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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

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

Plaintiff,

v.

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

Defendants.

No. 3:12-CV-71-SI

DECLARATION OF JESSE WING IN
SUPPORT OF PLAINTIFF'S MOTIONS
FOR PARTIAL SUMMARY JUDGMENT

I, Jesse Wing, declare as follows:

I am one of the attorneys for Plaintiff Prison Legal News. I am over the age of 18, and am competent to testify.

I. **Exhibit I** is a true copy of excerpts from the deposition transcript of Columbia County Sheriff Jeffrey Dickerson, taken on May 10, 2012 (Volume 1).

II. **Exhibit II** is a true copy of excerpts from the deposition transcript of Defendants' FRCP 30(b)(6) designee, Sergeant Bryan Cutright, taken on May 9, 2012 (Volume 1).

III. **Exhibit III** is a true copy of excerpts from the deposition transcript of Defendants' FRCP 30(b)(6) designee, Sergeant Raquel Miller, taken on May 9, 2012.

IV. **Exhibit IV** is a true copy of excerpts from the deposition transcript of former Columbia County Jail Commander Jim Carpenter, taken on July 5, 2012.

V. **Exhibit V** is a true copy of excerpts from the deposition transcript of Columbia County Undersheriff Andrew Moyer, taken on July 6, 2012 (Volume 1).

VI. **Exhibit VI** is a true copy of excerpts from the deposition transcript of Jeff Mansheim, taken on July 6, 2012.

VII. **Exhibit VII** is a true copy of excerpts from the deposition transcript of Undersheriff Andrew Moyer, taken on August 28, 2012 (Volume 2).

VIII. **Exhibit VIII** is a true copy of excerpts from the deposition transcript of Sheriff Jeffrey Dickerson, taken on August 28, 2012 (Volume 2).

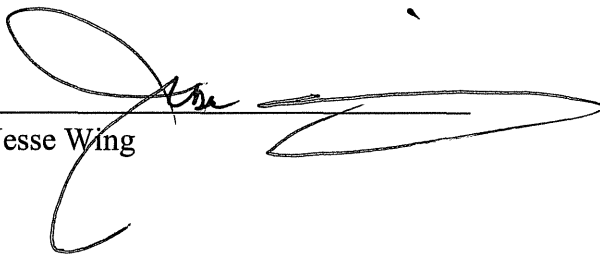
IX. **Exhibit IX** is a true copy of excerpts from a partial deposition transcript of Sergeant Bryan Cutright, taken on August 28, 2012 (Volume 2).

X. **Exhibit X** is a true copy of excerpts from a partial deposition transcript of Sergeant Lee Rigdon, taken on August 28, 2012.

XI. Plaintiff made a good faith effort to confer with Defendants to resolve the issues presented in Plaintiff's motion for summary judgment but was unable to do so.

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

DATED this 13th day of September, 2012, at Seattle, Washington.


Jesse Wing

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2012, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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EXHIBIT I
TO
DECLARATION OF JESSE WING
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4
5 PRISON LEGAL NEWS, a project

6 of the HUMAN RIGHTS DEFENSE

7 CENTER,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; COLUMBIA

11 COUNTY SHERIFF'S OFFICE; JEFF

12 DICKERSON, individually and

13 in his capacity as Columbia

14 County Sheriff,

15 Defendants.

16
17
18
19
20 DEPOSITION OF JEFFREY M. DICKERSON

21 Taken in behalf of Plaintiff

22 May 10, 2012

Page 6	Page 8
<p>1 A. Okay.</p> <p>2 Q. If you go ahead and answer a question, I will</p> <p>3 assume you understood it. Is that fair?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. How long have you served as the sheriff</p> <p>6 of Columbia County?</p> <p>7 A. Since January of 2009.</p> <p>8 Q. You are elected; is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. When you ran for sheriff last time, did you have</p> <p>11 any opponents?</p> <p>12 A. Yes.</p> <p>13 Q. How many?</p> <p>14 A. Two.</p> <p>15 Q. Are any of them running again?</p> <p>16 A. No.</p> <p>17 Q. You are up for re-election; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And there's a primary coming up?</p> <p>20 A. The primary is coming up, but I'm not in the</p> <p>21 primary.</p> <p>22 Q. Why is that?</p> <p>23 A. There's only one opponent.</p> <p>24 Q. Okay. So your opponent is not in the primary</p> <p>25 either?</p>	<p>1 Q. Okay. There's not a Columbia County document</p> <p>2 that reflects those duties, is there?</p> <p>3 A. There might be something that's been</p> <p>4 communicated, say, to, through the budgetary</p> <p>5 process primarily, I think, that encapsulates a</p> <p>6 lot of those duties. And then various</p> <p>7 publications that might be out there. Certainly</p> <p>8 something that might be on the internet might</p> <p>9 have that.</p> <p>10 Q. Okay. You are running again?</p> <p>11 A. I am.</p> <p>12 Q. Why do you want to be sheriff?</p> <p>13 A. I believe I'm the most qualified person in our</p> <p>14 county to run the sheriff's office.</p> <p>15 Q. Do you enjoy your job?</p> <p>16 A. It's a double-edged sword. Sure. There's parts</p> <p>17 I truly enjoy and then there's parts that are</p> <p>18 difficult and excruciating sometimes.</p> <p>19 Q. What are the parts that you enjoy?</p> <p>20 A. The parts that I enjoy are to be part of the</p> <p>21 community, to be able to go before our citizens</p> <p>22 and represent them. Only 36 people in Oregon</p> <p>23 have that opportunity to actually do something</p> <p>24 in a profession that they love and be elected to</p> <p>25 it when it comes to law enforcement. Most, most</p>
Page 7	Page 9
<p>1 A. That's correct.</p> <p>2 Q. There's an election in the fall?</p> <p>3 A. In the fall. Correct.</p> <p>4 Q. Okay. Could you tell me when you're asked to</p> <p>5 describe what your duties as sheriff are, what</p> <p>6 do you say?</p> <p>7 A. I say I'm the chief conservator of the peace of</p> <p>8 Columbia County. In doing so, I have various</p> <p>9 responsibilities, first and foremost is to</p> <p>10 arrest and to commit to prison all those who</p> <p>11 break the peace or commit offenses in Columbia</p> <p>12 County; secondly is to serve as a ministerial</p> <p>13 officer of the courts. That's actually my</p> <p>14 Constitutional duty, according to the Oregon</p> <p>15 Constitution. I manage the warrants that, that</p> <p>16 come before my office. I mean, I manage,</p> <p>17 meaning I oversee the people who cause that to</p> <p>18 happen, search and rescue and we do animal</p> <p>19 control and we run the Columbia County Jail.</p> <p>20 Q. Okay. Those duties that you've just described,</p> <p>21 some of them are found, as you pointed out in</p> <p>22 the Oregon Constitution. Are any, are those</p> <p>23 duties encapsulated in some document as you</p> <p>24 understand it?</p> <p>25 A. Oregon law. Oregon Revised Statute.</p>	<p>1 chiefs, all chiefs of police are not elected.</p> <p>2 They're selected by an appointing process. But</p> <p>3 in this case you answer directly to the people.</p> <p>4 And to me that's a huge honor, privilege to be</p> <p>5 able to do that in a profession that I love.</p> <p>6 I enjoy solving problems. I look at myself</p> <p>7 as a problem solver. How good I am, I don't</p> <p>8 know. But I enjoy the process. And those parts</p> <p>9 of it are tremendously gratifying.</p> <p>10 Q. You used the word "excruciating" to talk about</p> <p>11 some aspects of your job. What is excruciating</p> <p>12 about being sheriff of Columbia County?</p> <p>13 A. It's, there's a tremendous burden that comes</p> <p>14 with an elected office that no one really</p> <p>15 understands until you have it. Probably the</p> <p>16 most difficult part of what the job entails is</p> <p>17 to do things, to be given a mission, a varied</p> <p>18 and wide mission with very few resources. And</p> <p>19 that is the most difficult thing. Because</p> <p>20 there's a lot of expectation. And of course</p> <p>21 when you're running for office, you, you think</p> <p>22 that you have a great way of, and you put it out</p> <p>23 there that you're going to do this job and these</p> <p>24 are the results that you expect to happen. And</p> <p>25 in the process your budget gets cut by</p>

