

EXHIBIT 63

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

COLUMBIA COUNTY SHERIFF'S OFFICE
JAIL OPERATIONS
JEFF DICKERSON, SHERIFF

EFFECTIVE: MAY 25, 2012

SUPERSEDES INMATE MAIL POLICY
REVISED FEBRUARY 10, 2012

INMATE MAIL
POLICY J603-R08 (05/25/12)

OJS: D1-A01 THRU D1-C04, D1-A05, D2-D01,
D3-A02, F1-A01 THRU F1-A03

ACA: 3-ALDF-3D-16 THRU 5D-08

Applies to all staff.

POLICY

Jail mail handling procedures must support an inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Book. A printed composition bound in a volume.

Contraband. 1) Controlled substances as defined in ORS 475.005(6). 2) Drug paraphernalia as defined by ORS 475.525(2). 3) Any currency or negotiable instrument. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person in the facility. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Inmate Mail. Written correspondence to or from an inmate in the Columbia County Jail.

Indigent. An inmate who has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

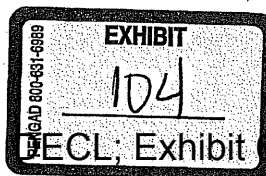
Inflammatory material. Written or printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (*Note: Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.*)

Jail Commander. The Columbia County Jail Commander or his/her designee.

Jail Supervisor. Any Corrections Deputy designated at the rank of sergeant or higher.

Junk mail /

Bulk mail. Printed materials, often sent as mass mailings, such as catalogs, advertisements, brochures, circulars, newsletters, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service. Junk mail/bulk mail may come using a variety of postage



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rates, including but not limited to bulk mail rates. Junk Mail/Bulk Mail may be solicited or unsolicited.

Legal mail. Incoming or outgoing mail addressed to or from an attorney.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Official Mail. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities, or addressed to or from the inmate's medical provider, or addressed to or from the inmate's religious leader, or addressed to or from the news media.

Periodical. A magazine, newspaper, newsletter, or other publication formed of printed sheets that is issued at regular, specified intervals by a publisher.

Personal business. Business necessary to meet ordinary personal obligations, including but not limited to, paying taxes, making mortgage or other loan payments, renewing licenses, and making rent or lease payments.

Personal mail. Mail to or from family, friends, or for personal business. Personal mail does not include legal mail, official mail, publications, or junk mail/bulk mail.

Publication. Periodicals and books.

Roving Deputy. A deputy performing roving deputies as defined under post orders during an assigned shift.

Sexually explicit: 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochistic behavior; excretory functions; and exposed genitalia, anus or female nipple or areola, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) Sex acts involving children. 3) Materials that violate state and local obscenity laws. (*Note: Whether the material is commercially produced or is personally made or written has no bearing on this definition.*)

PROCEDURES

INMATE MAIL

1. Inmate Mail Limits and Restrictions/Overview

The Columbia County Jail will normally not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary to assure the safety, and security of inmates, jail staff, and the public, as well as to assure the efficient operation of the Jail.

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2. Specific Limitations on Inmate Mail.

A. **Personal Mail.** Except as otherwise provided below, personal mail may be sent and received by inmates only in postcard form. The following exceptions apply to this policy:

- (1) A Jail Supervisor may allow an inmate who is continuously involved in rehabilitation programs permission to correspond with a specific person in non-post card form (both sending and receiving). A supervisor must document that correspondence with the person is in the best interest of an inmate's rehabilitation. A suitable example might include a letter sent to reconnect with family prior to release.
- (2) A Jail Supervisor may approve incoming and outgoing mail in non-postcard form so that an inmate can conduct necessary personal business. Examples of this exception include, but are not limited to the use of a business reply envelope to send a document back to the originating firm or signing a mailed-in personal check to make a rent or car payment or renew a driver's license. If it appears to the Jail Supervisor that the inmate has no other reasonably available means to take care of personal business, and that the personal business cannot reasonably wait until the inmate is released, the Jail Supervisor shall allow the exception, subject to the following:
 - (a) Checks must not have a blank payee line.
 - (b) If reasonably possible, the inmate must act to add a cosigner to a checking account or make other arrangements to prevent reoccurrence of this need.
 - (c) Supporting documents, such as payment coupons or rent contracts, must accompany personal business mail.

B. **Publications.** Publications are permitted in the Jail, subject to the following requirements:

- (1) An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail.
- (2) Books. An inmate may receive up to three books on a single mail delivery day. Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. Books may not be larger than 9 inches by 12 inches. Books may not have plastic or metal bindings. Either hardback or paperback books are acceptable for general population inmates. Inmates in segregation, including medical segregation, may only receive paperback books. Mail handlers will consider any other item in the envelope or parcel as contraband and treat the parcel as prohibited mail.
- (3) Periodicals. An inmate may receive up to three periodicals on a single mail delivery day. Periodicals must be new and be mailed directly from the publisher or bookstore.

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- (4) No blanket prohibition. Mail handlers will determine whether a specific publication violates jail rules. However, this determination must be made on a case by case basis. There shall be no blanket prohibition on any publication.

C. Legal and Official Mail.

- (1) Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.
- (2) A sender of legal or official mail is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as being confidential, as follows:
 - (a) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted. Staff will treat all mail with return addresses that are completely handwritten as personal mail.
 - (b) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail. Jail Staff will treat all mail without the legal or official mail mark as personal mail.
 - (c) Jail staff will treat improperly marked or addressed mail as personal mail.
- (3) Staff must not open recognized legal or official mail outside the presence of the inmate. They may only open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- (4) A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate.
- (5) Before legal or official mail leaves the pod, staff must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Deputies will contact a Jail Supervisor if they suspect fraud.
- (6) Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

D. Other Prohibited Mail/Contraband.

- (1) An inmate may not receive or send inmate mail that contains:
 - (a) Threats of physical harm, blackmail, extortion, or other criminal activity;

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- (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 including but not limited to such commonly mailed items as:
 - i. Books larger than 9 by 12 inches or with plastic or metal bindings;
 - ii. More than three books or publications in a single piece of mail;
 - iii. Controlled substances as defined by ORS 475.005(6);
 - iv. Foreign substances, such as bodily fluids, lipstick or perfume, glue or paint or anything with an unusual stain or odor that indicates a foreign substance may be present.
 - (h) Cash or negotiable instruments unless specifically allowed to conduct personal business.
- (2) An inmate may not send or receive inmate mail that:
- (a) is written in code or suspected code;
 - (b) Was not sent through the USPS or other approved system;
 - (c) Is to or from a person with whom the inmate is prohibited from communicating;
 - (d) Would violate a court order;
 - (e) May produce a hostile work environment by sexual harassment or otherwise;
 - (f) Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
 - (g) Is fraudulently marked as legal or official mail;
 - (h) Includes logistical information about an inmate's upcoming health care appointment(s).

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- E. **Sources of Incoming Mail.** Jail Staff will only accept incoming inmate mail that has been delivered by the U.S. Postal Service unless otherwise specifically authorized by the Jail Commander.
- F. **Postage-Due Mail.** The jail will not accept or pay for incoming inmate mail with postage due.
- G. **Parcels.** Incoming parcels are allowed if they contain books or periodicals from a publisher or bookstore. A parcel may only contain up to three books or three periodicals. Mail handlers will consider any other item in a parcel as contraband and treat such a parcel as prohibited mail. Parcels are also allowed to and from inmates for legal or official mail, or for personal business when an exception is authorized.
- H. **Commercial Business Transactions and Government Services by Mail.**
 - (1) Except as provided in (2), below, inmates may not conduct commercial business transactions or request services from government agencies through inmate mail.
 - (2) The Jail Commander may approve personal business mail as described in paragraph 2.A.
 - (3) Examples of commercial business transactions and government agency requests include, but are not limited to:
 - (a) Buying or selling an item, real property, or service;
 - (b) Applying for a credit card;
 - (c) Applying for a commercial or student loan;
 - (d) Opening a bank account;
 - (e) Enrolling in a college course;
 - (f) Applying for food stamps;
 - (g) Any obligation of funds to which the inmate does not have access.

3. **General Limitations on Inmate Mail.**

In addition to the specific limitations on inmate mail set forth above, additional limitations may apply in the following circumstances:

- A. There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
- B. There is reason to believe that a sentenced inmate in rehabilitative programs would benefit from limited contacts and/or inmate mail.

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- C. Inmates may receive a disciplinary sanction that restricts personal mail. (See policy J212, *Rules and Discipline*.)

4. General Provisions for Inmate Mail

- A. **Postcards.** Inmates may send postcards they receive in their initial inmate hygiene kit or through jail commissary. 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. Postcards may have photographs on one side as allowed by the U.S. Postal Service and jail rules. No other photographs are allowed on postcards. Inmates are not limited to a specific number of postcards that they may receive or send. Lodged inmates receive two postcards in their hygiene kit, and may purchase additional postcards through jail commissary. Policy 212, Rules and Discipline, sets limits on the number of personal mail items allowed in an inmate's cell.
- B. **Indigent Inmate Mail.** Indigent inmates may purchase an indigent hygiene kit through the commissary program once per week. Hygiene kits are taken to the pods and offered to all inmates. The indigent hygiene kit consists of two postage prepaid postcards, a pencil and hygiene items.
- C. **Addressing Inmate Mail.** Incoming mail must have the inmate's booking name and should have the inmate's booking number as part of the addressee information.
- D. **Return Address.** Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.
- E. **Certified Mail/Special mail services.** This section applies to legal and official mail as well as to personal business mail when authorized.
 - (1) An inmate may send up to two letters as certified mail in a 30-day period. The inmate must have sufficient funds in his or her account to pay for the service. A Jail Supervisor may make exceptions to the volume of certified mail an inmate sends and may approve credit to allow an indigent inmate to send certified mail.
 - (2) An inmate that needs to send a letter using certified mail must fill out an Inmate Request Form. Only the Jail Commander can approve such a request. The Jail Supervisor will ensure that the inmate's correspondence is ready to mail at the time of the request. If an inmate's request for certified mail is approved, a Jail Supervisor will forward the request to the front office staff.
 - (a) Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The letter and the forms will be forwarded to front office staff who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.

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- (b) Jail Staff will provide the Domestic Return Receipt on to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in jail when it returns in the mail. Other Special Postal Services
- F. **Inmate Request Form.** An inmate shall use an Inmate Request Form to request permission to mail oversize or overweight items, or for other special postal services, when allowed. If the Jail Commander approves such a request, funds will be drawn from the inmate's account to cover the costs.
- G. **Junk/Bulk Mail.** Jail staff will accept solicited and unsolicited junk mail and solicited and unsolicited bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).
- H. **Pre-Stamped Envelopes.** Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary for legal or official mail. Indigent inmates may obtain pre-stamped envelopes for legal or official mail per paragraph 6.
- I. **Inmate Mail Written in a Foreign Language.** *Incoming and outgoing* mail written in a language other than English may be interpreted prior to delivery to determine whether the mail violates these rules.

