, security and/or orderly operation of this facility. | | |

Other reason: POLICY - POSTCARD

ROUTING: Original to Inmate Copy: Inmate file JS 477
Employee Initials / Nr.

EXHIBIT 13

TO

SECOND DECLARATION OF PAUL WRIGHT

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

Jesse Wing, WSBA #27751
JesseW@mhb.com
Katherine C. Chamberlain, WSBA #40014
KatherineC@mhb.com
MacDonald Hoague & Bayless
705 Second Avenue, Suite 1500
Seattle, Washington 98104-1745
206-622-1604

~~Hon. Robert H. Whaley~~

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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

Plaintiff,

v.

CHELAN COUNTY; CHELAN
COUNTY SHERIFF'S OFFICE; BRIAN
BURNETT, individually and in his
capacity as Chelan County Sheriff;
MIKE HARUM, individually and in his
capacity as Chelan County Sheriff; PHIL
STANLEY, in his official and individual
capacity; and RON WINEINGER, in his
official and individual capacity,

Defendants.

No. CV-11-337-EFS

CONSENT DECREE

COME NOW the parties and request entry of the following:

1. Plaintiff Prison Legal News publishes and distributes a monthly journal of corrections news and analysis, and offers and sells books about the criminal justice system and legal issues affecting prisoners, to prisoners, lawyers,

CONSENT DECREE - 1

9876.04 ck182294

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 courts, libraries, and the public throughout the Country. PLN engages in protected
2 speech and expressive conduct on matters of public concern. *See Prison Legal*
3 *News v. Lehman*, 397 F.3d 692 (9th Cir. 2005).

4 2. Defendant Chelan County is a municipal corporation formed under
5 the laws of the State of Washington.

6 3. Defendant Chelan County operates the Chelan County Regional
7 Justice Center and satellite buildings located in Wenatchee, Washington, which
8 house convicted prisoners and pretrial detainees charged with federal, state or local
9 crimes.

10 4. Defendant Phil Stanley is the Director of the Chelan County Jail. He
11 reports directly to the Board of Commissioners of Chelan County. Ron Wineinger
12 is the Deputy Director of the Chelan County Jail. Stanley and Wineinger are
13 employed by and are agents of Chelan County. They are responsible for and
14 personally participated in creating, implementing, and enforcing the Jail's prisoner
15 mail policies at issue in this case.

16 5. All Defendants have represented to Plaintiff that since 2001, by
17 Chelan County Resolution, the Chelan County Sheriff has not been responsible for
18 the operations of the Chelan County Jail or for the training and supervision of the
19 Jail staff, and is not the policymaker for the Jail policy governing mail for
20 prisoners. Plaintiff relies on these representations in entering into this consent
21 decree.
22
23

CONSENT DECREE - 2

0570.04 c6152204

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 6. On September 21, 2010, Defendants enacted new policies that banned
2 all incoming periodicals and magazines except for one specific newspaper, and
3 banned all books of any kind. The Jail's Mail Policy stated, in pertinent part:

4 [The Chelan County Regional Justice Center] currently provides the
5 Wenatchee World newspaper to general population inmates. *No*
6 *subscriptions to any periodical or magazine will be allowed.*

7 ...

8 LIST OF UNAUTHORIZED INCOMING MAIL

9 ... Hardbound or paperback books of any kind.

10 Defendants refer to this mail policy as "Policy-111 Inmate Mail Services."

11 7. The September 21, 2010 mail policy does not provide an opportunity
12 for the sender to be heard to appeal the Jail's censorship decisions.

13 8. Defendants' "Mail Denial Notice" form states that the sender may
14 appeal the censorship decision, but denies the opportunity to appeal if the mail is
15 censored because it contains unauthorized attachments or enclosures.

16 9. In December 2010 through September 2011, and afterwards, Prison
17 Legal News mailed its monthly journal, a soft-cover book entitled *Protecting Your*
18 *Health and Safety*, informational brochures about subscribing to PLN and book
19 offers, and a catalog of books that PLN offers, in envelopes addressed personally
20 to prisoners at the Chelan County Jail.

21 10. The Jail censored at least 70 issues of the journal *Prison Legal News*
22 mailed to prisoners. For approximately one-half of the censored journals, PLN
23 received back a partial copy of the back cover marked "REFUSED" without

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 stating any reason for the censorship. For the other censored journals, the Jail did
2 not return the mail to PLN or provide any notice of censorship.