<p style="text-align: right;">Page 10</p> <p>1 40 percent in four years and then you start to 2 wonder, you know, is it worth it? Because the 3 expectation is still there, but the resources to 4 get it done are shrinking. And that's probably 5 the most difficult part of the job. 6 Q. What is the summary of what you told the 7 electorate in 2008 when you asked them to elect 8 you as to why you should be elected? You know, 9 your short version of your stump speech. 10 A. I believe that the sheriff's office needed 11 improvement in professionalism and service to 12 the community and to be more of a expression of 13 the people of the county. And the only way to 14 do that is through relationships and building 15 relationships and again, through the 16 problem-solving process, looking at the 17 resources you have and making sure that you're 18 as efficient and effective as you possibly can 19 be. And we said that we could put people out 20 longer and make them more effective in their 21 approach to crime solving in the community and 22 that the processes that we were going to bring 23 forward would make the sheriff's office a more 24 efficient use of public funds. That was the 25 basic stump speech.</p>	<p style="text-align: right;">Page 12</p> <p>1 going forward we would hold ourselves, including 2 the sheriff, accountable for results. And so 3 we, that's what we began to do as far as the 4 accountability factor was probably the biggest, 5 biggest thing that has changed the way the 6 sheriff's office does business. 7 Q. Can you give me some examples when you say 8 holding the sheriff's office accountable, you 9 mentioned misdeeds. What did you mean by using 10 the word "misdeeds"? 11 MR. KRAEMER: And I want to make it clear I 12 am going to object and instruct him not to 13 answer any employment-related matters. And I'm 14 not saying there will be, I have no idea, but 15 that would relate to discipline or anything like 16 that. Again, I'm not saying there. I'm just 17 making that objection. 18 MR. WING: Well, are you objecting to him 19 describing things in general or are you 20 objecting to him identifying employees? 21 MR. KRAEMER: Identifying employees. 22 MR. WING: Okay. 23 THE WITNESS: I'll start in a nonemployee 24 example. When, just before I took office, the 25 sheriff's office was burglarized. And it</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Okay. And the professionalism, what did you 2 mean by that? 3 A. Well -- 4 Q. You need more professionalism, what did you 5 mean? 6 A. In general we looked at, I mean, I came from the 7 state police and there were a lot of, in our 8 contacts with deputies there wasn't a lot of 9 accountability in the prior sheriff's office. 10 And the left hand didn't know what the right 11 hand was doing. When I say that, what I mean is 12 there wasn't a lot of, there wasn't a cohesive 13 mission of the sheriff's office no matter what 14 division you were working in. In fact, I don't 15 even know if they had divisions. They didn't 16 have a concept of we do this and we do this and 17 we do this. It was more of a, just a 18 conglomeration of individuals that there was not 19 a lot of accountability for misdeeds. When we 20 came in we, we began to hold people accountable 21 to what we said, what we believed was the vision 22 that I was elected to and that was, that we have 23 a unified mission together, all of us, to 24 conserve the peace in Columbia County, no matter 25 what division you were in. And with our mission</p>	<p style="text-align: right;">Page 13</p> <p>1 shouldn't be before I took office, just before 2 the election in May of 2008, the sheriff's 3 office was burglarized and evidence was stolen. 4 And it was a result of shoddy evidentiary 5 practices. 6 We got in there and immediately established 7 new protocols for handling evidence. We built a 8 more secure facility for long-term evidence, 9 holding, the sheriff's office had a 10 state-of-the-art evidence room, but it 11 overflowed because they didn't have a good 12 process for getting rid of old evidence. And so 13 old evidence, new evidence had all ended up just 14 gathering like in a, not as a river, as a pond, 15 if you will, and just continued to build up to 16 the place where the overflow became areas where 17 evidence could more easily be burglarized, for 18 example. 19 And so we -- It was twofold. We turned 20 evidence into the procedure that it was supposed 21 to be, that it is a stream, comes in, it goes 22 out. We keep it as long as it's needed and then 23 it goes. 24 Secondly, there's some evidence we do have 25 to keep for longer. And so we built a facility</p>

<p style="text-align: right;">Page 14</p> <p>1 that would be far more secure than the semi 2 trailer in the back lot. And so those, those 3 kinds of processes we began to institute. 4 There were issues with employees in regard 5 to in general just taking advantage of being 6 there and being in the union and not producing. 7 And we raised the standard, raised the bar, so 8 to speak, and said you have to perform. And if 9 you're not performing, then we have to find out 10 what, why is it that you're not performing, 11 corrective measures if we can institute those. 12 And when, we instituted corrective measures, 13 there were times where the corrective measures 14 did not take effect or the conduct was so 15 egregious that they were put on a path toward 16 termination. We have never terminated anybody 17 because they, people who have left resigned or 18 retired prior to that. And some of it, and some 19 of it wasn't even, some of it was physical 20 conditions as well, unable to perform the duty. 21 And so they would, they would need to, they 22 decided it was better just to move on than to go 23 through that whole process of fitness for duty 24 type processes that prior to the sheriff's, 25 prior to me coming to the sheriff's office did</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And -- 2 A. -- in regard to employee performance review. 3 Q. Okay. The person who reports directly to you is 4 Andrew Moyer; is that correct? 5 A. That's one person who reports directly to me. 6 Q. Who else reports directly to you? 7 A. Currently the under, the sergeants in the 8 enforcement division report directly to me as 9 well as the animal control officer reports 10 directly to me. We also have a administrative 11 assistant who reports directly to me. 12 Q. As you use the title administrative assistant, 13 is that like a secretary or is that somebody 14 with more substantive responsibilities? 15 A. More substantive. 16 Q. Can you give me a general sense of what those 17 duties are? 18 A. She manages the financial liaison between the 19 county and the sheriff's office, both the jail 20 and enforcement and civil process. 21 Q. Is she kind of like a comptroller? 22 A. Kind of like that, sure. Timecards, purchase 23 orders, in addition to takes my phone calls, 24 takes the undersheriff's phone calls. 25 Q. Okay. As compared to other sheriff's offices</p>
<p style="text-align: right;">Page 15</p> <p>1 not exist, these protocols. People just were 2 there and it was almost a right of being there. 3 They have been there. And that process 4 continues. 5 Q. Okay. Thank you. How are deputies evaluated 6 for their performance? Is there a regular 7 period of time that they're evaluated? Is there 8 written documentation? 9 A. Yes. It's approximately one year, every year, 10 except for probationary employees receive one 11 regularly from their FTO, field training 12 officer. And then when it comes to the point 13 where they're ready to go from probationary 14 employee to regular employee, there's a formal 15 evaluation, performance review that takes place. 16 Q. And then do they get annual evaluations after 17 that? 18 A. Yes. 19 Q. And who does the annual evaluations? 20 A. Supervisor. 21 Q. And does the term "supervisor" have a specific 22 meaning in the sheriff's department? 23 A. Just means you're the next one up line -- 24 Q. Okay. 25 A. -- for the most part --</p>	<p style="text-align: right;">Page 17</p> <p>1 that you are familiar with, would you say that 2 yours is smaller, larger, somewhere in the 3 middle? 4 A. I think we're probably somewhere in the middle 5 when it comes to the state of Oregon. 6 Q. Okay. So a medium-sized sheriff's office? 7 A. Yes. I think so. 8 (Exhibit 52 marked for identification.) 9 Q. BY MR. WING: Sheriff, I've handed you what's 10 been marked as Exhibit 52. Do you recognize 11 that document? 12 A. I do. 13 Q. What is it? 14 A. It is our first ever annual report. 15 Q. Okay. So you anticipate submitting one for 16 2012? 17 A. I do. 18 Q. Okay. Who wrote it? 19 A. Primarily me. 20 Q. How do you go about writing something? Do you 21 sit down and type it up yourself? Do you 22 dictate it? Do you write it longhand? 23 A. I write and design at the same time. 24 Q. On the computer? 25 A. Yes.</p>