PROCESSING INMATE MAIL

INCOMING INMATE MAIL

- 1. **Mail Intake.**
 - A. Incoming Inmate Mail will be processed by night shift Corrections Deputies.
 - B. Night Shift Corrections Deputies will pull and hold from delivery unopened mail when:
 - (1) The addressee cannot be identified because of missing or incomplete information;
 - (2) Prohibited items are affixed to the mail;
 - (3) Foreign substances or stains are on the mail;
 - (4) Odors, including perfume, are coming from the mail;
 - (5) The mail can otherwise be identified as being or containing prohibited mail before it is opened;
 - (6) The inmate is no longer in the jail.
 - C. Night Shift Corrections Deputies will look up the inmate's name on the inmate list and write the inmate's pod number or "CCJ" on the mail.
 - D. Night Shift Corrections Deputies will review all postcards, publications and junk mail/bulk mail for prohibited content, and will remove loose postage stamps, flap-

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sealing tape, and gummed and adhesive address labels, leaving labels on legal and official mail;

- E. Night Shift Corrections Deputies will determine whether mail includes the name and return address of the sender. If the mail does not have the name and return address, the Corrections Deputy will pull and hold the mail and will then open any envelopes without the sender's name and return address to both identify the sender's name and address and to see if the mail contains negotiable instruments or other valuables that should be listed on a Prohibited Mail Notice. If the sender's address can be identified, the mail will be returned to sender. If the sender's name and address still cannot be identified, the mail will be stored for the inmate, unless the inmate is no longer in jail in which case the mail will be destroyed. However, in the event an inmate is no longer in jail, the mail contains negotiable instruments or other valuables, and no sender can be identified, the the mail will be sent to the inmate's last known address. If the mail is returned to the Jail after being sent to the inmate's last known address, the mail will be destroyed. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- F. Night Shift Corrections Deputies will separate legal and official mail from other inmate mail.
- G. Night Shift Corrections Deputies will open all inmate mail (except for legal and official mail) to inspect for contraband. Upon a determination that contraband is present, Night Shift Corrections Deputies will pull and hold the mail.
- H. If cash or negotiable instruments are found in inmate mail, the mail and funds will be returned to sender. The Prohibited Mail Notice shall include the amount of funds, number, and issuing institution of any negotiable instrument as well as the payee's name if it was not the inmate. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- I. Night Shift Corrections Deputies will pull and hold personal business mail received in non-postcard form for a Jail Supervisor's review. If a Jail Supervisor does not approve the personal business mail in non-postcard form, the mail will be returned to sender.
- J. Night Shift Corrections Deputies will remove publications from their mailing parcels.
- K. Night Shift Corrections Deputies will place inmate mail written in a foreign language in the "translation required" box and will take steps to locate a staff member who speaks that language. If such mail cannot be translated within a reasonable time by a staff member, the Corrections Deputy will forward the mail to a Jail Supervisor for direction.
- L. Night Shift Corrections Deputies will sort inmate mail by pod and place it in the pod folders in booking before 0800 hours (8:00 a.m.).
- M. Night Shift Corrections Deputies will fill out a a Prohibited Mail Notice for each item of confiscated mail and place it in the "Needs Review" box for a Jail Supervisor's review. A Jail Supervisor will review each Prohibited Mail Notice. If the Jail Supervisor does not agree with the Prohibited Mail Notice, the Mail will be delivered. If the Jail Supervisor does agree with the Prohibited Mail Notice, the Jail

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Supervisor will sign the Notice. The Prohibited Mail Notice will then be sent with returned mail or to the sender of confiscated mail (if known). A copy of a Prohibited Mail Notice will be provided to the inmate (if known and still in jail). A copy of the Prohibited Mail Notice will be retained in the inmate's file. Corrections Deputies will place mail to return to the post office in the booking pickup box.

N. Day Shift Corrections Deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:

- (i) Open recognizable legal and official mail in front of the inmate and inspect it only for contraband – not content (staff shall not read the contents);
- (ii) Deliver the mail as soon as practical upon receipt. Passing inmate mail under an inmate's door and placing books by the door is acceptable, except for legal and official mail;
- (iii) Have the inmate write his or her name and booking number on the inside flap of books. For magazines without mailing labels directly attached, have the inmate write his or her name and booking number on the cover. Newspapers do not need marking;

- 2. Corrections Deputies will forward any grievances and/or appeals related to inmate mail to the Jail Commander for a determination of compliance with the Mail Policy and applicable legal requirements.
- 3. Corrections Deputies will place mail to return to the post office in the booking pickup box.
- 4. Mail Delivery. Staff should deliver mail to inmates within 24 hours of receipt at the Jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, needing translation, or items held as evidence in a criminal or disciplinary investigation, etc.

OUTGOING INMATE MAIL

1. General Mail Rules for Inmates

Inmates—

- A. May only use lead or colored pencils to write correspondence.
- B. May only use postcards sold through the commissary or issued by the jail, if post cards are required to be used under this Policy.
- C. Must send inmate mail through the USPS or other approved system.
- D. Must put their first and last name, booking number, and the jail address as the return address.
- E. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
- F. May not send out jail forms for others to fill out on behalf of the inmate.

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- G. May not send prohibited mail. They are subject to disciplinary action for doing so.
- H. Should pass on inmate mail rules to people and businesses with whom they correspond.

2. **Posting Outgoing Mail.** Inmates will place outgoing inmate mail in the designated mailbox located inside of their pod. The Night Shift Corrections Deputy will pick up the mail out of the mailbox and deliver it to the booking area to be processed.

A. Processing of inmate mail will consist of:

- (1) Sorting the mail;
- (2) Scanning the inmates name and appropriate bar code to reflect the proper disposition of the mail:
 - (a) Outgoing Personal Mail;
 - (b) Outgoing Official or Legal
 - (c) Mail Returned (Prohibited Mail Notice to follow);
 - (d) Confiscated Mail (Report to Follow);
 - (e) Outgoing Package;
 - (f) Outgoing Certified Mail.

3. **Inspection of Outgoing Envelopes**

Before an envelope leaves a pod, a Corrections Deputy will verify the contents are legal or official mail, or authorized personal mail, and that the mail otherwise complies with this Policy. The Corrections Deputy will then seal the envelope and will initial and write their DPSST number on the flap to show this verification. *As appropriate*, the Corrections Deputy will return mail to the inmate, confiscate it as evidence in disciplinary proceedings, or contact the Jail Supervisor if:

- A. The return name, booking number, and address are incomplete or false;
- B. There is drawing or non-address-related writing on the envelope;
- C. There is prohibited material on the envelope;
- D. Addressee information is missing that could cause the letter to be undeliverable and returned to the jail;
- E. The mail does not qualify to be sent via envelope;
- F. They reasonably believe the envelope should be re-opened for any legitimate reason.

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4. **Opening and Inspecting Contents of Outgoing Mail**

- A. Mail handling staff will not read outgoing legal or official mail unless they have the approval of a Jail Commander.
- B. A Jail Supervisor may have staff read outgoing mail at any time and for any reason, except for legal or official mail. This authorization may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the Jail Commander must approve any ongoing monitoring of a specific inmate.
- C. Corrections Deputies will notify a Jail Supervisor if—
 - (1) They suspect outgoing mail contains contraband or violates this Policy.
 - (2) It may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.

A Jail Supervisor will determine whether inmate mail contains contraband or is otherwise prohibited by this Policy. If mail is deemed to be prohibited a Jail Supervisor will notify the inmate and may give the inmate an opportunity to correct the problem(s). If the inmate refuses to correct the mail, the mail will be confiscated. If an inmate corrects the problem(s), the mail will be included in outgoing mail.

- (4) Mail may be confiscated immediately if appropriate in the discretion of the Jail Supervisor.
- (5) The mail will be placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.
- (6) An inmate will be provided with a Prohibited Mail Notice whenever their outgoing mail is not mailed due to a violation of this Policy. However, if the inmate is allowed to correct a problem with the mail, the inmate will be notified, but Prohibited Mail Notice is not required unless the inmate declines to correct the problem.

CONFISCATED MAIL.

- A. **Disposition.** Any inmate mail that is confiscated pursuant to this Policy may either be returned to the sender, or stored with the inmate's belongings in the Jail's sole discretion based on the best interest of the Jail. A Jail Supervisor may authorize the destruction of any item that presents a health or safety risk if stored in the jail or returned to sender.
- B. **Prohibited Mail Notice Required.** The sender and addressee of confiscated inmate mail must be notified of the confiscation whether the disposition was to return the mail, store it, or destroy it. However, if the mail is evidence in a criminal investigation, no notification will be given. Notice will be given through delivery of a

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Prohibited Mail Notice which is attached to this Policy. The Prohibited Mail Notice will give the reason for the confiscation and explain the appeal process.

- C. **Confiscation in whole.** Corrections Deputies will confiscate inmate mail in whole rather than removing or obliterating individual pages, passages, or words with prohibited content. They will confiscate items that exceed a number limit as an entire set rather than passing on a selection that would meet the maximum number allowed.
- D. **Stored Inmate Mail.** Corrections Deputies will use a Prohibited Mail Notice to inform the inmate of the confiscation and use a copy as a tag for the items placed in storage.

ADMINISTRATION

1. **Mail as Nuisance Contraband.**

Inmates are responsible for getting rid of any mailed item exceeding the number of items allowed in their cells as nuisance contraband under policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in policy J208, *Secure Storage of Inmate Property*.

2. **Gang-Related and Security Threat Group Materials in Mail.** A mail handler will photocopy incoming or outgoing inmate mail with gang-related material and send a copy to the Gang Deputy.

3. **Mail Monitoring**

A. The Jail may monitor an inmate's mail for investigatory purposes as follows:

- (1) Upon receipt of a warrant; or
- (2) When there is a legitimate penological or public safety reason to do so. Examples of legitimate penological interest include but are not limited to, the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of a crime or conspiracy to commit a crime, the prevention of the destruction or tampering with evidence, and the prevention harassment or intimidation of witnesses.

B. If a request to monitor inmate mail comes from another law enforcement agency, the agency must complete a Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The Jail Commander will coordinate the mail-monitoring program. The Jail Commander must approve the request.

4. **Mail Rules.** The Jail Commander will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public. Civilian staff members who discover apparent misconduct as a result of reading inmate mail will report it via the chain of command.

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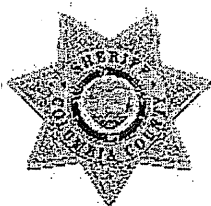
5. **Mail Complaints.** Staff members will direct mail complaints from the public to a Jail Supervisor. The Jail Supervisor should attempt to respond to the complainant within two business days. Appeals related to receipt of Prohibited Mail Notice shall be addressed pursuant to paragraph 10, below.
6. **Mail Handler Supervision and Training.** A Jail Supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.
7. **Change of Address Responsibilities and Forwarding Mail.** Inmates are responsible for submitting change of address requests to the publishers of publications they receive and to others that send them mail at the Jail. Corrections Deputies will normally not forward mail for inmates who are no longer in Jail custody. They will return correspondence and packages unopened to the sender and throw publications away.
8. **Holding Mail.** Corrections Deputies will normally not hold mail for inmates released or temporarily transferred to another facility. The Jail Commander may make exceptions.
9. **Returning Mail to Sender.** To return postcards, a mail handler will use a sticker or stamp marked "return to sender," note the reason for refusal on the stamp, obliterate any mail-sorting bar code, and return it to the post office. To return unopened mail (other than postcards), a mail handler will use the "return to sender" stamp in place of the sticker. A Prohibited Mail Notice will be mailed separately.

To return mail that was opened, a Corrections Deputy must repackage it and send it at the expense of the Jail to the sender. The Corrections Deputy will include a copy of the Prohibited Mail Notice and the Inmate Mail Guide if he or she repackages the inmate mail.

10. **Appeals.**
 - A. **By Inmates.** Inmates wishing to appeal a decision to deny delivery of incoming inmate mail or the mailing of outgoing inmate mail must follow the normal grievance procedure set forth in the inmate manual and Policy J207, *Inmate Rights*.
 - B. **By Others.** If a person believes that any incoming or outgoing inmate mail was improperly confiscated by the Jail, they may appeal the action to the Jail Commander by sending a written letter stating the specific reason(s) why the action was improper. The letter must be received within 15 days from the date of the Prohibited Mail Notice. Or, if no Prohibited Mail Notice was received, within 15 days from the date the person knew or should have known of the appealed action. The letter shall include the sender's name and return address. The Jail Commander will consider the appeal and will issue a decision on the appeal within fifteen days of receiving the letter. However, if the Jail Commander made the initial decision regarding the mail in question, the Sheriff will consider the appeal and issue the decision. The appeal process will be set forth in the Prohibited Mail Notice.

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May 25, 2012



**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

**PROHIBITED MAIL NOTICE
TO INMATES AND SENDERS**

Date: _____

Because of rules contained in the Columbia County Jail Inmate Mail Policy,

we are ☐ returning or ☐ confiscating the ☐ letter or ☐ publication

described as: _____

sent ☐ to ☐ from inmate _____, Booking # _____

The mail was denied for the following reason(s):

- ☐ It is deemed personal mail and not on a post card.
- ☐ It contains sexually explicit material at page(s): _____
- ☐ It contains prohibited material or a foreign substance: _____
- ☐ It did not come directly from a publisher, book club, or bookstore.
- ☐ It contains plans for escape, criminal activity, or activity that violates jail rules.
- ☐ It contains inflammatory materials, such as advocating violence against a group based upon their religion, race, gender or ethnicity.
- ☐ Other _____

The reverse side of this letter is an Inmate Mail Guide which contains guidance on mail rules and complaint information. You may also go to the Jail's web page at www.co.columbia.or.us/sheriff to find the information. The inmate has been notified of this decision and can appeal this decision through the Inmate Grievance Procedure set forth in the Inmate Manual.