3 11. The Jail censored the one-page informational brochures, book
4 catalogs, and book offers that PLN mailed to at least 13 prisoners in envelopes.
5 The Jail did not return the mail to PLN or provide any notice of censorship for the
6 rejected mail.

7 12. The Jail censored 31 copies of the *Protecting Your Health and Safety*
8 book that PLN had mailed to prisoners, marked them "REFUSED" and returned
9 most, but not all, of the books to PLN.

10 13. The Jail sent PLN a "Mail Denial Notice" form for two items of
11 censored mail. The forms state that the Jail rejected PLN's mail for the following
12 reason: "Unauthorized attachments or enclosures in or on packages (no
13 administrative review)" and "No Books/magazines." The Jail failed to provide a
14 similar form or other notice to PLN for the other 112 items censored, nor did it
15 provide any notice to PLN about how to appeal the censorship decisions.

16 14. The Jail's censorship of PLN's mail, and its failure to provide due
17 process notice, have frustrated PLN's organizational mission, and have caused
18 Prison Legal News additional financial harm in the form of diversion of its
19 resources, lost subscriptions, purchases of its publications, book purchases, and
20 return to sender charges.

21 15. Defendants used this "Policy-111 Inmate Mail Services" to censor
22 publications, newspapers, magazines, journals, and correspondence from other
23 publishers, book distributors, companies, and individuals.

CONSENT DECREE - 4

5875.04 ek182204

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 16. On September 9, 2011, PLN filed a lawsuit in this matter. On October
2 21, 2011, PLN filed a motion for preliminary injunction.

3 17. The First Amendment of the United States Constitution protects a
4 publisher's right to correspond with prisoners through the mail. *Thornburgh v.*
5 *Abbott*, 490 U.S. 401, 408 (1989); *Prison Legal News v. Cook*, 238 F.3d 1145,
6 1149 (9th Cir. 2001); *Prison Legal News v. Lehman*, 397 F.3d 692, 699 (9th Cir.
7 2005). "[W]hen a prison regulation impinges on inmates' constitutional rights, the
8 regulation is valid if it is reasonably related to legitimate penological interests."
9 *Turner v. Safley*, 482 U.S. 78, 89 (1987). To withstand First Amendment scrutiny,
10 "prison authorities . . . must first identify the specific penological interests involved
11 and then demonstrate both that those specific interests are the actual bases for their
12 policies and that the policies are reasonably related to the furtherance of the
13 identified interests. An evidentiary showing is required as to each point." *Walker v.*
14 *Sumner*, 917 F.2d 382, 386 (9th Cir. 1990).

15 18. Defendants have not articulated a legitimate penological interest for
16 their September 21, 2010, mail policy prohibiting prisoners from receiving: (1)
17 periodicals or magazines, or other publications including catalogs and brochures,
18 or (2) paperback books. These policies are not reasonably related to legitimate
19 penological interests. Defendants' ban on incoming periodicals, magazines,
20 paperback books, and other publications including catalogs and brochures, was
21 unconstitutional under the First Amendment.

22 19. By enforcing the September 21, 2010 mail policies to censor PLN's
23 monthly journal, PLN's informational subscription and book brochures, PLN's

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 book catalog, and the *Protecting Your Health and Safety* book, addressed
2 personally to prisoners at the Chelan County Jail, Defendants violated the First
3 Amendment.

4 20. Defendants failed to afford due process protections to PLN when
5 censoring its mail to prisoners. Defendants' notice when censoring Prison Legal
6 News's publications, catalogs, books, and correspondence was inadequate and
7 failed to provide an opportunity to appeal.

8 21. Defendants failed to provide minimum procedural safeguards to PLN,
9 in violation of the Due Process Clause of the Fourteenth Amendment.

10 22. Defendants agree that a permanent injunction is appropriate.

11 23. The Ninth Circuit held in *Keith v. Volpe*, 833 F.2d 850 (9th Cir. 1987)
12 that a party which prevails by obtaining a consent decree may recover attorneys'
13 fees under § 1988 for monitoring compliance with the decree, even when such
14 monitoring does not result in judicially sanctioned relief.

15 24. The Parties agree that PLN shall seek neither attorneys' fees nor costs
16 for monitoring compliance with this Order. This does not limit PLN's right to seek
17 fees and costs for any other action or enforcement effort (other than the cost of
18 monitoring compliance with this Order).