Dickerson, Jeffrey

May 10, 2012

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. So where there are pictures in here, is 2 that the kind of thing that you dropped in 3 yourself or did you ask -- 4 A. I am responsible for every photograph in this, 5 I'm pretty sure, as far as dropping it in. 6 Q. Okay. What do you use? What sort of software 7 product do you use to put together the annual 8 report? 9 A. This was just done with Microsoft Word. 10 Q. Okay. So on the, this document has front and 11 back pages, that is, there is content on the 12 front and back of each page; right? 13 A. Except for the final page, correct. 14 Q. And the first two pages -- Sorry. They do have 15 numbers. Page 3 there is a section entitled 16 Sheriff Dickerson biography. 17 A. Yes. 18 Q. You wrote that? 19 A. I did. 20 Q. So would you say it's accurate? 21 A. Yes. 22 Q. Okay. And you also wrote the biography of 23 undersheriff Andy Moyer; is that right? 24 A. No. He wrote that. 25 Q. So far as you understand; is it accurate?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. So if we look at this chart, the chart 2 suggests that everybody reports up to the 3 undersheriff but, as you've just testified a few 4 minutes ago, the sergeants in the enforcement 5 division report directly to you? 6 A. That's correct. 7 Q. Okay. So would you say that the enforcement 8 division sheriffs still have maybe a dotted line 9 reporting to the undersheriff? That is, they 10 take direction when he tells them what to do -- 11 A. Absolutely. 12 Q. -- but they report directly to you? 13 A. Absolutely. As far as review, employee review. 14 When we did the, in performance review for the 15 sergeants, that was done by me. I did consult 16 with the undersheriff in the process. 17 Q. And when you're referring to those sergeants, 18 you mean the sergeants in the enforcement 19 division? 20 A. Yes. 21 Q. All of the jail functions are handled by the 22 corrections division; is that true? 23 A. Yes. 24 Q. Okay. So anybody who works in the corrections 25 division reports through the undersheriff to</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes. 2 Q. Okay. The page 4 contains an organizational 3 chart. Is that something you prepared? 4 A. Yes. 5 Q. And do you think that's accurate as of today? 6 A. Relatively. 7 Q. What changes, if any, would you say would more 8 accurately capture the current organizational 9 chart? 10 A. Well, the support services division is less 11 defined and, because the administrative 12 assistant used to be the manager of the support 13 services division, she took a reduction in pay 14 and was removed from the management of all of 15 the employees and volunteer services that were 16 in there. The sergeants basically divvy up a 17 lot of the processes that are in here and help 18 oversee that as well as the undersheriff and I 19 both, these are all things that were actually, 20 we've kind of gone back to the way the sheriff's 21 office was as far as organizationally prior to 22 us having, prior to this being, being, prior to 23 this chart being generated. However, it still 24 reflects all of the services and so we've kept 25 the chart as it is.</p>	<p style="text-align: right;">Page 21</p> <p>1 you? 2 A. Yes. I have an open-door policy. Anyone can 3 come in. But yes, that's the chain of command. 4 Q. And so the, when it's time for Sheriff 5 Cutright's (sic) performance evaluation, for 6 example, the undersheriff Andy Moyer does that 7 evaluation? 8 A. That's correct. 9 Q. Okay. 10 A. But he'll consult with me in the process. 11 Q. Okay. And is that standard that those who are 12 writing performance evaluations for folks who 13 are two steps down from you will consult with 14 you when they're writing them? 15 A. You know, it's, it's, I don't think it's 16 necessarily a standard practice other than we, 17 we consult, when we're doing our employee 18 performance reviews, we always consult with 19 others. We don't want it to be just a single 20 viewpoint. But we try to reach out to people, 21 when, who are affected or have an opportunity to 22 have some comment on a person's performance. We 23 have, like, for example, we have a person who is 24 employed by the, I mean, directed by the 25 county's building services and he's our building</p>

6 (Pages 18 to 21)

Beovich Walter & Friend

<p style="text-align: right;">Page 46</p> <p>1 understood your line of question, who were the</p> <p>2 sergeants, who are the deputies? But we do have</p> <p>3 part-time people who help in the control room at</p> <p>4 this point.</p> <p>5 Q. Okay. I'm trying to be exhaustive about this.</p> <p>6 A. I understand.</p> <p>7 Q. Okay. So the two part-time technicians, do they</p> <p>8 work certain days or only when called?</p> <p>9 A. When called.</p> <p>10 Q. Okay. Are there any other employees who work in</p> <p>11 the corrections division?</p> <p>12 A. I can't think of any others.</p> <p>13 Q. If you think of any, will you please volunteer</p> <p>14 them?</p> <p>15 A. Absolutely.</p> <p>16 Q. Thank you. So on a given shift, if you have</p> <p>17 four persons who are assigned to that shift, one</p> <p>18 would be a roving deputy. One would always have</p> <p>19 to be in control; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. One would be in booking?</p> <p>22 A. Yes.</p> <p>23 Q. And if you had four, then sergeant could be a</p> <p>24 supervisory post but also would have to do some</p> <p>25 of these other responsibilities?</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. BY MR. WING: Who wrote these post orders?</p> <p>2 A. I don't know.</p> <p>3 Q. The, you seem relatively computer savvy. Would</p> <p>4 you describe yourself that way?</p> <p>5 A. Relatively. Okay. Yes.</p> <p>6 Q. Okay. The bottom right-hand side of this first</p> <p>7 page of Exhibit 55 (sic), above the number it</p> <p>8 has what looks like an S drive colon?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recognize that as a path name on a</p> <p>11 computer?</p> <p>12 A. I do.</p> <p>13 Q. And you'll see in the path name it says "inmate</p> <p>14 manual." Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. What does that suggest to you?</p> <p>17 A. I don't know.</p> <p>18 Q. Is there such a thing called an inmate manual in</p> <p>19 the sheriff's department?</p> <p>20 A. Yes.</p> <p>21 Q. What is the purpose of the inmate manual?</p> <p>22 A. It's a guide for inmates in understanding the</p> <p>23 processes in the jail that affect them.</p> <p>24 Q. And is it a document that is given to the</p> <p>25 prisoners?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. No. The roving deputy usually has two deputies</p> <p>2 assigned to it.</p> <p>3 Q. Okay.</p> <p>4 A. And purely a management of people issue.</p> <p>5 Q. So two roving deputies; one control, one</p> <p>6 booking?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And there's always going to be a sergeant</p> <p>9 on every shift?</p> <p>10 A. Yes. Well, no. I shouldn't say that. That's</p> <p>11 the goal, but it doesn't always happen.</p> <p>12 Q. How often would you say that happens?</p> <p>13 A. I mean, on occasion if the sergeant is sick or</p> <p>14 goes on vacation and we don't have a replacement</p> <p>15 sergeant, then we have a deputy who assumes the</p> <p>16 officer-in-charge role.</p> <p>17 Q. Okay. The job description, excuse me, the jail</p> <p>18 post orders that is Exhibit 56, page 1, does it</p> <p>19 appear to be an accurate description of the job</p> <p>20 duties either they routinely perform or</p> <p>21 occasionally perform?</p> <p>22 A. I can only assume on that. I do not review the</p> <p>23 post orders.</p> <p>24 MR. KRAEMER: Don't speculate.</p> <p>25 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. When in the course of their incarceration?</p> <p>3 A. I believe it's, I believe it is when they're</p> <p>4 housed officially.</p> <p>5 Q. Near the beginning of their --</p> <p>6 A. Yes.</p> <p>7 Q. -- incarceration?</p> <p>8 A. Yes.</p> <p>9 Q. And I understand we may not be using the same</p> <p>10 term. Some of them are pretrial detainees and</p> <p>11 some of them are serving time; correct?</p> <p>12 A. Correct.</p> <p>13 Q. But whether they're serving time or pretrial</p> <p>14 detainee, near the beginning of their housing in</p> <p>15 your jail they would receive a copy of the</p> <p>16 inmate manual?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you see that the top of each of the</p> <p>19 three pages that are Exhibit 56 there's a</p> <p>20 different designation of the shift?</p> <p>21 A. Yes.</p> <p>22 Q. Page 1 says "days." Page 2 says "swing."</p> <p>23 Page 3 says "grave."</p> <p>24 A. Yes.</p> <p>25 Q. Are those the three names of the shifts?</p>