APPEALS: Inmates can appeal decisions to prohibit mail through the Inmate Grievance Procedure set forth in the Inmate Manual. Others who believe that their correspondence/publication was improperly denied, may appeal the decision by sending in a written letter stating the reasons it is believed that the decision was wrong within 15 days from the date of this Notice. The letter should identify specifically how our action was improper, and include the name and return address of the appealing party. Appealing parties are not required to provide a phone number, but it may be useful if we need further clarification. We will send the appealing party a decision on the appeal within fifteen days of our receipt of the appeal. Please direct written denied mail appeals to:

Jail Commander
ATTN: Denied Mail Appeal
Columbia County Sheriff's Office
901 Port Ave.
St. Helens, OR 97051

Mail Handler and DPSST # _____

Jail Supervisor and DPSST # _____

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CC001562

EXHIBIT 64

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

COLUMBIA COUNTY SHERIFF'S OFFICE
JAIL OPERATIONS
JEFF DICKERSON, SHERIFF

EFFECTIVE: MAY 25, 2012

SUPERSEDES INMATE MAIL POLICY
REVISED MAY 25, 2012

INMATE MAIL
POLICY J603-R08 (05/25/12)

OJS: D1-A01 THRU D1-C04, D1-A05, D2-D01,
D3-A02, F1-A01 THRU F1-A03

ACA: 3-ALDF-3D-16 THRU 5D-08

Applies to all staff.

POLICY

Jail mail handling procedures must support an inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Book. A printed composition bound in a volume.

Contraband. 1) Controlled substances as defined in ORS 475.005(6). 2) Drug paraphernalia as defined by ORS 475.525(2). 3) Any currency or negotiable instrument. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person in the facility. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Inmate Mail. Written correspondence to or from an inmate in the Columbia County Jail.

Indigent. An inmate who has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

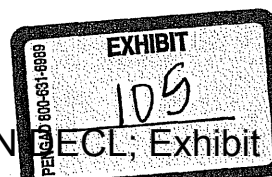
Inflammatory material. Written or printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (*Note: Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.*)

Jail Commander. The Columbia County Jail Commander or his/her designee.

Jail Supervisor. Any Corrections Deputy designated at the rank of sergeant or higher.

Junk mail /

Bulk mail. Printed materials, often sent as mass mailings, such as catalogs, advertisements, brochures, circulars, newsletters, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service. Junk mail/bulk mail may come using a variety of postage



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rates, including but not limited to bulk mail rates. Junk Mail/Bulk Mail may be solicited or unsolicited.

Legal mail. Incoming or outgoing mail addressed to or from an attorney.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Official Mail. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities, or addressed to or from the inmate's medical provider, or addressed to or from the inmate's religious leader, or addressed to or from the news media.

Periodical. A magazine, newspaper, newsletter, or other publication formed of printed sheets that is issued at regular, specified intervals by a publisher.

Personal business. Business necessary to meet ordinary personal obligations, including but not limited to, paying taxes, making mortgage or other loan payments, renewing licenses, and making rent or lease payments.

Personal mail. Mail to or from family, friends, or for personal business. Personal mail does not include legal mail, official mail, publications, or junk mail/bulk mail.

Publication. Periodicals and books.

Roving Deputy. A deputy performing roving deputies as defined under post orders during an assigned shift.

Sexually explicit: 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochistic behavior; excretory functions; and exposed genitalia, anus or female nipple or areola, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) Sex acts involving children. 3) Materials that violate state and local obscenity laws. (Note: Whether the material is commercially produced or is personally made or written has no bearing on this definition.)

PROCEDURES

INMATE MAIL

1. Inmate Mail Limits and Restrictions/Overview

The Columbia County Jail will normally not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary to assure the safety, and security of inmates, jail staff, and the public, as well as to assure the efficient operation of the Jail.

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2. Specific Limitations on Inmate Mail.

- A. **Personal Mail.** Except as otherwise provided below, personal mail may be sent and received by inmates only in postcard form. The following exceptions apply to this policy:
- (1) A Jail Supervisor may allow an inmate who is continuously involved in rehabilitation programs permission to correspond with a specific person in non-post card form (both sending and receiving). A supervisor must document that correspondence with the person is in the best interest of an inmate's rehabilitation. A suitable example might include a letter sent to reconnect with family prior to release.
 - (2) A Jail Supervisor may approve incoming and outgoing mail in non-postcard form so that an inmate can conduct necessary personal business. Examples of this exception include, but are not limited to the use of a business reply envelope to send a document back to the originating firm or signing a mailed-in personal check to make a rent or car payment or renew a driver's license. If it appears to the Jail Supervisor that the inmate has no other reasonably available means to take care of personal business, and that the personal business cannot reasonably wait until the inmate is released, the Jail Supervisor shall allow the exception, subject to the following:
 - (a) Checks must not have a blank payee line.
 - (b) If reasonably possible, the inmate must act to add a cosigner to a checking account or make other arrangements to prevent reoccurrence of this need.
 - (c) Supporting documents, such as payment coupons or rent contracts, must accompany personal business mail.
- B. **Publications.** Publications are permitted in the Jail, subject to the following requirements:
- (1) An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail.
 - (2) Books. An inmate may receive up to three books on a single mail delivery day. Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. Books may not be larger than 9 inches by 12 inches. Books may not have plastic or metal bindings. Either hardback or paperback books are acceptable for general population inmates. Inmates in segregation, including medical segregation, may only receive paperback books. Mail handlers will consider any other item in the envelope or parcel as contraband and treat the parcel as prohibited mail.
 - (3) Periodicals. An inmate may receive up to three periodicals on a single mail delivery day. Periodicals must be new and be mailed directly from the publisher or bookstore.

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- (4) No blanket prohibition. Mail handlers will determine whether a specific publication violates jail rules. However, this determination must be made on a case by case basis. There shall be no blanket prohibition on any publication.

C. Legal and Official Mail.

- (1) Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.
- (2) A sender of legal or official mail is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as being confidential, as follows:
 - (a) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted. Staff will treat all mail with return addresses that are completely handwritten as personal mail.
 - (b) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail. Jail Staff will treat all mail without the legal or official mail mark as personal mail.
 - (c) Jail staff will treat improperly marked or addressed mail as personal mail.
- (3) Staff must not open recognized legal or official mail outside the presence of the inmate. They may only open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- (4) A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate.
- (5) Before legal or official mail leaves the pod, staff must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Deputies will contact a Jail Supervisor if they suspect fraud.
- (6) Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

D. Other Prohibited Mail/Contraband.

- (1) An inmate may not receive or send inmate mail that contains:
 - (a) Threats of physical harm, blackmail, extortion, or other criminal activity;

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- (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 including but not limited to such commonly mailed items as:
 - i. Books larger than 9 by 12 inches or with plastic or metal bindings;
 - ii. More than three books or publications in a single piece of mail;
 - iii. Controlled substances as defined by ORS 475.005(6);
 - iv. Foreign substances, such as bodily fluids, lipstick or perfume, glue or paint or anything with an unusual stain or odor that indicates a foreign substance may be present.
 - (h) Cash or negotiable instruments unless specifically allowed to conduct personal business.
- (2) An inmate may not send or receive inmate mail that:
- (a) is written in code or suspected code;
 - (b) Was not sent through the USPS or other approved system;
 - (c) Is to or from a person with whom the inmate is prohibited from communicating;
 - (d) Would violate a court order;
 - (e) May produce a hostile work environment by sexual harassment or otherwise;
 - (f) Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
 - (g) Is fraudulently marked as legal or official mail;
 - (h) Includes logistical information about an inmate's upcoming health care appointment(s).

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- E. **Sources of Incoming Mail.** Jail Staff will only accept incoming inmate mail that has been delivered by the U.S. Postal Service unless otherwise specifically authorized by the Jail Commander.
- F. **Postage-Due Mail.** The jail will not accept or pay for incoming inmate mail with postage due.
- G. **Parcels.** Incoming parcels are allowed if they contain books or periodicals from a publisher or bookstore. A parcel may only contain up to three books or three periodicals. Mail handlers will consider any other item in a parcel as contraband and treat such a parcel as prohibited mail. Parcels are also allowed to and from inmates for legal or official mail, or for personal business when an exception is authorized.
- H. **Commercial Business Transactions and Government Services by Mail.**
 - (1) Except as provided in (2), below, inmates may not conduct commercial business transactions or request services from government agencies through inmate mail.
 - (2) The Jail Commander may approve personal business mail as described in paragraph 2.A.
 - (3) Examples of commercial business transactions and government agency requests include, but are not limited to:
 - (a) Buying or selling an item, real property, or service;
 - (b) Applying for a credit card;
 - (c) Applying for a commercial or student loan;
 - (d) Opening a bank account;
 - (e) Enrolling in a college course;
 - (f) Applying for food stamps;
 - (g) Any obligation of funds to which the inmate does not have access.

3. **General Limitations on Inmate Mail.**

In addition to the specific limitations on inmate mail set forth above, additional limitations may apply in the following circumstances:

- A. There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
- B. There is reason to believe that a sentenced inmate in rehabilitative programs would benefit from limited contacts and/or inmate mail.

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- C. Inmates may receive a disciplinary sanction that restricts personal mail. (See policy J212, *Rules and Discipline*.)

4. General Provisions for Inmate Mail

- A. **Postcards.** Inmates may send postcards they receive in their initial inmate hygiene kit or through jail commissary. 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. Postcards may have photographs on one side as allowed by the U.S. Postal Service and jail rules. No other photographs are allowed on postcards. Inmates are not limited to a specific number of postcards that they may receive or send. Lodged inmates receive two postcards in their hygiene kit, and may purchase additional postcards through jail commissary. Policy 212, Rules and Discipline, sets limits on the number of personal mail items allowed in an inmate's cell.
- B. **Indigent Inmate Mail.** Indigent inmates may purchase an indigent hygiene kit through the commissary program once per week. Hygiene kits are taken to the pods and offered to all inmates. The indigent hygiene kit consists of two postage prepaid postcards, a pencil and hygiene items.
- C. **Addressing Inmate Mail.** Incoming mail must have the inmate's booking name and should have the inmate's booking number as part of the addressee information.
- D. **Return Address.** Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.
- E. **Certified Mail/Special mail services.** This section applies to legal and official mail as well as to personal business mail when authorized.
 - (1) An inmate may send up to two letters as certified mail in a 30-day period. The inmate must have sufficient funds in his or her account to pay for the service. A Jail Supervisor may make exceptions to the volume of certified mail an inmate sends and may approve credit to allow an indigent inmate to send certified mail.
 - (2) An inmate that needs to send a letter using certified mail must fill out an Inmate Request Form. Only the Jail Commander can approve such a request. The Jail Supervisor will ensure that the inmate's correspondence is ready to mail at the time of the request. If an inmate's request for certified mail is approved, a Jail Supervisor will forward the request to the front office staff.
 - (a) Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The letter and the forms will be forwarded to front office staff who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.

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- (b) Jail Staff will provide the Domestic Return Receipt on to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in jail when it returns in the mail. Other Special Postal Services
- F. **Inmate Request Form.** An inmate shall use an Inmate Request Form to request permission to mail oversize or overweight items, or for other special postal services, when allowed. If the Jail Commander approves such a request, funds will be drawn from the inmate's account to cover the costs.
- G. **Junk/Bulk Mail.** Jail staff will accept solicited and unsolicited junk mail and solicited and unsolicited bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).
- H. **Pre-Stamped Envelopes.** Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary for legal or official mail. Indigent inmates may obtain pre-stamped envelopes for legal or official mail per paragraph 6.
- I. **Inmate Mail Written in a Foreign Language.** *Incoming and outgoing* mail written in a language other than English may be interpreted prior to delivery to determine whether the mail violates these rules.