19 ACCORDINGLY, the COURT HEREBY ORDERS, ADJUGES AND
20 DECREES as follows:

21 (1) Defendants' September 21, 2010 mail policy and their mail practices
22 pursuant to that policy violate the First and Fourteenth Amendments to the United
23 States Constitution in the following ways:

CONSENT DECREE - 6

9870.04 eb182204

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 (a) The mail policy prohibited delivery of incoming periodicals and
2 magazines, and prohibited all other types of publications including catalogs
3 and brochures.

4 (b) The mail policy prohibited delivery of paperback books.

5 (c) The mail policy did not require that Defendants provide an
6 opportunity for the sender to be heard to appeal the Jail's censorship
7 decisions.

8 (d) The "Mail Denial Notice" form did not provide an opportunity
9 for the prisoner-addressee or sender to appeal the censorship decision if the
10 mail is rejected because it contains unauthorized attachments or enclosures.

11 (e) With two exceptions, Defendants failed to send a notice or
12 otherwise identify the reason for their decision to censor PLN's mail, and
13 failed to provide an opportunity to be heard to PLN.

14 (2) Defendants Chelan County, Director Phil Stanley, and Deputy
15 Director Ron Wineinger, and their agents and employees charged with the
16 operation of the Chelan County Jail, are further enjoined as follows:

17 (a) Defendants are enjoined from rejecting mail without giving
18 constitutionally adequate due process.

19 (b) Defendants are enjoined from rejecting incoming mail because
20 it is a periodical, magazine, or other publication including but not limited to
21 catalogs and brochures.

22 (c) Defendants are enjoined from rejecting incoming mail because
23 it is a paperback book.

CONSENT DECREE - 7

0870.04-ek182204

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 (3) This permanent injunction applies to Defendants' successors,
2 including but not limited to any law enforcement agency, public entity, private
3 organization, public official, or private person, who takes over responsibility for
4 the operation of the Chelan County Jail in the future.

5 (4) Defendants are ordered to modify their mail policy and "Mail Denial
6 Notice" form to be consistent with this Order within thirty (30) days. Defendants
7 shall post the amendments in the inmates' living areas for a period of 90 days and
8 post the mail policy on their website, update their automated telephone message
9 and update applicable written material that are accessible to inmates.

10 (5) Plaintiff is a prevailing party entitled to payment by Defendants of
11 \$180,000 which includes all claims for damages (\$114,000.00), fees (\$65,145.00)
12 and costs (\$855.00) pursuant to 42 U.S.C. § 1983 and § 1988. Defendants will pay
13 this sum within ten (10) calendar days of the entry of this Order. By agreement by
14 the Parties, PLN shall not seek and shall not recover attorneys' fees or other relief
15 for the costs for monitoring compliance with this Order. This does not limit PLN's
16 right to seek fees and costs for any other action or enforcement effort (other than
17 the cost of monitoring compliance with this Order).

18 (6) The public interest is served by the entry of this Order, which protects
19 the constitutional rights of publishers and other persons who correspond with
20 prisoners by mail, and the right of prisoners to send and receive mail.

21 (7) The Court retains jurisdiction of this matter for the purpose of
22 enforcement of its Order.
23

CONSENT DECREE - 8

pg70.04 ck182204

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

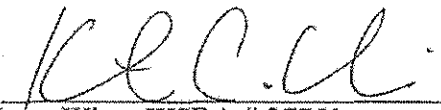
Case 2:11-cv-00337-EFS Document 52 Filed 12/01/11

1 DATED this 5th of December, 2011.

2
3
4 
5 Hon. Edward F. Shea
6 United States District Court Judge

7 PRESENTED BY:

8 MacDONALD HOAGUE & BAYLESS

9
10 By: 
11 Jesse Wing, WSBA # 27751
12 JesseW@MHB.com
13 Katherine C. Chamberlain, WSBA #40014
katherinec@mhb.com
Attorneys for Plaintiff

14 FOSTER PEPPER PLLC

15
16 By: /s/Milton Rowland via e-mail approval
17 Milton G. Rowland, WSBA #15625
18 Attorney for Defendants
19 Foster Pepper PLLC
20 422 W. Riverside Ave., Suite 1310
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Phone: 509/777/1600
Fax: 509/777/1616
rowlm@foster.com

21
22
23
CONSENT DECREE - 9

9870.04 ck182224

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