<p style="text-align: right;">Page 58</p> <p>1 Did you write that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you think that's accurate?</p> <p>4 A. Yes.</p> <p>5 Q. So the largest source of revenue to run the</p> <p>6 sheriff's department is payment by the federal</p> <p>7 government; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And that's more than a third of the revenue for</p> <p>10 your office; is that right?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. This increased prison population requires</p> <p>13 that you hire more people; is that right?</p> <p>14 A. The more people we have, the more people we need</p> <p>15 to manage them.</p> <p>16 Q. And just because you used the word "people"</p> <p>17 twice, I want to clarify.</p> <p>18 A. Okay. More people we have in custody, the more</p> <p>19 people in staff we need to manage those people</p> <p>20 in custody.</p> <p>21 Q. Okay. And is it also true that the more people</p> <p>22 in custody you have, the more mail you have?</p> <p>23 A. I don't know.</p> <p>24 Q. Do you think there's a correlation or would that</p> <p>25 be guessing on your part?</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Okay. So it's possible you did not read it; is</p> <p>2 that correct?</p> <p>3 A. Very possible.</p> <p>4 Q. Sheriff, do you have a philosophy for managing</p> <p>5 people, for managing your staff?</p> <p>6 A. Yes.</p> <p>7 Q. What is that philosophy?</p> <p>8 A. The basic philosophy is that I believe people</p> <p>9 have the inherent capacity to solve problems on</p> <p>10 their own and that they need, they need to be</p> <p>11 given adequate flexibility from those who</p> <p>12 oversee them to be able to solve problems before</p> <p>13 having to come directly to their manager and</p> <p>14 say, how do I do this? How do I do that?</p> <p>15 When it comes to the sheriff's office in the</p> <p>16 wide variety of tasks that are involved, it's</p> <p>17 absolutely necessary to have that view that you</p> <p>18 empower people to be the problem solvers at the</p> <p>19 point where the delivery of the service takes</p> <p>20 place so that you have more people getting more</p> <p>21 done. And that is something that continues to</p> <p>22 be a work in progress at the sheriff's office,</p> <p>23 but that's something that I firmly believe in.</p> <p>24 Q. Would you agree that sheriff's deputies and</p> <p>25 sergeants wield a certain measure of power?</p>
<p style="text-align: right;">Page 59</p> <p>1 A. It would be guessing.</p> <p>2 Q. Do you know what the policies are of the Federal</p> <p>3 Bureau of Prisons regarding mail?</p> <p>4 A. I do not know.</p> <p>5 Q. So do you know whether federal prisoners who are</p> <p>6 detained in your jail have the same or different</p> <p>7 rights regarding their mail if they're in</p> <p>8 federal prison or federal detention center as</p> <p>9 compared with your jail?</p> <p>10 A. I don't know for sure the answer to that.</p> <p>11 Q. You said you don't know for sure. Do you have</p> <p>12 an opinion?</p> <p>13 A. I assume they're the same.</p> <p>14 Q. In the course of this lawsuit did you receive a</p> <p>15 copy of the plaintiff's motion for preliminary</p> <p>16 injunction?</p> <p>17 A. Yes.</p> <p>18 Q. Did you read it?</p> <p>19 A. Yes.</p> <p>20 Q. And there were also some documents attached to</p> <p>21 declarations that were filed by our office. Do</p> <p>22 you remember seeing a copy of the Federal Bureau</p> <p>23 of Prisons policy regarding mail submitted with</p> <p>24 our motion for preliminary injunction?</p> <p>25 A. I don't recall seeing that.</p>	<p style="text-align: right;">Page 61</p> <p>1 A. They have authority, yes.</p> <p>2 Q. And that power, as you say, could be used to</p> <p>3 problem solve and come up with reasonable</p> <p>4 solutions to the problems they face; is that</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Would you agree that it's also possible</p> <p>8 that they could abuse that power?</p> <p>9 A. Certainly.</p> <p>10 Q. How do you manage that risk that they, some of</p> <p>11 your people who report to you might abuse their</p> <p>12 power?</p> <p>13 A. We have a corrective measures procedure set up</p> <p>14 to, first of all, investigate any accusation of</p> <p>15 either an abuse of power or any misdeed by any</p> <p>16 employee. And it goes from the point of</p> <p>17 investigation to either confirmation or</p> <p>18 clearance of the accusation. If we sustain</p> <p>19 allegations of wrongdoing, we then go through</p> <p>20 the disciplinary process. And it's designed to</p> <p>21 be corrective in nature.</p> <p>22 Q. Corrective as opposed to punitive. Okay. Is</p> <p>23 there somebody who's in charge of such</p> <p>24 investigations?</p> <p>25 A. It starts with the immediate supervisor. It's</p>

<p style="text-align: right;">Page 62</p> <p>1 monitored by the management team, which includes</p> <p>2 our human resources director for the county.</p> <p>3 Q. Who else is on the management team?</p> <p>4 A. The undersheriff. Right now it's just the</p> <p>5 undersheriff and I and then the human resources</p> <p>6 director.</p> <p>7 Q. Okay. Who is the HR director?</p> <p>8 A. Jean Ripa.</p> <p>9 Q. R I P A?</p> <p>10 A. Yes.</p> <p>11 Q. One of your tasks is to keep order and security</p> <p>12 in the jail; is that right?</p> <p>13 A. Absolutely.</p> <p>14 Q. And toward that end, duty is to keep contraband</p> <p>15 out of the jail; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. What are the ways that contraband gets into the</p> <p>18 jail?</p> <p>19 A. There are many ways.</p> <p>20 Q. And what ways are you aware of?</p> <p>21 A. Well, the inmates can bring it in themselves</p> <p>22 either, well, generally on their person.</p> <p>23 Outside workers can do the same, on their</p> <p>24 person. If there's -- They can do it through</p> <p>25 the mail.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Okay. Is that like a paying job of sorts?</p> <p>2 A. No.</p> <p>3 Q. And do the inmates volunteer for this?</p> <p>4 A. Yes.</p> <p>5 Q. And they are supervised outside?</p> <p>6 A. No.</p> <p>7 Q. Okay. So they'll say, I'm happy to go out and</p> <p>8 do maintenance. And the deputy will say, go</p> <p>9 wash the car or pull weeds or something like</p> <p>10 that?</p> <p>11 A. Yes.</p> <p>12 Q. And are they given utensils or tools to do these</p> <p>13 things?</p> <p>14 A. Yes.</p> <p>15 Q. And then when they come back in, what, if</p> <p>16 anything, is done to see if there's contraband?</p> <p>17 A. Patted down and searched.</p> <p>18 Q. Okay. Strip searched or just --</p> <p>19 A. No. They're not strip searched.</p> <p>20 Q. Are you aware of any circumstances in which an</p> <p>21 outside worker, as you've used the term, has</p> <p>22 been found to be bringing in contraband?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p> <p>25 A. I'm aware of one time.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Through the what?</p> <p>2 A. Mail, postage, posted mail.</p> <p>3 Q. Any other ways?</p> <p>4 A. I'm not, nothing else comes to mind right at</p> <p>5 this moment.</p> <p>6 Q. I want to recap. So you talked about inmates</p> <p>7 bringing in contraband when they arrive at the</p> <p>8 jail?</p> <p>9 A. They can bring it in when they arrive. Yes.</p> <p>10 Q. So that's when they're first arrested?</p> <p>11 A. Yes.</p> <p>12 Q. Is there another time when they can bring it in?</p> <p>13 A. Yes. If they're outside workers.</p> <p>14 Q. And by that you mean somebody who's not employed</p> <p>15 by the county or somebody who's employed by the</p> <p>16 county, but not by the sheriff's office?</p> <p>17 A. No. They're not employed at all. An outside</p> <p>18 worker is an inmate who goes out into the yard</p> <p>19 to work and then comes back into the jail at</p> <p>20 night.</p> <p>21 Q. Okay. Thank you. What do they do out in the</p> <p>22 yard?</p> <p>23 A. Maintenance of either the yard or washing</p> <p>24 vehicles or whatever they're assigned to do by</p> <p>25 the deputy who's managing them.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. How long ago was that?</p> <p>2 A. I don't -- Couple of years ago maybe. I don't</p> <p>3 recall exact time.</p> <p>4 Q. What was the nature of the contraband?</p> <p>5 A. I think it was chewing tobacco.</p> <p>6 Q. And did you or the jail investigate how this</p> <p>7 outside worker got ahold of tobacco?</p> <p>8 A. The jail attempted to. I don't recall what the</p> <p>9 results were.</p> <p>10 Q. Then you also mentioned that inmates might bring</p> <p>11 in contraband when they're first arrested;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And it's very possible that they're not planning</p> <p>15 on being arrested; right?</p> <p>16 A. Correct.</p> <p>17 Q. So they have on their body whatever they have on</p> <p>18 their body; right?</p> <p>19 A. Yes.</p> <p>20 Q. They're not necessarily trying to introduce it</p> <p>21 into the jail?</p> <p>22 A. I don't know. Not necessarily.</p> <p>23 Q. Okay. So it's possible that what they have on</p> <p>24 their body be considered contraband in the jail</p> <p>25 but it's not contraband in the outside world;</p>