PROCESSING INMATE MAIL

INCOMING INMATE MAIL

- 1. **Mail Intake.**
 - A. Incoming Inmate Mail will be processed by night shift Corrections Deputies.
 - B. Night Shift Corrections Deputies will pull and hold from delivery unopened mail when:
 - (1) The addressee cannot be identified because of missing or incomplete information;
 - (2) Prohibited items are affixed to the mail;
 - (3) Foreign substances or stains are on the mail;
 - (4) Odors, including perfume, are coming from the mail;
 - (5) The mail can otherwise be identified as being or containing prohibited mail before it is opened;
 - (6) The inmate is no longer in the jail.
 - C. Night Shift Corrections Deputies will look up the inmate's name on the inmate list and write the inmate's pod number or "CCJ" on the mail.
 - D. Night Shift Corrections Deputies will review all postcards, publications and junk mail/bulk mail for prohibited content, and will remove loose postage stamps, flap-

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sealing tape, and gummed and adhesive address labels, leaving labels on legal and official mail;

- E. Night Shift Corrections Deputies will determine whether mail includes the name and return address of the sender. If the mail does not have the name and return address, the Corrections Deputy will pull and hold the mail and will then open any envelopes without the sender's name and return address to both identify the sender's name and address and to see if the mail contains negotiable instruments or other valuables that should be listed on a Prohibited Mail Notice. If the sender's address can be identified, the mail will be returned to sender. If the sender's name and address still cannot be identified, the mail will be stored for the inmate, unless the inmate is no longer in jail in which case the mail will be destroyed. However, in the event an inmate is no longer in jail, the mail contains negotiable instruments or other valuables, and no sender can be identified, the the mail will be sent to the inmate's last known address. If the mail is returned to the Jail after being sent to the inmate's last known address, the mail will be destroyed. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- F. Night Shift Corrections Deputies will separate legal and official mail from other inmate mail.
- G. Night Shift Corrections Deputies will open all inmate mail (except for legal and official mail) to inspect for contraband. Upon a determination that contraband is present, Night Shift Corrections Deputies will pull and hold the mail.
- H. If cash or negotiable instruments are found in inmate mail, the mail and funds will be returned to sender. The Prohibited Mail Notice shall include the amount of funds, number, and issuing institution of any negotiable instrument as well as the payee's name if it was not the inmate. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- I. Night Shift Corrections Deputies will pull and hold personal business mail received in non-postcard form for a Jail Supervisor's review. If a Jail Supervisor does not approve the personal business mail in non-postcard form, the mail will be returned to sender.
- J. Night Shift Corrections Deputies will remove publications from their mailing parcels.
- K. Night Shift Corrections Deputies will place inmate mail written in a foreign language in the "translation required" box and will take steps to locate a staff member who speaks that language. If such mail cannot be translated within a reasonable time by a staff member, the Corrections Deputy will forward the mail to a Jail Supervisor for direction.
- L. Night Shift Corrections Deputies will sort inmate mail by pod and place it in the pod folders in booking before 0800 hours (8:00 a.m.).
- M. Night Shift Corrections Deputies will fill out a a Prohibited Mail Notice for each item of confiscated mail and place it in the "Needs Review" box for a Jail Supervisor's review. A Jail Supervisor will review each Prohibited Mail Notice. If the Jail Supervisor does not agree with the Prohibited Mail Notice, the Mail will be delivered. If the Jail Supervisor does agree with the Prohibited Mail Notice, the Jail

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Supervisor will sign the Notice. The Prohibited Mail Notice will then be sent with returned mail or to the sender of confiscated mail (if known). A copy of a Prohibited Mail Notice will be provided to the inmate (if known and still in jail). A copy of the Prohibited Mail Notice will be retained in the inmate's file. Corrections Deputies will place mail to return to the post office in the booking pickup box.

- N. Day Shift Corrections Deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:
 - (i) Open recognizable legal and official mail in front of the inmate and inspect it only for contraband – not content (staff shall not read the contents);
 - (ii) Deliver the mail as soon as practical upon receipt. Passing inmate mail under an inmate's door and placing books by the door is acceptable, except for legal and official mail;
 - (iii) Have the inmate write his or her name and booking number on the inside flap of books. For magazines without mailing labels directly attached, have the inmate write his or her name and booking number on the cover. Newspapers do not need marking;
- 2. Corrections Deputies will forward any grievances and/or appeals related to inmate mail to the Jail Commander for a determination of compliance with the Mail Policy and applicable legal requirements.
- 3. Corrections Deputies will place mail to return to the post office in the booking pickup box.
- 4. Mail Delivery. Staff should deliver mail to inmates within 24 hours of receipt at the Jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, needing translation, or items held as evidence in a criminal or disciplinary investigation, etc.

OUTGOING INMATE MAIL

1. General Mail Rules for Inmates

Inmates—

- A. May only use lead or colored pencils to write correspondence.
- B. May only use postcards sold through the commissary or issued by the jail, if post cards are required to be used under this Policy.
- C. Must send inmate mail through the USPS or other approved system.
- D. Must put their first and last name, booking number, and the jail address as the return address.
- E. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
- F. May not send out jail forms for others to fill out on behalf of the inmate.

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- G. May not send prohibited mail. They are subject to disciplinary action for doing so.
 - H. Should pass on inmate mail rules to people and businesses with whom they correspond.
2. **Posting Outgoing Mail.** Inmates will place outgoing inmate mail in the designated mailbox located inside of their pod. The Night Shift Corrections Deputy will pick up the mail out of the mailbox and deliver it to the booking area to be processed.
- A. Processing of inmate mail will consist of:
 - (1) Sorting the mail;
 - (2) Scanning the inmates name and appropriate bar code to reflect the proper disposition of the mail:
 - (a) Outgoing Personal Mail;
 - (b) Outgoing Official or Legal
 - (c) Mail Returned (Prohibited Mail Notice to follow);
 - (d) Confiscated Mail (Report to Follow);
 - (e) Outgoing Package;
 - (f) Outgoing Certified Mail.
3. **Inspection of Outgoing Envelopes**
- Before an envelope leaves a pod, a Corrections Deputy will verify the contents are legal or official mail, or authorized personal mail, and that the mail otherwise complies with this Policy. The Corrections Deputy will then seal the envelope and will initial and write their DPSST number on the flap to show this verification. *As appropriate*, the Corrections Deputy will return mail to the inmate, confiscate it as evidence in disciplinary proceedings, or contact the Jail Supervisor if:
- A. The return name, booking number, and address are incomplete or false;
 - B. There is drawing or non-address-related writing on the envelope;
 - C. There is prohibited material on the envelope;
 - D. Addressee information is missing that could cause the letter to be undeliverable and returned to the jail;
 - E. The mail does not qualify to be sent via envelope;
 - F. They reasonably believe the envelope should be re-opened for any legitimate reason.

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4. Opening and Inspecting Contents of Outgoing Mail

- A. Mail handling staff will not read outgoing legal or official mail unless they have the approval of a Jail Commander.
- B. A Jail Supervisor may have staff read outgoing mail at any time and for any reason, except for legal or official mail. This authorization may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the Jail Commander must approve any ongoing monitoring of a specific inmate.
- C. Corrections Deputies will notify a Jail Supervisor if—
 - (1) They suspect outgoing mail contains contraband or violates this Policy.
 - (2) It may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.

A Jail Supervisor will determine whether inmate mail contains contraband or is otherwise prohibited by this Policy. If mail is deemed to be prohibited a Jail Supervisor will notify the inmate and may give the inmate an opportunity to correct the problem(s). If the inmate refuses to correct the mail, the mail will be confiscated. If an inmate corrects the problem(s), the mail will be included in outgoing mail.

- (4) Mail may be confiscated immediately if appropriate in the discretion of the Jail Supervisor.
- (5) The mail will be placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.
- (6) An inmate will be provided with a Prohibited Mail Notice whenever their outgoing mail is not mailed due to a violation of this Policy. However, if the inmate is allowed to correct a problem with the mail, the inmate will be notified, but Prohibited Mail Notice is not required unless the inmate declines to correct the problem.

CONFISCATED MAIL.

- A. **Disposition.** Any inmate mail that is confiscated pursuant to this Policy may either be returned to the sender, or stored with the inmate's belongings in the Jail's sole discretion based on the best interest of the Jail. A Jail Supervisor may authorize the destruction of any item that presents a health or safety risk if stored in the jail or returned to sender.
- B. **Prohibited Mail Notice Required.** The sender and addressee of confiscated inmate mail must be notified of the confiscation whether the disposition was to return the mail, store it, or destroy it. However, if the mail is evidence in a criminal investigation, no notification will be given. Notice will be given through delivery of a

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Prohibited Mail Notice which is attached to this Policy. The Prohibited Mail Notice will give the reason for the confiscation and explain the appeal process.

- C. **Confiscation in whole.** Corrections Deputies will confiscate inmate mail in whole rather than removing or obliterating individual pages, passages, or words with prohibited content. They will confiscate items that exceed a number limit as an entire set rather than passing on a selection that would meet the maximum number allowed.
- D. **Stored Inmate Mail.** Corrections Deputies will use a Prohibited Mail Notice to inform the inmate of the confiscation and use a copy as a tag for the items placed in storage.

ADMINISTRATION

1. **Mail as Nuisance Contraband.**

Inmates are responsible for getting rid of any mailed item exceeding the number of items allowed in their cells as nuisance contraband under policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in policy J208, *Secure Storage of Inmate Property*.

2. **Gang-Related and Security Threat Group Materials in Mail.** A mail handler will photocopy incoming or outgoing inmate mail with gang-related material and send a copy to the Gang Deputy.

3. **Mail Monitoring**

A. The Jail may monitor an inmate's mail for investigatory purposes as follows:

- (1) Upon receipt of a warrant; or
- (2) When there is a legitimate penological or public safety reason to do so. Examples of legitimate penological interest include but are not limited to, the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of a crime or conspiracy to commit a crime, the prevention of the destruction or tampering with evidence, and the prevention harassment or intimidation of witnesses.

B. If a request to monitor inmate mail comes from another law enforcement agency, the agency must complete a Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The Jail Commander will coordinate the mail-monitoring program. The Jail Commander must approve the request.

4. **Mail Rules.** The Jail Commander will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public. Civilian staff members who discover apparent misconduct as a result of reading inmate mail will report it via the chain of command.

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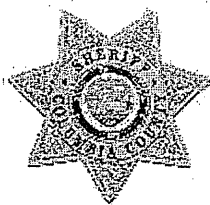
5. **Mail Complaints.** Staff members will direct mail complaints from the public to a Jail Supervisor. The Jail Supervisor should attempt to respond to the complainant within two business days. Appeals related to receipt of Prohibited Mail Notice shall be addressed pursuant to paragraph 10, below.
6. **Mail Handler Supervision and Training.** A Jail Supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.
7. **Change of Address Responsibilities and Forwarding Mail.** Inmates are responsible for submitting change of address requests to the publishers of publications they receive and to others that send them mail at the Jail. Corrections Deputies will normally not forward mail for inmates who are no longer in Jail custody. They will return correspondence and packages unopened to the sender and throw publications away.
8. **Holding Mail.** Corrections Deputies will normally not hold mail for inmates released or temporarily transferred to another facility. The Jail Commander may make exceptions.
9. **Returning Mail to Sender.** To return postcards, a mail handler will use a sticker or stamp marked "return to sender," note the reason for refusal on the stamp, obliterate any mail-sorting bar code, and return it to the post office. To return unopened mail (other than postcards), a mail handler will use the "return to sender" stamp in place of the sticker. A Prohibited Mail Notice will be mailed separately.

To return mail that was opened, a Corrections Deputy must repackage it and send it at the expense of the Jail to the sender. The Corrections Deputy will include a copy of the Prohibited Mail Notice and the Inmate Mail Guide if he or she repackages the inmate mail.

10. **Appeals.**
 - A. **By Inmates.** Inmates wishing to appeal a decision to deny delivery of incoming inmate mail or the mailing of outgoing inmate mail must follow the normal grievance procedure set forth in the inmate manual and Policy J207, *Inmate Rights*.
 - B. **By Others.** If a person believes that any incoming or outgoing inmate mail was improperly confiscated by the Jail, they may appeal the action to the Jail Commander by sending a written letter stating the specific reason(s) why the action was improper. The letter must be received within 15 days from the date of the Prohibited Mail Notice. Or, if no Prohibited Mail Notice was received, within 15 days from the date the person knew or should have known of the appealed action. The letter shall include the sender's name and return address. The Jail Commander will consider the appeal and will issue a decision on the appeal within fifteen days of receiving the letter. However, if the Jail Commander made the initial decision regarding the mail in question, the Sheriff will consider the appeal and issue the decision. The appeal process will be set forth in the Prohibited Mail Notice.

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**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

**PROHIBITED MAIL NOTICE
TO INMATES AND SENDERS**

Date: _____

Because of rules contained in the Columbia County Jail Inmate Mail Policy,

we are ☐ returning or ☐ confiscating the ☐ letter or ☐ publication

described as: _____

sent ☐ to ☐ from inmate _____, Booking # _____

The mail was denied for the following reason(s):

- ☐ It is deemed personal mail and not on a post card.
- ☐ It contains sexually explicit material at page(s): _____
- ☐ It contains prohibited material or a foreign substance: _____
- ☐ It did not come directly from a publisher, book club, or bookstore.
- ☐ It contains plans for escape, criminal activity, or activity that violates jail rules.
- ☐ It contains inflammatory materials, such as advocating violence against a group based upon their religion, race, gender or ethnicity.
- ☐ Other _____

The reverse side of this letter is an Inmate Mail Guide which contains guidance on mail rules and complaint information. You may also go to the Jail's web page at www.co.columbia.or.us/sheriff to find the information. The inmate has been notified of this decision and can appeal this decision through the Inmate Grievance Procedure set forth in the Inmate Manual.