<p style="text-align: right;">Page 66</p> <p>1 right? In other words, they might have a</p> <p>2 pocketknife on them, which is not allowed in the</p> <p>3 jail, but in the outside jail it's a perfectly</p> <p>4 fine thing to have on your body; is that right?</p> <p>5 A. That's a true statement.</p> <p>6 Q. Okay. And then, so the options you've described</p> <p>7 for how the contraband can get in the jail is,</p> <p>8 one, an inmate could bring it in when he or she</p> <p>9 is arrested. Two, when an inmate goes out to do</p> <p>10 work in the yard around the jail, they're called</p> <p>11 outside workers, they could bring it in, and the</p> <p>12 third, they could get it through the mail?</p> <p>13 A. Yes.</p> <p>14 Q. You cannot, as you sit here, think of any other</p> <p>15 way --</p> <p>16 A. Oh, there are other ways.</p> <p>17 Q. What are other ways?</p> <p>18 A. One of our own staff can bring it.</p> <p>19 Q. Has that ever happened?</p> <p>20 A. Not that I'm aware of.</p> <p>21 Q. Is there some sort of protocol to make sure that</p> <p>22 doesn't happen?</p> <p>23 A. Just trust.</p> <p>24 Q. So there's no protocol in place to check staff</p> <p>25 members when they come in; is that true?</p>	<p style="text-align: right;">Page 68</p> <p>1 A. That's correct.</p> <p>2 Q. Have there ever been allegations that you are</p> <p>3 aware of that an employee of the sheriff's</p> <p>4 department has brought contraband into the jail?</p> <p>5 A. I'm not aware of any.</p> <p>6 Q. If there were such allegations, would you expect</p> <p>7 to be informed of it?</p> <p>8 A. Yes.</p> <p>9 Q. And if outside workers were accused of bringing</p> <p>10 in contraband, is that something that you would</p> <p>11 be informed of?</p> <p>12 A. Sometimes.</p> <p>13 Q. Are there people who are brought to the jail</p> <p>14 ever for maintenance who are not employees of</p> <p>15 the sheriff's department?</p> <p>16 A. Yes.</p> <p>17 Q. And are those all people employed by Columbia</p> <p>18 County?</p> <p>19 A. No.</p> <p>20 Q. And do they go through some sort of check?</p> <p>21 A. They're escorted.</p> <p>22 Q. Okay. Escort's different than having all their</p> <p>23 belongings checked; right?</p> <p>24 A. That's correct.</p> <p>25 Q. So their belongings are not checked?</p>
<p style="text-align: right;">Page 67</p> <p>1 A. Well, there is when, it's, the only protocol is</p> <p>2 staff, every time they enter the jail, is</p> <p>3 supposed to be asked by control through the</p> <p>4 intercom, do you have any weapons or are you all</p> <p>5 clear? Is there anything that you're carrying?</p> <p>6 So that that's the only protocol we have.</p> <p>7 Q. We experienced that when we went in to inspect</p> <p>8 the jail; right?</p> <p>9 A. Yes.</p> <p>10 Q. And so the person in the control room is talking</p> <p>11 through an intercom speaker to the person --</p> <p>12 A. Yes.</p> <p>13 Q. -- who wants to enter the jail?</p> <p>14 A. Yes.</p> <p>15 Q. And they simply ask a question over the</p> <p>16 intercom, are you armed or do you have a weapon?</p> <p>17 A. Yes.</p> <p>18 Q. And there are other kinds of contraband besides</p> <p>19 weapons; right?</p> <p>20 A. Yes.</p> <p>21 Q. And is it fair to say then when an employee of</p> <p>22 the jail or of the sheriff's office enters the</p> <p>23 jail itself, no one is physically checking to</p> <p>24 see whether they have any kind of contraband; is</p> <p>25 that true?</p>	<p style="text-align: right;">Page 69</p> <p>1 A. They -- No. A lot of times when they're coming</p> <p>2 in, they're bringing in tools and things like</p> <p>3 that and we know they're coming. And they bring</p> <p>4 in a bag of tools. We don't go through their</p> <p>5 tools.</p> <p>6 Q. And are there, let's take a minute and can you</p> <p>7 describe to me what kind of maintenance is done</p> <p>8 in the jail by people who are not employed by</p> <p>9 the sheriff's department?</p> <p>10 A. Electricians, plumbers, locksmiths, computer</p> <p>11 technicians. Those are generally...</p> <p>12 Q. Is your office negotiating a new telecom system</p> <p>13 for the jail?</p> <p>14 A. We went out for proposals on a new inmate</p> <p>15 telephone system.</p> <p>16 Q. And where does that stand right now?</p> <p>17 A. I believe they have identified the vendor and</p> <p>18 are in negotiations with the vendor.</p> <p>19 Q. What was your understanding of the bid or the</p> <p>20 amount that the sheriff's office was going to</p> <p>21 spend on that?</p> <p>22 A. I don't know.</p> <p>23 Q. It's millions of dollars; right?</p> <p>24 A. I doubt that.</p> <p>25 Q. Hundreds of thousands of dollars?</p>