APPEALS: Inmates can appeal decisions to prohibit mail through the Inmate Grievance Procedure set forth in the Inmate Manual. Others who believe that their correspondence/publication was improperly denied, may appeal the decision by sending in a written letter stating the reasons it is believed that the decision was wrong within 15 days from the date of this Notice. The letter should identify specifically how our action was improper, and include the name and return address of the appealing party. Appealing parties are not required to provide a phone number, but it may be useful if we need further clarification. We will send the appealing party a decision on the appeal within fifteen days of our receipt of the appeal. Please direct written denied mail appeals to:

Jail Commander
ATTN: Denied Mail Appeal
Columbia County Sheriff's Office
901 Port Ave.
St. Helens, OR 97051

Mail Handler and DPSST # _____

Jail Supervisor and DPSST # _____

EXHIBIT 65

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

COLUMBIA COUNTY SHERIFF'S OFFICE
JAIL OPERATIONS
JEFF DICKERSON, SHERIFF

EFFECTIVE: JULY 5, 2012

SUPERSEDES INMATE MAIL POLICY
REVISED JUNE 18, 2012

INMATE MAIL
POLICY J603-R10 (07/05/12)

OJS: D-101THRU D-117, D-105, D-212,
D-302, F-101THRU F-103

ACA: 3-ALDF-3D-16 THRU 5D-08

Applies to all staff.

POLICY

Jail mail handling procedures must support an inmate's need to communicate in writing to carry out legal business and maintain family and community ties. The procedures must also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff.

DEFINITIONS

Book. A printed composition bound in a volume.

Contraband. 1) Controlled substances as defined in ORS 475.005(6). 2) Drug paraphernalia as defined by ORS 475.525(2). 3) Any currency or negotiable instrument. 4) Any item that a person in a correctional facility is prohibited by statute, rule, or order from obtaining or possessing, *and* whose use would endanger the safety or security of the facility or person in the facility. 5) An unauthorized item in an inmate's possession or in a cell, bunk, or common area. 6) An authorized item altered in any way. 7) More than the authorized number of an item.

Inmate Mail. Written correspondence to or from an inmate in the Columbia County Jail.

Indigent. An inmate who has less than \$5 in his or her inmate account and has not had more than that amount for seven days.

Inflammatory material. Written or printed materials that pose a threat to the security, safety, or good order of the jail because it may incite or advocate physical violence against others. This includes material that advocates the supremacy or hatred of a racial, religious, national, or other group of people. (*Note: Criticism of jail operations, programs, or staff, on its own, is not inflammatory material. If the criticism involves an illegal act or violates a jail rule, staff will handle it as that type of prohibited mail.*)

Jail Commander. The Columbia County Jail Commander or his/her designee.

Jail Supervisor. Any Corrections Deputy designated at the rank of sergeant or higher.

Junk mail/Bulk mail. Printed materials, often sent as mass mailings, such as catalog advertisements, brochures, circulars, newsletters, and pamphlets whose primary purpose is to sell, promote or solicit for, a product or service. Junk mail/bulk mail may come using a variety of postage rates, including but not limited to bulk mail rates. Junk Mail/Bulk Mail

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may be solicited or unsolicited.

Legal mail. Incoming or outgoing mail addressed to or from an attorney.

Negotiable instrument. A written document that represents an unconditional promise to pay a specified amount of money upon the demand of its owner. Examples include checks and promissory notes. Negotiable instruments can be transferred from one person to another, as when a person writes "pay to the order of" on the back of a check in order to turn it over to someone else.

Official Mail. Incoming or outgoing mail addressed to or from the sheriff, jail command staff, probation authorities, district attorney, state attorney general, Governor, court, a court official, and other confining authorities, or addressed to or from the inmate's medical provider, or addressed to or from the inmate's religious leader, or addressed to or from the news media.

Periodical. A magazine, newspaper, newsletter, or other publication formed of printed sheets that is issued at regular, specified intervals by a publisher.

Prohibited Mail Notice A written notice that is:

- A. mailed to the sender or intended receiver of inmate mail who is not incarcerated in the Columbia County Jail; and
- B. is also provided (by jail staff) to the current inmate who is a sender or intended receiver of inmate mail,

when said mail has been confiscated by the jail for any reason (See Prohibited Mail Notice at the end of this chapter). A Prohibited Mail Notice **MUST** be provided to the sender **AND** intended receiver of all incoming and outgoing mail that is confiscated by the jail.

Publication. Periodicals and books.

Sexually explicit: 1) A pictorial depiction of any of the following: actual or simulated sexual acts (including sexual intercourse, oral sex, anal sex, or masturbation); sexual penetration; bestiality; sexual violence; sadomasochistic behavior; excretory functions; and exposed genitalia (to include pubic hair), anus or female nipple or areola, unless the exposure is for legitimate medical, religious, or anthropological reasons. 2) Sex acts involving children. 3) Materials that violate state and local obscenity laws. (*Note: Whether the material is commercially produced or is personally made or written has no bearing on this definition.*)

PROCEDURES

INMATE MAIL

1. Inmate Mail Limits and Restrictions/Overview

The Columbia County Jail will normally not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary to assure the safety, and security of inmates, jail staff, and the public, as well as to assure the efficient operation of the Jail.

2. Specific Limitations on Inmate Mail.

- A. **Publications.** Publications are permitted in the Jail, subject to the following

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requirements:

- (1) An inmate must have someone outside the jail prepay for any publication he or she receives. An inmate may not engage in any delayed payment or credit ordering of publications while inside the jail.
- (2) Books. . Books must come directly from the publisher, a book club, or a bookstore. Books may be new or used. Books may not be larger than 9 inches by 12 inches. Books may not have plastic or metal bindings. Either hardback or paperback books are acceptable.
- (3) Periodicals. . Periodicals must be new and be mailed directly from the publisher or bookstore.
- (4) No blanket prohibition. Mail handlers will determine whether a specific publication violates jail rules. However, this determination must be made on a case by case basis. There shall be no blanket prohibition on any publication.

B. Legal and Official Mail.

- (1) Jail staff must protect the rights of inmates to privileged, confidential communication with their attorneys, the courts, and confining authorities.
- (2) A sender of legal or official mail is responsible for legitimately, properly, and clearly marking and addressing legal and official mail so that jail staff recognize it and treat it as being confidential, as follows:
 - (a) The return address on all incoming legal and official mail must have the sender's job, agency, or firm title and address either commercially preprinted on the envelope or a label, or as an ink stamp. The sender's name should be handwritten if not preprinted.
 - (b) The words "Legal Mail," "Official Mail," or similar designation must appear on the address side of the envelope. Jail staff will not assume the contents of any letter from an attorney, law firm, or government official is legal or official mail without the designation of "Legal Mail" or "Official Mail" on the address side of the envelope.
- (3) Staff must not open recognizable legal or official mail outside the presence of the inmate. They may only open it in the presence of the inmate to inspect it for contraband, but they must not read its contents.
- (4) A staff member must write a Jail Incident Report if he or she inadvertently opens a piece of recognizable legal or official mail outside the presence of the inmate. If such inadvertent reading of legal or official mail occurs, the staff member responsible will also notify a supervisor as soon as practicable.
- (5) Before legal or official mail leaves the pod, staff must verify that any letter marked as legal or official mail is addressed to a person that qualifies for that privacy protection. Deputies will contact a Jail Supervisor if they suspect fraud.

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- (6) Jail staff will pursue administrative, criminal, and disciplinary actions, as fitting, against all those involved in the fraudulent use of legal or official mail designations.

C. Other Prohibited Content/Contraband.

- (1) An inmate may not receive or send inmate 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 including but not limited to such commonly mailed items as:
 - i. Books larger than 9 by 12 inches or with plastic or metal bindings;
 - ii. Controlled substances as defined by ORS 475.005(6);
 - iii. Foreign substances, such as bodily fluids, lipstick or perfume, glue or paint or anything with an unusual stain or odor that indicates a foreign substance may be present;
 - (h) Cash or negotiable instruments;
 - (i) Food or beverages, electronic devices, clothing or similar personal property.
- (2) An inmate may not send or receive inmate mail that:
 - (a) is written in code or suspected code;
 - (b) Was not sent through the United States Postal Service or other approved system;
 - (c) Is to or from a person with whom the inmate is prohibited from communicating;
 - (d) Would violate a court order;
 - (e) May produce a hostile work environment by sexual harassment or

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otherwise;

- (f) Is a credit or deferred billing transaction, such as "bill me later" subscriptions or merchandise bought on credit or collect-on-delivery terms;
- (g) Is fraudulently marked as legal or official mail;
- (h) Includes logistical information about an inmate's upcoming health care appointment(s).

- D. **Sources of Incoming Mail.** Jail Staff will only accept incoming inmate mail that has been delivered by the U.S. Postal Service unless otherwise specifically authorized by the Jail Commander.
- E. **Postage-Due Mail.** The jail will not accept or pay for incoming inmate mail with postage due.

3. General Limitations on Inmate Mail.

In addition to the specific limitations on inmate mail set forth above, additional limitations may apply in the following circumstances:

- A. There is reason to believe that such correspondence would jeopardize personal safety, jail security or good order, inmate treatment, or would facilitate violation of the law.
- B. Inmates may receive a disciplinary sanction that restricts non-legal and/or non official mail. (See Policy J212, *Rules and Discipline*.)

4. General Provisions for Inmate Mail

- A. **Indigent Inmate Mail.** Indigent inmates may obtain an indigent hygiene kit through the commissary program once per week. No inmate will be denied a weekly indigent hygiene kit based on an inability to pay. The indigent hygiene kit consists of 2 sheets of paper and two postage prepaid envelopes, a pencil and hygiene items. Additional paper and envelopes are available for purchase in accordance with Policy J605 (Commissary).
- B. **Addressing Inmate Mail.** Incoming mail must have the inmate's booking name as part of the addressee information.
- C. **Return Address.** Incoming mail must have the name and address of the sender. The return address on legal and official mail must have the sender's job, agency, or firm title and address commercially preprinted or stamped.
- D. **Certified Mail/Special mail services.**
 - (1) The inmate must have sufficient funds in his or her account to pay for all special mail services. A Jail Supervisor may approve credit to allow an indigent inmate to send certified mail. An inmate who needs to send a

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letter using certified mail must fill out an Inmate Request Form. Any Corrections Deputy or Supervisor can process the request in the following manner: .

- (a) Jail staff will verify if the inmate has sufficient funds in his or her account before processing any request. They will forward requests from indigent inmates to a supervisor. The inmate will fill out the necessary U.S. Postal Service forms—Receipt for Certified Mail (PS Form 3800) and Domestic Return Receipt (PS Form 3811). The letter and the forms will be forwarded to front office staff who will mail the letter and charge the inmate for the postal fees for these special services. The inmate request form will be the source document authorizing the charge.
 - (b) Jail Staff will provide the Domestic Return Receipt to the inmate when it returns in incoming mail. They will return the Domestic Return Receipt postcard to the post office if the inmate is no longer in Jail when it returns in the mail.
- E. **Inmate Request Form.** An inmate shall use an Inmate Request Form to request to mail oversize or overweight items, or for other special postal services. Funds will be drawn from the inmate's account to cover the costs.
 - F. **Junk/Bulk Mail.** Jail staff will accept solicited and unsolicited junk mail and solicited and unsolicited bulk mail for inmates, unless it violates other mail restrictions (such as containing sexually explicit content).
 - G. **Pre-Stamped Envelopes.** Jail staff will make pre-stamped First Class business size or manila envelopes available for inmates to buy from the commissary. Indigent inmates may obtain envelopes per paragraph 4.A.
 - H. **Inmate Mail Written in a Foreign Language.** *Incoming and outgoing* mail written in a language other than English may be interpreted prior to delivery to determine whether the mail violates these rules.