Dickerson, Jeffrey

May 10, 2012

<p style="text-align: right;">Page 74</p> <p>1 A. Well, office help temp is not quite --</p> <p>2 Q. What you think of Jim Carpenter?</p> <p>3 A. Yeah.</p> <p>4 Q. You've described what you think about him,</p> <p>5 right, that he does --</p> <p>6 A. Facilities.</p> <p>7 Q. Facilities.</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. Any of the other titles you think do not</p> <p>10 accurately capture what they do for you?</p> <p>11 A. These are accurate.</p> <p>12 Q. Okay. Thank you. And a couple of followup</p> <p>13 questions. We were discussing before, because</p> <p>14 the U.S. Marshal detainees and the ICE detainees</p> <p>15 are housed in your jail, they're subject to your</p> <p>16 policies; right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And they would get a copy of the same</p> <p>19 inmate manual that the rest of your detainees or</p> <p>20 prisoners receive?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Also we were talking about how contraband</p> <p>23 gets in. And I wonder if you've ever done an</p> <p>24 assessment or the sheriff's department has ever</p> <p>25 done an assessment of how contraband gets in the</p>	<p style="text-align: right;">Page 76</p> <p>1 How would you describe their</p> <p>2 responsibilities? When the volunteers serve at</p> <p>3 the front desk, what are their tasks?</p> <p>4 A. They will answer phones. They will greet people</p> <p>5 as they approach the front desk.</p> <p>6 Q. And is their job to answer questions on the</p> <p>7 phone?</p> <p>8 A. Sometimes.</p> <p>9 Q. Would they be tasked with, for example,</p> <p>10 answering questions about if somebody wants to</p> <p>11 send in mail to the jail, what the mail policy</p> <p>12 is?</p> <p>13 A. No.</p> <p>14 Q. If they were to receive a call asking for that</p> <p>15 type of information, what are the volunteers at</p> <p>16 the front desk expected to do?</p> <p>17 A. Forward that to the jail.</p> <p>18 Q. And who would answer at the jail?</p> <p>19 A. Generally booking.</p> <p>20 Q. Okay. And during the course of your</p> <p>21 investigating in response to PLN filing a</p> <p>22 lawsuit, did you find out that any of the</p> <p>23 volunteers at the front desk had been in any way</p> <p>24 managing the mail?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 75</p> <p>1 jail, an audit?</p> <p>2 A. I have not.</p> <p>3 Q. Have your officers found contraband themselves?</p> <p>4 A. I don't know.</p> <p>5 Q. Have you ever tried to find out?</p> <p>6 A. No.</p> <p>7 Q. Has anyone told you that it's a problem?</p> <p>8 A. No.</p> <p>9 Q. And to your knowledge, has anyone ever</p> <p>10 investigated how contraband gets into the jail?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. I have heard the term "front desk employees."</p> <p>13 Is that a phrase that you use or your staff use?</p> <p>14 A. Yes.</p> <p>15 Q. And who does that refer to?</p> <p>16 A. Whoever is operating the front desk.</p> <p>17 Q. And are there people who are not deputies or</p> <p>18 sergeants who work at the front desk?</p> <p>19 A. Yes.</p> <p>20 Q. Are they what you would call civilian employees?</p> <p>21 A. Or volunteers.</p> <p>22 Q. Volunteers. How often do you have volunteers</p> <p>23 working there?</p> <p>24 A. Regularly.</p> <p>25 Q. And do those volunteers -- Strike that.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Do the volunteers at the front desk sort the</p> <p>2 mail?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you know who sorts the mail?</p> <p>5 A. No.</p> <p>6 Q. Okay. Let's go back to Exhibit 51, the</p> <p>7 January 2nd, 2008, mail policy. You have that</p> <p>8 in front of you; is that right?</p> <p>9 A. Yes, I do.</p> <p>10 Q. Did you say that the sheriff's association had</p> <p>11 done an audit of your mail policy?</p> <p>12 A. No, I did not.</p> <p>13 Q. Okay. Has anyone done an audit of your mail</p> <p>14 policy, to your knowledge?</p> <p>15 A. I don't, I don't, I don't know.</p> <p>16 Q. Did I understand you to say that you or someone</p> <p>17 from your staff is a member of the command</p> <p>18 council of the Oregon Sheriffs' Association?</p> <p>19 A. I'm sorry.</p> <p>20 Q. Did I understand you correctly to say that you</p> <p>21 or somebody on your staff is a member of the</p> <p>22 command council of the Oregon Sheriffs'</p> <p>23 Association?</p> <p>24 A. No. That's not correct.</p> <p>25 Q. Is there such a thing called a command council?</p>

20 (Pages 74 to 77)

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1 A. There are different command councils for the
 2 jail, for enforcement, for civil, even for
 3 parole and probation. And, so...
 4 Q. And when you say there are different command
 5 councils, do you mean that are part of the
 6 Oregon Sheriffs' Association?
 7 A. Yes.
 8 Q. Okay. And what is the, what is a command
 9 council for that association?
 10 A. It is a group appointed by sheriffs to make
 11 recommendations in regard to, to sheriffs in
 12 regard to that, whatever discipline we're
 13 talking about.
 14 Q. And when you say make recommendations, do you
 15 mean generally?
 16 A. For policies, procedures, ideas for changes and
 17 all kinds of different things.
 18 Q. So it's not that they'd make a recommendation to
 19 your jail. They would make general proposals
 20 for what a jail should or could do?
 21 A. That's correct.
 22 Q. And I might have missed this when you were
 23 describing different types of command councils.
 24 Is there one for corrections?
 25 A. Yes. There is.

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1 Q. Okay. And do you know who sits on that command
 2 council?
 3 A. I do not.
 4 Q. Do you know how many individuals serve on a
 5 command council?
 6 A. No.
 7 Q. Have any idea? Is it five? 15?
 8 A. I don't think it's 15, but I don't know.
 9 Q. Okay. Have you ever served on a command council
 10 for the Oregon Sheriffs' Association?
 11 A. No.
 12 Q. Has anybody on your staff done so?
 13 A. Yes.
 14 Q. Who?
 15 A. Undersheriff Moyer.
 16 Q. Which command council?
 17 A. Enforcement command council.
 18 Q. And for what period of time?
 19 A. Two years.
 20 Q. Do you recall when those two years were?
 21 A. This would have been the one preceding.
 22 Q. So he currently is on the command council?
 23 A. Yes.
 24 Q. Does he discuss with you the things that he is
 25 learning from serving on the command council?

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1 A. We discuss certain command council ideas that
 2 come across or he might share an e-mail with me.
 3 Q. Okay. Have you ever attended a function of the
 4 Oregon Sheriffs' Association?
 5 A. Yes.
 6 Q. What functions?
 7 A. Conferences.
 8 Q. How many?
 9 A. I don't know for sure.
 10 Q. Can you estimate?
 11 A. Half a dozen maybe.
 12 Q. All of them since you've been sheriff of
 13 Columbia County?
 14 A. No. I went to one prior.
 15 Q. And the rest of them have been since?
 16 A. Yes.
 17 Q. Okay. How often do they have these conferences?
 18 A. Quarterly.
 19 Q. Did you attend any conference of the Oregon
 20 Sheriffs' Association in which mail of prisoners
 21 was discussed?
 22 A. Yes.
 23 Q. Which one?
 24 A. I believe it was December 2009.
 25 Q. And you had been in office for just under a year

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1 at that point?
 2 A. Yes.
 3 Q. What do you recall the topic being regarding
 4 prisoner mail?
 5 A. Postcards.
 6 Q. And what do you remember hearing about postcards
 7 at that conference?
 8 A. We were hearing -- It was just a discussion at
 9 that point as far as the possibility of adopting
 10 a statewide or as many sheriffs around the state
 11 that cared to, a postcard for personal inmate
 12 mail policy.
 13 Q. Could we call that a postcard-only policy? Is
 14 that how you've heard it termed?
 15 A. I don't recall.
 16 Q. I mean, if we discuss it in that term today --
 17 A. If you want to, I'll understand what you're
 18 talking about.
 19 Q. -- so that we don't have to keep using a long
 20 description of it.
 21 A. Yeah. It's fine. I'll understand.
 22 Q. And do you have some idea of how many people
 23 were attending this conference who were having
 24 this discussion?
 25 A. I don't know how many sheriffs were there.

21 (Pages 78 to 81)