PROCESSING INMATE MAIL

INCOMING INMATE MAIL

- 1. **Mail Intake.**
 - A. Incoming Inmate Mail will be processed by night shift Corrections Deputies.
 - B. Night Shift Corrections Deputies will confiscate unopened mail when:
 - (1) The addressee cannot be identified because of missing or incomplete information;
 - (2) Prohibited items are affixed to the mail;
 - (3) Foreign substances or stains are on the mail;

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- (4) Odors, including perfume, are coming from the mail;
 - (5) The mail can otherwise be identified as being or containing prohibited mail before it is opened;
 - (6) The inmate is no longer in the jail.
- C. Night Shift Corrections Deputies will look up the inmate's name on the inmate list and write the inmate's pod number on the mail.
- D. Night Shift Corrections Deputies will review all inmate mail for prohibited content/contraband, and will remove *loose* postage stamps, *loose* flap-sealing tape, and *loose* gummed and adhesive address labels, leaving labels on legal and official mail. Deputies need not remove stamps, tape or labels that are firmly affixed to the mail.
- E. Night Shift Corrections Deputies will determine whether mail includes the name and return address of the sender. If the mail does not have the name and return address, the Corrections Deputy will confiscate the mail. The Deputy will open any envelopes without the sender's name and return address to attempt to identify the sender's name and address and to inspect the mail for prohibited content/contraband. If the sender's address can be identified, the mail will be returned to sender. If the sender's name and address still cannot be identified, the mail will be stored for the inmate, unless the inmate is no longer in jail in which case the mail will be returned to the post office and marked, "undeliverable." However, in the event an inmate is no longer in jail and the mail contains negotiable instruments or other valuables, and no sender can be identified, any written material inside the envelope will be returned to the post office and marked "undeliverable" but the valuables will be retained as abandoned property in the Sheriff's Office main property room to be disposed of according to law. The corrections staff member processing the abandoned property will fill out a property room property form and submit the property in the temporary evidence lockers.. . Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor.
- F. Night Shift Corrections Deputies will open all inmate mail (except for legal and official mail) to inspect for prohibited content/contraband. Upon a determination that prohibited content/contraband is present, Night Shift Corrections Deputies will confiscate the mail.
- G. If cash or negotiable instruments are found in inmate mail, the mail and funds will be confiscated and returned to sender. The Prohibited Mail Notice shall include the amount of funds, number, and issuing institution of any negotiable instrument as well as the payee's name if it was not the inmate's.

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- H. Night Shift Corrections Deputies will remove publications from their mailing parcels.
- I. Night Shift Corrections Deputies will place inmate mail written in a foreign language in the "translation required" box and will take steps to locate a staff member who speaks that language. If such mail cannot be translated within a reasonable time by a staff member, the Corrections Deputy will forward the mail to a Jail Supervisor for direction.
- J. Night Shift Corrections Deputies will sort inmate mail by pod and place it in the pod folders in booking before 0800 hours (8:00 a.m.).
- K. Before mail is returned, stored, forwarded, or destroyed under this section, the Corrections Deputy will get approval of a Jail Supervisor. Night Shift Corrections Deputies will fill out a Prohibited Mail Notice for each item of confiscated mail and place it in the "Needs Review" box for a Jail Supervisor's review. A Jail Supervisor will review each Prohibited Mail Notice. If the Jail Supervisor does not agree with the Prohibited Mail Notice, the mail will be delivered. If the Jail Supervisor does agree with the Prohibited Mail Notice, the Jail Supervisor will sign the Prohibited Mail Notice. The Prohibited Mail Notice will then be sent to the sender of the mail (if known). A copy of the Prohibited Mail Notice will also be provided to the inmate (if known and still in jail). A copy of the Prohibited Mail Notice will be retained in the inmate's file.
- L. Day Shift Corrections Deputies will pick up the mail for their pods when coming on duty. They, or other staff if appropriate, will process the inmate mail for their pods as follows:
 - (1) Open recognizable legal and official mail in front of the inmate and inspect it only for contraband – not content (staff shall not read the contents);
 - (2) Deliver the mail as soon as practical upon receipt. Passing inmate mail under an inmate's door and placing books by the door is acceptable, except for legal and official mail;
- 2. **Grievances/Appeals.** Corrections Deputies will forward any grievances and/or appeals related to inmate mail to the Jail Commander for a determination of compliance with the Inmate Mail Policy and applicable legal requirements.
- 3. **Return to Sender.** Corrections Deputies will place mail to return to sender in the booking pickup box.
- 4. **Mail Delivery.** Staff should deliver mail to inmates within 24 hours of receipt at the Jail. Reasonable exceptions are allowed when special processing is required, such as for mail delivered late in the day, mail needing translation, or mail held as evidence in a criminal or disciplinary investigation, etc.

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OUTGOING INMATE MAIL

1. General Mail Rules for Inmates

Inmates—

- A. May only use lead or colored pencils to write correspondence.
- B. Must send inmate mail through the USPS or other approved system.
- C. Must put their first and last name, booking number, and the jail address as the return address.
- D. May not draw or write anything on the outside of an envelope other than name and address information and "legal" or "official" mail designations.
- E. May not send out jail forms for others to fill out on behalf of the inmate.
- F. May not send prohibited content or contraband. Inmates are subject to disciplinary action for doing so.

2. Posting Outgoing Mail. Inmates will place outgoing inmate mail, unsealed, in the designated mailbox located inside of their pod (except for the case of legal or official mail).

3. Outgoing legal or official mail shall be processed in this manner:

- A. Inmates must obtain a correction deputy's verification that any legal or official mail complies with this Policy prior to the mail being sealed and placed in the designated mailbox in their pod.
- B. The corrections deputy shall inspect the inmate's legal and/or official mail in the presence of the inmate for contraband only. The deputy shall not review or read the content of legal or official mail.
- C. After inspecting the legal or official mail for compliance with this Policy, the corrections deputy will have the inmate seal the envelope and deliver it to the deputy. The deputy will then initial and write his or her DPSST number on the flap to show this verification.
- D. After verifying that the legal or official mail complies with this Policy and writing his or her initials and DPSST number on the flap, the deputy shall place this sealed envelope of legal or official mail in the outgoing mail box within the pod.

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The Night Shift Corrections Deputies will pick up the mail out of the mailboxes in the pods and deliver it to the booking area to be processed.

4. Processing, Opening and Inspecting Contents of Outgoing Mail

- A. Corrections Deputies will not read outgoing legal or official mail unless they have the approval of the Jail Commander.
- B. Corrections deputies may read outgoing mail at any time and for any reason, except for legal or official mail. This may be by housing area, class of inmate, individual inmate, or other basis. It may also be on an ongoing or a random basis and for any length of time. However, the Jail Commander must approve any ongoing monitoring of a specific inmate.
- C. Corrections Deputies processing the outgoing mail will inspect the contents for contraband and/or other safety or security threats.
- D. Corrections Deputies will notify a Jail Supervisor if—
 - (1) They suspect outgoing mail contains contraband or otherwise violates this Policy.
 - (2) They suspect that the mail may present a safety or security issue based on the addressee.
 - (3) They have reasonable suspicion the mail may contain other contents of legitimate jail interest.
- E. A Jail Supervisor will determine whether inmate mail contains contraband or is otherwise prohibited by this Policy. If mail is deemed to be prohibited, a Jail Supervisor will notify the inmate and may give the inmate an opportunity to correct the problem(s). If the inmate refuses to correct the mail, the mail will be confiscated. If an inmate corrects the problem(s), the mail will be included in outgoing mail.
- F. Mail may be confiscated immediately if appropriate in the discretion of the Jail Supervisor.
- G. Outgoing Inmate Mail will be sealed by the corrections deputy or deputies processing the outgoing mail and then placed in the outgoing mail basket and delivered to the front office for the regularly scheduled morning pickup on that same day as long as it is not a weekend or holiday. Outgoing mail should be processed within one business day after being received from the inmate.
- H. An inmate and addressee will be provided with a Prohibited Mail Notice

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whenever outgoing inmate mail is not mailed due to a violation of this Policy. However, if the inmate is allowed to correct a problem with the mail, the inmate will be notified, but a Prohibited Mail Notice is not required unless the inmate declines to correct the problem.

CONFISCATED MAIL

1. **Disposition.** Unless otherwise specified in this Policy, any inmate mail that is confiscated pursuant to this Policy may either be returned to the sender, or stored with the inmate's belongings in the Jail's sole discretion based on the best interest of the Jail. A Jail Supervisor may authorize the destruction of any item that presents a health or safety risk if stored in the jail, or return it to sender, or as otherwise authorized by this Policy.
2. **Prohibited Mail Notice Required.** If a Jail Supervisor signs a Prohibited Mail Notice, the sender and addressee of the confiscated inmate mail must be notified of the confiscation whether the disposition was to return the mail, store it, or destroy it. However, if the mail is evidence in a criminal investigation, no notification will be given. Notice will be given through delivery of a Prohibited Mail Notice in the form attached to this Policy. The Prohibited Mail Notice will give the reason for the confiscation and explain the appeal process.
3. **Confiscation in whole.** Corrections Deputies will confiscate inmate mail in whole rather than removing contraband or obliterating individual pages, passages, or words of prohibited content.
4. **Stored Inmate Mail.** Corrections Deputies will use a Prohibited Mail Notice to inform the inmate of the confiscation and use a copy as a tag for the items placed in storage.

ADMINISTRATION

1. **Mail as Nuisance Contraband.** Inmates are responsible for getting rid of any mailed item exceeding the number of items allowed in their cells as nuisance contraband under Policy J212, *Rules and Discipline*. An inmate may transfer items to their bin in the property room using procedures in Policy J208, *Secure Storage of Inmate Property*.
2. **Gang-Related and Security Threat Group Materials in Mail.** Corrections Deputies will photocopy incoming or outgoing inmate mail with gang-related material and send a copy to the Gang Deputy.
3. **Mail Monitoring.** This section does not apply to legal or official mail.
 - A. The Jail may monitor an inmate's mail for investigatory purposes as follows:
 - (1) Upon receipt of a warrant; or

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- (2) When there is a legitimate penological or public safety reason to do so. Examples of legitimate penological interest include but are not limited to, the welfare and safety of the inmates or staff, the good order or security of the facility, the protection of property, the prevention of the commission of a crime or conspiracy to commit a crime, the prevention of the destruction or tampering with evidence, and the prevention of harassment or intimidation of witnesses.
- B. If a request to monitor inmate mail comes from another law enforcement agency, the agency must complete a Request for Inmate Mail Monitoring. An approved request will expire 30 days after its approval date. The requester must submit a new request to continue monitoring. Jail staff will read the inmate's mail and decide if any of it applies to the request and will only forward copies of mail that does apply. The requester must pick up the copies in person if from an agency within Columbia County. The Jail Commander will coordinate the mail-monitoring program. The Jail Commander must approve the request.
4. **Mail Rules.** The Jail Commander will ensure mail rules are a part of inmate orientation and the *Inmate Manual* and will make copies of the Inmate Mail Guide available to the public.
5. **Mail Complaints.** Staff members will direct mail complaints from the public to a Jail Supervisor. The Jail Supervisor should attempt to respond to the complainant within two business days. Appeals related to receipt of Prohibited Mail Notices shall be addressed pursuant to paragraph 10, below.
6. **Mail Handler Supervision and Training.** A Jail Supervisor will supervise the day-to-day handling of inmate mail. He or she will assign staff to perform primary inmate mail duties. Staff who initially handle or open incoming inmate mail should attend training on the safe handling of strange or suspicious packages or receive similar training from another source. Those who open mail should also receive training on recognizing gang and security threat group symbols and signs.
7. **Change of Address Responsibilities and Forwarding Mail.** Inmates are responsible for submitting change of address requests to the publishers of publications they receive and to others that send them mail at the Jail. Corrections Deputies will normally not forward mail for inmates who are no longer in Jail custody. They will return correspondence and packages unopened to the sender and throw publications away.
8. **Holding Mail.** Corrections Deputies will normally not hold mail for inmates released or temporarily transferred to another facility. The Jail Commander may make exceptions.
9. **Returning Mail to Sender.** Before mail is returned to its sender, Corrections Deputies will obliterate any mail sorting bar code and will mark the mail "Return to Sender". A Prohibited Mail Notice will be mailed separately from mail that is

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CC 001922

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returned unopened

To return mail that was opened, a Corrections Deputy must repackage it and send it at the expense of the Jail to the sender. The Corrections Deputy will include a copy of the Prohibited Mail Notice with repackaged mail.

10. **Appeals.**

- A. By Inmates. Inmates wishing to appeal a decision to deny delivery of incoming inmate mail or the mailing of outgoing inmate mail must follow the normal grievance procedure set forth in the Inmate Manual and Policy J207, *Inmate Rights*.
- B. By Others. If a person believes that any incoming or outgoing inmate mail was improperly confiscated by the Jail, they may appeal the action to the Jail Commander by sending a written letter stating the specific reason(s) why the action was improper. The letter must be received within 15 days from the date of the Prohibited Mail Notice. Or, if no Prohibited Mail Notice was received, the letter must be received within 15 days from the date the person knew or should have known of the appealed action. The letter shall include the sender's name and return address. The Jail Commander will consider the appeal and will issue a decision on the appeal within 15 days of receiving the letter. However, if the Jail Commander made the initial decision regarding the mail in question, the Sheriff will consider the appeal and issue the decision. The appeal process will be set forth in the Prohibited Mail Notice.