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<p style="text-align: right;">Page 82</p> <p>1 Q. Was it all in one big room?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And do you think there were more than 50</p> <p>4 people there?</p> <p>5 A. I don't know. I don't think so.</p> <p>6 Q. Somewhere between 25 and 50?</p> <p>7 A. That could be that number.</p> <p>8 Q. And is this meeting, could it have included</p> <p>9 employees of sheriffs, not just sheriffs</p> <p>10 themselves?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. How long was this discussion, as you</p> <p>13 recall?</p> <p>14 A. I don't recall.</p> <p>15 Q. Did you make any notes of that discussion?</p> <p>16 A. I did not.</p> <p>17 Q. Have you checked?</p> <p>18 A. I have a file of OSSA. I checked the file and</p> <p>19 there's no notes.</p> <p>20 Q. So you have checked that file?</p> <p>21 A. Yes.</p> <p>22 Q. Were there any handouts about this?</p> <p>23 A. I don't recall.</p> <p>24 Q. Did you find any in your file?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Okay. When you say gave reference from the</p> <p>2 OSSA, do you mean --</p> <p>3 A. I referred the jail commander -- I can't recall</p> <p>4 if he was there or not. So he may have already</p> <p>5 known the information anyway. But he was</p> <p>6 referred to the Washington County Sheriff's</p> <p>7 Office via the OSSA as being the ones who knew</p> <p>8 kind of the direction that this was going to go</p> <p>9 in. And I asked him to check into it to see if</p> <p>10 that would work for our facility.</p> <p>11 Q. Did the Washington County Sheriff's Office do</p> <p>12 the presenting on this topic at the</p> <p>13 December 2009 OSSA meeting?</p> <p>14 A. I believe that they were part of the</p> <p>15 presentation. I don't know if they were the</p> <p>16 sole providers of the information. I can't</p> <p>17 recall that.</p> <p>18 Q. Do you have any recollection of anyone else</p> <p>19 talking about it?</p> <p>20 A. Yes.</p> <p>21 Q. Who do you recall?</p> <p>22 A. I don't recall individuals. I just recall there</p> <p>23 were a number of sheriffs talking about it.</p> <p>24 Q. Do you know who at the Washington County</p> <p>25 Sheriff's Office presented on this topic?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Did you check for those?</p> <p>2 A. Yes. I checked the file.</p> <p>3 Q. Okay. And you did not find any handouts</p> <p>4 regarding that?</p> <p>5 A. No.</p> <p>6 Q. Is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Thank you. Was there an agenda or any</p> <p>9 documentation that this discussion or this topic</p> <p>10 was going to be discussed or was discussed in</p> <p>11 the December 2009 OSSA meeting?</p> <p>12 A. I don't recall any agenda.</p> <p>13 Q. Did you have, did you attend any other OSSA</p> <p>14 conferences or meetings about whether to adopt a</p> <p>15 postcard-only policy?</p> <p>16 A. No.</p> <p>17 Q. What, if anything, did you do in response to</p> <p>18 that discussion of the December 2009 OSSA</p> <p>19 meeting about postcard-only policies?</p> <p>20 A. I don't recall everything, but what I do recall</p> <p>21 is asking the jail commander to review the</p> <p>22 concept with our jail staff and gave for</p> <p>23 reference the information that I received that</p> <p>24 came primarily through the Washington County</p> <p>25 Sheriff's Office.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. Both the Sheriff Rob Gordon, former sheriff now,</p> <p>2 and Marie Tyler, his jail commander.</p> <p>3 Q. Ray?</p> <p>4 A. Marie.</p> <p>5 Q. Oh, thank you. Marie Tyler. And who is the</p> <p>6 current sheriff for Washington County?</p> <p>7 A. Pat.</p> <p>8 Q. Garrett?</p> <p>9 A. Garrett. Yes.</p> <p>10 Q. Marie Tyler, is she still there, to your</p> <p>11 knowledge?</p> <p>12 A. I believe so, but I can't for sure say.</p> <p>13 Q. And the jail commander of whom you were speaking</p> <p>14 was Jim Carpenter?</p> <p>15 A. Yes.</p> <p>16 Q. What was the next thing you recall hearing about</p> <p>17 the postcard-only upon September after you asked</p> <p>18 Jim Carpenter to look into it?</p> <p>19 A. That it was something that we thought we could</p> <p>20 on do and that they would start to write up the</p> <p>21 policies necessary to make that happen.</p> <p>22 Q. You said "they would." Who do you mean?</p> <p>23 A. The jail staff.</p> <p>24 Q. So you left that in commander Carpenter's hands</p> <p>25 to either do it himself or assign it to</p>

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<p style="text-align: right;">Page 86</p> <p>1 somebody?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know who did the drafting?</p> <p>4 A. I do not.</p> <p>5 Q. What is the next thing you recall about the</p> <p>6 development of policy regarding postcard-only</p> <p>7 for your jail?</p> <p>8 A. I believe we decided that, what I did was I</p> <p>9 caused a notice to go out to the public through</p> <p>10 the, through our website that gave notice that</p> <p>11 in the future we would be going to postcard</p> <p>12 policy.</p> <p>13 Q. Had you, at the time that you caused that notice</p> <p>14 to go out to the public, already decided that</p> <p>15 you would be adopting a postcard-only policy?</p> <p>16 A. Yes.</p> <p>17 Q. Had that policy already been finalized?</p> <p>18 A. I don't know.</p> <p>19 Q. Do you recall when policy regarding the</p> <p>20 postcard-only policy was finalized?</p> <p>21 A. It was in March, I believe. Yes. It was in</p> <p>22 March.</p> <p>23 Q. I guess to be clear, I would like to make a</p> <p>24 distinction between when it became effective and</p> <p>25 when the final version of the policy was</p>	<p style="text-align: right;">Page 88</p> <p>1 modified it, how it got to you?</p> <p>2 A. No.</p> <p>3 Q. Where would you look?</p> <p>4 A. I'd have to ask for an archivist to review all</p> <p>5 of our e-mails. And I don't even know if it is,</p> <p>6 if they can find it, if it's back that far.</p> <p>7 Q. And do you think that's something that would be</p> <p>8 in hard copy or electronic?</p> <p>9 A. Electronic.</p> <p>10 Q. So it would have been done by e-mail?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know where that information is kept?</p> <p>13 A. No.</p> <p>14 Q. Who would be the person most knowledgeable about</p> <p>15 where those electronic documents would be?</p> <p>16 A. I don't know.</p> <p>17 Q. Would that be somebody in the sheriff's</p> <p>18 department or elsewhere?</p> <p>19 A. Elsewhere.</p> <p>20 Q. Have you ever had to ask that somebody locate</p> <p>21 e-mail or other electronic documents that were</p> <p>22 in the archives?</p> <p>23 A. No.</p> <p>24 Q. At the time that you were attending the</p> <p>25 December 2009 OSSA conference, how long was the</p>
<p style="text-align: right;">Page 87</p> <p>1 written.</p> <p>2 A. I don't know.</p> <p>3 Q. Do you understand the distinction I'm making?</p> <p>4 A. I do now. Yes. I don't know.</p> <p>5 Q. Okay. And so was your answer as of the time</p> <p>6 that you notified the public through the website</p> <p>7 that a postcard policy would be in effect in the</p> <p>8 future, do you know whether or not you had</p> <p>9 finalized a version of the postcard-only policy</p> <p>10 at that point?</p> <p>11 A. I don't know.</p> <p>12 Q. Is it accurate to say that somebody else wrote</p> <p>13 the mail policy that included the postcards-only</p> <p>14 policy and that you may have given directions to</p> <p>15 change it, but somebody else presented you with</p> <p>16 an initial draft?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you remember who gave you that draft?</p> <p>19 A. No.</p> <p>20 Q. Would it have gone through Jim Carpenter's hands</p> <p>21 before it got to you?</p> <p>22 A. I don't know if it did or not.</p> <p>23 Q. Okay. Have you searched to find any records you</p> <p>24 have, whether on the computer or in hard copy,</p> <p>25 that shows who drafted the policy, who may have</p>	<p style="text-align: right;">Page 89</p> <p>1 discussion regarding postcard-only policy?</p> <p>2 A. I don't remember.</p> <p>3 Q. Do you think it was a half an hour or more?</p> <p>4 A. I don't, I don't remember.</p> <p>5 Q. Okay. I guess I'm looking for a ballpark. Was</p> <p>6 it longer than 10 minutes?</p> <p>7 A. I don't know.</p> <p>8 Q. Was it your recollection that there was some</p> <p>9 kind of written agenda for that conference?</p> <p>10 A. That's not my recollection. I don't, I don't</p> <p>11 recall if there was an agenda or how long we</p> <p>12 talked about it.</p> <p>13 Q. Did you, from the comments or questions, get a</p> <p>14 sense of whether your fellow sheriffs or their</p> <p>15 employees supported the idea of a postcard-only</p> <p>16 policy?</p> <p>17 A. I remember coming back with the idea that, in my</p> <p>18 mind, that it was generally accepted.</p> <p>19 Q. And what was your perception of it when you</p> <p>20 listened to the presentation?</p> <p>21 A. Seemed like a good idea to me.</p> <p>22 Q. What were you thinking was the benefit or</p> <p>23 benefits of the postcard-only policy?</p> <p>24 A. Standardization probably was key in my mind. As</p> <p>25 a new sheriff, wanting to standardize our</p>