CC 001923

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July 5, 2012



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

PROHIBITED MAIL NOTICE

Date: _____

Because of rules contained in the Columbia County Jail Inmate Mail Policy,

we are ☐ returning or ☐ storing or ☐ destroying the ☐ letter or ☐ publication or ☐ other
described as: _____

sent ☐ to ☐ from inmate _____, Booking # _____

The mail was confiscated for the following reason(s):

- ☐ It contains sexually explicit material at page(s): _____
- ☐ It contains prohibited content or contraband: _____
- ☐ It did not come directly from a publisher, book club, or bookstore.
- ☐ Other _____

The reverse side of this letter is an Inmate Mail Guide which contains guidance on mail rules and appeal information. You may also go to the Jail's web page to find the information. The inmate has also received this notice and can appeal this decision through the Inmate Grievance Procedure set forth in the Inmate Manual.

APPEALS: Inmates can appeal decisions to confiscate mail through the Inmate Grievance Procedure set forth in the Inmate Manual. Others who believe that mail was improperly confiscated may appeal the decision by sending in a written letter stating the reasons it is believed that the decision was wrong within 15 days from the date of this Notice. The letter should identify specifically how our action was improper, and include the name and return address of the appealing party. Appealing parties are not required to provide a phone number, but it may be useful if we need further clarification. We will send the appealing party a decision on the appeal within 15 days of our receipt of the appeal. Please direct appeals to:

Jail Commander
ATTN: Confiscated Mail Appeal
Columbia County Sheriff's Office
901 Port Ave.
St. Helens, OR 97051

Mail Handler and DPSST #

Jail Supervisor and DPSST #

CC 001924

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July 5, 2012

This Guide is intended to be a summary of some of the provisions in the Inmate Mail Policy that may be of most interest to members of the public. The Guide IS NOT intended to be a complete description of all policies related to Inmate Mail. For detail please see the Inmate Mail Policy.

INMATE MAIL GUIDE

Policy

Jail mail-handling procedures support both the inmates' and the public's need to communicate in writing, to carry out legal and official business, and maintain family and community ties. Procedures also meet the Jail's need for efficient operations that preserve the good order, safety, and security of the facility, inmates, and staff. To that end, the following guide has been prepared to assist the public in complying with the Inmate Mail Policy.

The Jail's general Policy is that it will not limit, censor, or restrict the volume, language, content, format or source of inmate mail. However, some limitations are necessary for the security of inmates, jail staff, and the public, as well as for the efficient operation of the Jail.

Inmate Mail. Inmates may generally send and receive mail in any form delivered by the U.S. Postal Service. Personal property such as food, beverages, clothing and similar items are not allowed to be mailed to and from inmates and will be confiscated. Photographs are allowed provided they don't otherwise violate the Policy.

Publications. Inmates may receive publications, including but not limited to, books, magazines, newsletters and newspapers. However, the publication must be mailed directly from the publisher, book club or a bookstore.

Addressing Inmate Mail. Inmate mail must have the inmate's booking name as part of the addressee information. Incoming mail must have a return address including 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) Controlled substances as defined by ORS 475.005(6);
 - (3) 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.

For more specific information about prohibited mail please review the full Inmate Jail Policy J603-.

Appeals. Both the inmate and an outside person have the right to appeal a decision to confiscate inmate mail. With very limited exceptions, the Jail will provide a Notice of Prohibited Mail to both the sender and addressee when inmate mail is returned or confiscated. The Notice of Prohibited Mail will explain the reason why the inmate mail was returned or confiscated and will explain the appeals process. The appeal process for an inmate follows the Jail's normal grievance process. The appeal process for everyone else requires a letter explaining the reason for the appeal, and providing contact information. The letter must be received within 15 days from the date of the Prohibited Mail Notice. The Jail will respond within 15 days of receipt of the letter.

CC 001925

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EXHIBIT 66

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

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.
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.

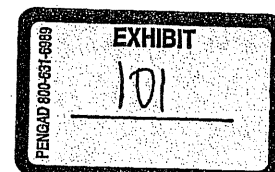


EXHIBIT 67

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

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(802) 257-1342

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

NOTICE OF DEPOSITION OF 30(b)(6)
DESIGNEE OF THE COLUMBIA
COUNTY SHERIFF'S OFFICE RE:
PROCESSING OF PRISONER MAIL AND
MAIL POLICY

NOTICE OF DEPOSITION OF 30(b)(6) DESIGNEE OF THE
COLUMBIA COUNTY SHERIFF'S OFFICE RE: PROCESSING OF
PRISONER MAIL AND MAIL POLICY (CV 12-71-SI) - 1

9870.05 f0012203

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

PLEASE TAKE NOTE that pursuant to Federal Rule of Civil Procedure 30(b)(6), the Columbia County Sheriff's Office is required to designate the person(s) to testify on its behalf most knowledgeable about the Jail's handling and processing of prisoner mail and the Jail Mail Policy, including but not limited to:

- a) the mail handler's duties and performance of sorting, inspecting, reading, stamping, and censorship of incoming and outgoing prisoner mail, and performance of other duties related to the processing of prisoner mail;
- b) the Jail Supervisor's duties and performance of supervising the day-to-day handling of prisoner mail;
- c) creation, modification, interpretation, and implementation of the Jail's Mail Policy since January 1, 2009;
- d) training of staff and supervisors about the Jail's Mail Policy since January 1, 2009; and
- e) all documents responsive to Plaintiff's Request for Production No. 3, 11, 12, 15, 20, and 23.

The Deposition related to topics identified above as (a) and (b) is to commence in combination with the Plaintiff's Rule 34 Inspection so that the deposition takes place during the mail processing and supervision of the processing, and in the location where the mail processing and supervision is taking place so those activities can be observed during the deposition, and continue thereafter as needed.

The Deposition will commence at 10AM on Tuesday, May 8, 2012, or other date and time mutually agreed to by the parties, at the Columbia County Jail, 901 Port Ave., St. Helens, OR 97051, to facilitate the purposes described above, before a person authorized by law to administer oaths. The deposition at the time and place indicated above is subject to continuation or adjournment from time to time or place to place until completed. This deposition, which may be used at trial, will be taken on the ground and for the reason that the witness will give evidence material to the establishment of Plaintiff's case.

NOTICE OF DEPOSITION OF 30(b)(6) DESIGNEE OF THE
COLUMBIA COUNTY SHERIFF'S OFFICE RE: PROCESSING OF
PRISONER MAIL AND MAIL POLICY (CV 12-71-SI) - 2

9870.05 (d012203)

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

DATED this 2nd day of April, 2012.

MACDONALD HOAGUE & BAYLESS

/s/ Katherine C. Chamberlain

KATHERINE C. CHAMBERLAIN

OSB #042580

(206) 622-1604

Of Attorneys for Plaintiff Prison Legal News

NOTICE OF DEPOSITION OF 30(b)(6) DESIGNEE OF THE
COLUMBIA COUNTY SHERIFF'S OFFICE RE: PROCESSING OF
PRISONER MAIL AND MAIL POLICY (CV 12-71-SI) - 3

9870.05 f0012203

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

CERTIFICATE OF SERVICE

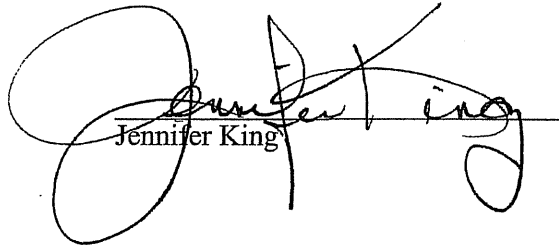
The undersigned certifies under penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled NOTICE OF DEPOSITION OF 30(b)(6) DESIGNEE OF THE COLUMBIA COUNTY SHERIFF'S OFFICE RE: PROCESSING OF PRISONER MAIL AND MAIL POLICY on the following individual(s):

Counsel for Defendant(s)

Greg R. Roberson
Steven Kraemer
Hart Wagner LLP
1000 SW Broadway Ste 2000
Portland OR 97205
Phone: 503 222-4499, x 1214
Fax: 503 222-2301
Email: grr@hartwagner.com

☐ Via Facsimile
☒ Via First Class Mail
☒ Via Email
☐ Via Messenger
☐ Via Overnight Delivery

DATED this 2nd day of April, 2012, at Seattle, Washington.


Jennifer King

NOTICE OF DEPOSITION OF 30(b)(6) DESIGNEE OF THE
COLUMBIA COUNTY SHERIFF'S OFFICE RE: PROCESSING OF
PRISONER MAIL AND MAIL POLICY (CV 12-71-SI) - 4

9870.05 fd012203

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

EXHIBIT 68

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

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HART WAGNER LLP
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Portland, Oregon 97205
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Facsimile: (503) 222-2301

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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

No. 3:12-cv-0071-SI

Plaintiff,

v.

DEFENDANT JEFF DICKERSON'S THIRD
SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION

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

Defendants.

GENERAL OBJECTIONS

Defendant Jeff Dickerson ("defendant") generally objects to the production of privileged communications, work product or materials prepared in anticipation of litigation. Defendant also objects to any request for production of any document which exceeds the scope of the Federal Rules of Civil Procedure, or any request which is vague, general, or outside the scope of discovery. Without waiving these objections, and specifically incorporating these objections by reference, defendant responds to plaintiff's specific production requests.

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REQUEST FOR PRODUCTION NO. 5: Please produce all documents pertaining to or reflecting the reasons that Defendants implemented a Postcard-Only Mail Policy for *outgoing* mail, including but not limited to all documents that that [sic] you considered or relied upon, all documents that state or imply data or information that supported or refuted the assumptions, stereotypes, or assertions of fact on which you based your decision to adopt the policy, and including all correspondence, investigations, contraband data compilations, summaries, memos, and reports.

RESPONSE: Objection, vague, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and subject to attorney-client privilege, work product and materials prepared in anticipation of litigation. Without waiving these objections, defendant responds as follows:

Defendant is not in possession, custody or control of documents responsive to this request.

INTERROGATORY NO. 3: Please state with specificity every reason that Defendants implemented a *ban on incoming magazines and periodicals*, the date(s) that each such policy was implemented, the names and job titles of each person who participated in the process of deciding to implement the policy, every alternative considered but rejected, and identify every document considered or relied upon by Defendants in reaching the decision to implement the policy.

RESPONSE: Objection. This interrogatory is unduly burdensome and overly broad because it requires Defendant Sheriff Dickerson to identify “every reason” with “specificity.” Defendant further objects to this interrogatory because it violates LR 33-1(d). CCSO did not have a policy that banned incoming magazines and periodicals. Defs. Resp., Dickerson Decl.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents pertaining to or reflecting the reasons that Defendants implemented a *ban on incoming magazines and periodicals*, including but not limited to all documents that that [sic] you considered or relied upon, all documents that state or imply data or information that supported or refuted the

assumptions, stereotypes, or assertions of fact on which you based your decision to adopt the policy, and including all correspondence, investigations, contraband data compilations, summaries, memos, and reports.

RESPONSE: Objection, vague, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and subject to attorney-client privilege, work product and materials prepared in anticipation of litigation. Without waiving these objections, defendant responds as follows:

Defendant is not in possession, custody or control of documents responsive to this request.

INTERROGATORY NO. 4: If Defendants contend that they have *lifted their bans* on all incoming magazines and periodicals, please state with specificity every reason Defendants lifted the bans, the date the bans were lifted, the names and job titles of each person who participated in the process of deciding to lift the bans, and every document considered or relied upon by Defendants in reaching the decision to lift the bans.

RESPONSE: Objection. This interrogatory is unduly burdensome and overly broad because it requires Defendant Sheriff Dickerson to identify “every reason” with “specificity.” Defendant further objects to this interrogatory because it violates LR 33-1(d). CCSO did not have a policy that banned incoming magazines and periodicals. *See* Defs. Resp., Dickerson Decl. In response to PLN’s lawsuit which notified Sheriff Dickerson that mail was improperly rejected, CCSO clarified its policy and practices with respect to incoming magazines and periodicals on January 26, 2012 by implementing a new inmate mail policy and training its staff who handle mail on February 1, 2012. *See* Defs. Resp., Dickerson Decl.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents pertaining to or reflecting the reasons that Defendants *lifted the bans* on incoming magazines and periodicals, including but not limited to all documents that that [sic] you considered or relied upon, all documents that state or imply data or information that supported or refuted the assumptions, stereotypes, or assertions of fact on which you based your decision to adopt the policy, and

including all correspondence, investigations, contraband data compilations, summaries, memos, reports, complaints, grievances, kites and appeals.

RESPONSE: Objection, vague, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and subject to attorney-client privilege, work product and materials prepared in anticipation of litigation. Without waiving these objections, defendant responds as follows:

Defendant is not in possession, custody or control of documents responsive to this request.

INTERROGATORY NO. 5: If Defendants contend that the Jail's current Mail Policy requires the Jail to provide *written notice* when the Jail censors incoming or outgoing mail, please state with specificity every reason that Defendants modified the mail policy to require written notice to (a) prisoners and (b) non-prisoners, the names and job titles of each person who participated in the process of deciding the [sic] modify the policy, and every document considered or relied upon by Defendants in reaching the decision to modify the policy.

RESPONSE: Objection. This interrogatory is unduly burdensome and overly broad because it requires Defendant Sheriff Dickerson to identify "every reason" with "specificity." Defendant further objects to this interrogatory because it violates LR 33-1(d). CCSO's current inmate mail policy was adopted February 10, 2012. Defs. Resp., Dickerson Decl. Ex. F. The policy requires written notice to the sender and receiver of rejected mail that states the reason for the non-delivery of mail and provides a right to appeal the decision to the jail commander. *Id.* Ex. F, pp. 15-17. The policy modified the inmate mail policy adopted on January 26, 2012 in non-substantive ways. *Id.* Exs. E, F. The policies effective prior to January 26, 2012 did not comport with Due Process. Defs. Resp., Dickerson Decl. Exs. A-D. The reason to modify the policy was to comport with Due Process. Defendant objects on the basis of attorney-client privileged to identifying all persons who participated in the decision. Without waving that objection, the persons involved in the decision to modify the policy to comport with Due Process are: Columbia County Counsel Sarah Hanson, Sheriff Jeff Dickerson, Undersheriff Andy Moyer,

Sergeant Bryan Cutright, and Sergeant Lee Rigdon. Documents subject to attorney-client privilege were relied upon to modify the policy. Non-privileged documents relied upon are Washington County's inmate mail policy, as well as notes from Sergeants Cutright and Rigdon that were not kept.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents pertaining to or reflecting the reasons for requiring *written notice* to (a) prisoners and (b) non-prisoners, including but not limited to all documents that that [sic] you considered or relied upon, all documents that state or imply data or information that supported or refuted the assumptions, stereotypes, or assertions of fact on which you based your decision to adopt the policy, and including all correspondence, investigations, contraband data compilations, summaries, memos, reports, complaints, grievances, kites and appeals.

RESPONSE: Objection, vague, overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and subject to attorney-client privilege, work product and materials prepared in anticipation of litigation. Without waiving these objections, see CC000195-CC000261.

Defendant is not in possession, custody or control of documents responsive to this request.

REQUEST FOR PRODUCTION NO. 9: Please produce all documents that you relied on as a basis for the statements of fact and opinion made in your declaration (Dkt. 32).

RESPONSE: Objection, vague and overbroad. The documents relied upon are attached to the declaration.

REQUEST FOR PRODUCTION NO. 10: Please produce all documents that Sergeant Cutright relied on as a basis for the statements of fact and opinion made in his declaration (Dkt. 32).

RESPONSE: Objection, this request is directed to Sergeant Bryan Cutright. Defendant further objects because the request is vague and overbroad. Without waiving these objections, defendant responds as follows:

Defendant is not in possession, custody or control of documents responsive to this request.

INTERROGATORY NO. 6: Please state with specificity each modification that you made to the Columbia County Jail Mail Policy on January 26, 2012, and the reason for each modification.

RESPONSE: Objection. This interrogatory is unduly burdensome and overly broad because it requires Defendant Sheriff Dickerson to identify “each modification” with “specificity.” Defendant further objects to this interrogatory because it violates LR 33-1(d). PLN is in possession of the January 26, 2012 inmate mail policy, and the version effective prior to January 26, 2012, and can compare the versions to identify each modification made. (Defs. Resp., Dickerson Decl. Exs. D, E.) The primary modifications made were to allow the types of correspondence mailed by plaintiff to inmates and mentioned in the Complaint to be delivered to inmates, and to comply with the First Amendment and the Fourteenth Amendment.

REQUEST FOR PRODUCTION NO. 11: Please produce all documents that you considered or relied upon in deciding to make the modifications that you made to the Columbia County Jail Mail Policy on January 26, 2012.

RESPONSE: Objection, attorney-client privilege, work product, and materials prepared in anticipation of litigation. Defendant objects because the documents sought are not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, see CC000195-CC000261, CC000613-CC000631.

INTERROGATORY NO. 7: Please state with specificity whether and how you notified prisoners and the public of the modifications that you made to the Jail’s Inmate Mail Policy effective on the dates listed below:

- (a) August 15, 2009
- (b) March 3, 2010
- (c) July 19, 2011
- (d) October 21, 2011

(e) January 26, 2012

(f) February 10, 2012

(g) Any other mail policy in effect during any portion of the period from January 1, 2009 to the present.

RESPONSE:

(a) August 15, 2009: No notice to the public or inmates.

(b) March 3, 2010: The mail policy was announced on CCSO's website and there was at least one news article regarding the new mail policy. *See* Plf. Mot., Chamberlain Decl. Exs. 2-3. An inmate mail guide was available on CCSO's website that, subsequent to PLN's lawsuit, Sheriff Dickerson discovered was not compliant with the mail policy. Defs. Resp., Dickerson Decl. Inmates were notified in person and the inmate manual was updated.

(c) July 19, 2011: No notice to the public or inmates.

(d) October 21, 2011: No notice to the public or inmates.

(e) January 26, 2012: The mail procedures available on CCSO's website were removed because they did not comply with the mail policy. Defs. Resp., Dickerson Decl. No notice to the public was given. Inmates were told the mail policy was under review.

(f) February 10, 2012: No notice to the public or inmates.

(g) Any other mail policy in effect during any portion of the period from January 1, 2009 to the present: None.

SUPPLEMENTAL RESPONSE TO 7 (g) (06/12/2012): For the mail policy effective May 25, 2012, mail guidelines were placed on the Columbia County Sheriff's Office's website (removed after the Court's Order on May 29, 2012) and a revised Inmate Manual was issued.

SUPPLEMENTAL RESPONSE TO 7(g) (08/31/2012): See Answer to Interrogatory No. 19.

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INTERROGATORY NO. 9: Please state with specificity all facts on which Sheriff Dickerson based these two statements in his declaration: “Envelopes containing multiple pieces of paper can hide contraband such as needles, blades, similar weapons, and handcuff keys” and “Contraband, which includes bodily fluids, lipstick, perfume, glue, paint, and unidentifiable substances . . . are bio-hazards and can contain bio-hazards . . .” (Dkt. 32).

(a) The identity of each piece of contraband (e.g., glue, weapons, etc.) that arrived at the Jail by mail or that a prisoner attempted to send out of the Jail by mail;

(b) The date each piece of contraband was detected;

(c) All records kept of the piece of contraband;

(d) The type of mail the contraband was affixed to or contained in (envelope, postcard, magazine, etc.) and if concealed, where it was concealed;

(e) Whether the contraband was dangerous and if so in what way, and to whom; and

(f) The number of times a Jail staff person, prisoner, or any other person was harmed by the alleged contraband, and for each instance state the date, identity of the person and the harm caused.

RESPONSE: Objection. This interrogatory is unduly burdensome and overly broad because it requires Defendant Sheriff Dickerson to identify “all facts” with “specificity.” Defendant further objects to this interrogatory because it violates LR 33-1(d). Further, CCSO does not keep statistics on when and how much contraband the Columbia County Jail receives or that inmates attempt to send out through the mail. Defendant relied on well-known facts of what constitutes contraband.

REQUEST FOR PRODUCTION NO. 16: For the period January 1, 2009, through the present, please produce all documents pertaining to or reflecting that any bio-hazards contained or concealed in the forms listed below arrived at the Columbia County Jail or that a prisoner attempted to send out of the Jail by mail:

(a) bodily fluids

(b) lipstick

see CC000389-CC000396. There are no documents relating to Columbia County Jail mail policies contained within the personnel files of Sheriff Dickerson and Sergeant Cutright.

Respectfully submitted this 31st day of August, 2012.

HART WAGNER LLP

By: 

Steven A. Kraemer, OSB No. 882476
Gregory R. Roberson, OSB No. 064847
Of Attorneys for Defendants

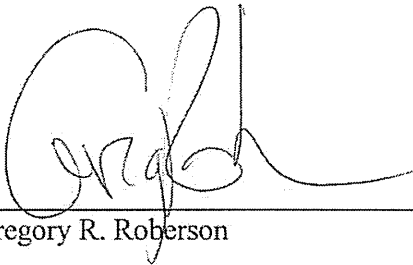
CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of August, 2012, I served the foregoing
DEFENDANT JEFF DICKERSON'S THIRD SUPPLEMENTAL RESPONSES TO
PLAINTIFF'S FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION, on the
following parties at the following addresses:

Marc D Blackman
Ransom Blackman LLP
1001 SW 5th Ave Ste 1400
Portland OR 97204

Katherine C Chamberlain
Jesse Wing
MacDonald Hoague & Bayless
705 Second Ave Ste 1500
Seattle WA 98104

e-mailing to them a true and correct copy thereof.



Gregory R. Roberson

EXHIBIT 69

TO

DECLARATION OF KATHERINE CHAMBERLAIN
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

Steven A. Kraemer, OSB No. 882476
E-mail: sak@hartwagner.com
Gregory R. Roberson, OSB No. 064847
E-mail: grr@hartwagner.com
HART WAGNER LLP
1000 S.W. Broadway, Twentieth Floor
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Telephone: (503) 222-4499
Facsimile: (503) 222-2301

Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

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

No. 3:12-cv-0071-SI

Plaintiff,

v.

DEFENDANTS' **SUPPLEMENTAL**
RESPONSES TO PLAINTIFF'S SECOND
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO ALL
DEFENDANTS

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

Defendants.

GENERAL OBJECTIONS

Defendants generally object to the production of privileged communications, work product or materials prepared in anticipation of litigation. Defendants also object to any request for production of any document which exceeds the scope of the Federal Rules of Civil Procedure, or any request which is vague, general, or outside the scope of discovery.

Without waiving these objections, and specifically incorporating these objections by reference, defendants respond to plaintiff's specific production requests.

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REQUESTS FOR PRODUCTION AND INTERROGATORIES

INTERROGATORY NO. 14: Please state with specificity all steps taken by Defendants to comply with the Court's Order dated May 29, 2012, and identify all persons with knowledge of those actions and state their role(s).

ANSWER: Objection, vague, overbroad and seeks information not reasonably calculated to the discovery of admissible evidence. If plaintiff contends that defendants have not complied with the Court's Order, then defendants will consider revising this answer. Defendants further object because this interrogatory violates LR 33-1(d).

In response to the Court's Order, the Jail complied with it by disregarding the postcard policy.

REQUEST FOR PRODUCTION NO. 32: Please produce all documents supporting, refuting or relating to the facts set forth in your answer to Interrogatory No. 14.

RESPONSE: Objection, vague, overbroad and seeks information not reasonably calculated to the discovery of admissible evidence. If plaintiff contends defendants have not complied with the Court's Order, then defendants will consider revising this response.

REQUEST FOR PRODUCTION NO. 33: Please produce all communications to/from Defendants and jail staff about the Court's Order dated May 29, 2012, including, but not limited to, emails, memos, notices and instructions.

RESPONSE: Objection, vague, overbroad and seeks information not reasonably calculated to the discovery of admissible evidence. If plaintiff sets forth with specificity how defendants have not complied with the Court's Order, then defendants will consider revising this response.

REQUEST FOR PRODUCTION NO. 34: Please produce a copy of the Columbia County Jail Mail Policy effective on June 29, 2012.

RESPONSE: CC001622-CC001636.

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RESPONSE: Objection, overbroad, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants further object on the basis that the request seeks documents protected by attorney-client privilege, work product, and materials prepared in anticipation of litigation.

Respectfully submitted this 17th day of August, 2012.

HART WAGNER LLP

By:



Steven A. Kraemer, OSB No. 882476
Gregory R. Roberson, OSB No. 064847
Leslie A. Edenhofer OSB No. 093380
Of Attorneys for Defendants

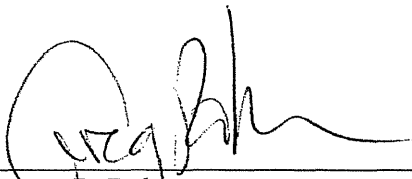
CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2012, I served the foregoing DEFENDANTS' SUPPLEMENTAL RESPONSES TO PLAINTIFF'S SECOND INTERROGATORIES AND REQUESTS FOR PRODUCTION TO ALL DEFENDANTS, on the following parties at the following addresses:

Marc D Blackman
Ransom Blackman LLP
1001 SW 5th Ave Ste 1400
Portland OR 97204

Katherine C Chamberlain
Jesse Wing
MacDonald Hoague & Bayless
705 Second Ave Ste 1500
Seattle WA 98104

e-mailing to them a true and correct copy thereof.



Gregory R. Roberson