<p style="text-align: right;">Page 90</p> <p>1 policies with what other sheriffs were doing was 2 probably a key part of that. 3 Q. What appealed to you about standardizing with 4 other sheriffs? 5 A. Well, it goes back to what I said in the 6 beginning about trying to modernize our 7 sheriff's office and make us more professional. 8 And I believe that there were sheriff's offices 9 out there that were well or very, had good 10 reputations and even accredited nationally. And 11 we looked to them as models. 12 Q. Was Washington County Sheriff's Department one 13 of those, in your opinion? 14 A. Yes. 15 Q. Accredited nationally by who? 16 A. They are accredited nationally by, I don't know 17 the name of it. I can't remember. 18 Q. Was there any other aspect of the postcard-only 19 policy that caused you to think that it would 20 provide a benefit to your jail, other than the 21 standardization with other sheriff's 22 departments? 23 A. I believed it would also help us be more 24 efficient in the management of our safety and 25 security issues regarding mail processes in our</p>	<p style="text-align: right;">Page 92</p> <p>1 A. In our jail. 2 Q. Is that correct, in your jail? 3 A. I'd say yes. 4 Q. Okay. And you have described, I think, that you 5 were not aware of a problem with introduction of 6 contraband into your jail at that time; is that 7 correct, too? 8 A. Yes. 9 Q. So you're not trying to solve a known problem at 10 your jail regarding introduction of contraband; 11 is that right? 12 A. Correct. 13 Q. Was there any other benefit that you saw to 14 adopting postcard-only policy? 15 A. Those were the big two. I can't think of 16 anything else right now. 17 Q. Was there any downside or con to adopting 18 postcard-only policy that you thought about when 19 in December 2009? 20 A. No. 21 Q. Okay. And as time has gone by, do those two 22 major benefits remain the two major benefits 23 that you still see? 24 A. Yes. 25 Q. And have you thought about any cons or downsides</p>
<p style="text-align: right;">Page 91</p> <p>1 jail. 2 Q. Why? Or strike that. In what way? 3 A. Both in the, with the introduction of contraband 4 into a secure facility as well as the management 5 of security-related information that either 6 would come in or go out of the jail. 7 Q. Could you describe what you mean by 8 security-related information? 9 A. Threats, people you're not supposed to be in 10 contact with, plans for escape, issues like 11 that. 12 Q. Are you aware of problems with threats being 13 made through the mail? 14 A. No. 15 Q. Are you aware of efforts to contact people that 16 prisoners are not allowed to have contact with 17 through the mail? 18 A. No. 19 Q. Are you aware of plans for escape being 20 communicated through the mail? 21 A. No. 22 Q. So is it fair to say that you were not trying to 23 solve a problem that you knew existed with 24 regard to the management of security-related 25 information? That's correct?</p>	<p style="text-align: right;">Page 93</p> <p>1 to adopting a postcard-only policy that you did 2 not originally think of? 3 A. I can't, I can't think of any at this time. 4 Q. Okay. So your opinion about a postcard-only 5 policy, both pro and con, remain the same today 6 as they did when you first heard about the 7 possibility of adopting that policy? 8 A. Yes. 9 Q. Okay. You used the term, I think, when you 10 first discussed what a postcard-only policy 11 would look like is applying to personal mail. 12 Is that the term you used? 13 A. Yes. 14 Q. And as you used that phrase "personal mail," 15 what did you mean? 16 A. Mail directed to inmates that is not either bulk 17 mail or junk mail or legal mail or privileged 18 mail. 19 Q. Is your description complete? 20 A. No. 21 Q. What else -- 22 A. There's other things. I'd have to look at our 23 policy to see it all. 24 Q. Okay. What I understood you to say is that if 25 it's not junk mail, if it's not bulk mail and if</p>

<p style="text-align: right;">Page 94</p> <p>1 it's not legal mail and it's not privileged</p> <p>2 mail, your memory right now is that it would</p> <p>3 constitute personal mail and, therefore, need to</p> <p>4 be on a postcard if sent to a prisoner?</p> <p>5 A. And other things that would be in the policy</p> <p>6 that I'd have to review. I don't know for sure</p> <p>7 everything without looking at the policy.</p> <p>8 Q. Okay. Was your first conception of this that it</p> <p>9 was only incoming mail then?</p> <p>10 A. Personal mail?</p> <p>11 Q. Yes.</p> <p>12 A. No.</p> <p>13 Q. So the way you just described it was addressed</p> <p>14 to a prisoner. But you're also meaning anything</p> <p>15 that's sent from a prisoner out of the jail</p> <p>16 would also be personal mail if it was not legal</p> <p>17 mail or privileged mail and they don't get to</p> <p>18 send out junk mail or bulk mail, do they?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. So there may be other exceptions, but</p> <p>21 generally speaking it's legal mail and</p> <p>22 privileged mail that would not be privileged</p> <p>23 mail sent by prisoners; is that right?</p> <p>24 A. Correct.</p> <p>25 Q. And as you've conceived of a postcard-only</p>	<p style="text-align: right;">Page 96</p> <p>1 their postcard-only policy?</p> <p>2 A. I don't know.</p> <p>3 Q. So is it your idea that the Washington County</p> <p>4 Sheriff's Department uses the same postcard for</p> <p>5 their prisoners as you do?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And do you know if they do?</p> <p>8 A. I don't.</p> <p>9 Q. Okay. There is a, do you know the term</p> <p>10 LISTSERV?</p> <p>11 A. Yes.</p> <p>12 Q. What is your understanding of a LISTSERV?</p> <p>13 A. There's a central place where, that manages a</p> <p>14 post so that if a post goes to a LISTSERV, it</p> <p>15 goes out to everybody on the list, on the</p> <p>16 e-mail.</p> <p>17 Q. Are you a member of a LISTSERV?</p> <p>18 A. Yes.</p> <p>19 Q. Which LISTSERV?</p> <p>20 A. State Sheriffs' Association.</p> <p>21 Q. And is that on all topics or are they broken</p> <p>22 down LISTSERVS for different councils or</p> <p>23 different disciplines, as I think you described?</p> <p>24 A. They have different LISTSERVS.</p> <p>25 Q. What LISTSERVS are you on?</p>
<p style="text-align: right;">Page 95</p> <p>1 policy in your jail, it would apply to both</p> <p>2 incoming and outgoing mail; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And where did the idea come up that your jail</p> <p>5 would stock the postcards that you have stocked</p> <p>6 in your commissary?</p> <p>7 A. Through the State Sheriffs' Association.</p> <p>8 Q. Is that the same postcard that other sheriffs</p> <p>9 use?</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. So did you obtain a model or a template</p> <p>12 postcard from the Oregon State Sheriffs'</p> <p>13 Association?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you have any idea where the current postcard</p> <p>16 that you use came from?</p> <p>17 A. I have an idea.</p> <p>18 Q. What is your idea?</p> <p>19 A. Washington County.</p> <p>20 Q. Have you had personal conversations with anybody</p> <p>21 from Washington County about their postcard-only</p> <p>22 policy?</p> <p>23 A. No.</p> <p>24 Q. Has anyone from your staff, that you know, of</p> <p>25 communicated directly to Washington County about</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Just the State Sheriffs' Association LISTSERV.</p> <p>2 Q. Okay. So does that have a particular type of</p> <p>3 topic that gets discussed?</p> <p>4 A. Just sheriffs.</p> <p>5 Q. I see. So it's just among sheriffs itself?</p> <p>6 A. Sheriffs and a few others, I believe. Yes.</p> <p>7 There's a few other people, but I don't know how</p> <p>8 many.</p> <p>9 Q. Okay. Is Sergeant Cutright on that LISTSERV,</p> <p>10 same LISTSERV as you?</p> <p>11 A. No.</p> <p>12 Q. Does he get messages from that LISTSERV?</p> <p>13 A. Potentially, I don't know.</p> <p>14 Q. Is there anybody else from your department who</p> <p>15 is on the same LISTSERV as you, the Oregon State</p> <p>16 Sheriffs' Association?</p> <p>17 A. No.</p> <p>18 Q. So if Sergeant Cutright said that he receives</p> <p>19 messages from the LISTSERV but he can't</p> <p>20 communicate to the LISTSERV, do you have</p> <p>21 knowledge whether that's accurate or not?</p> <p>22 A. I'm sure it's accurate from his perspective.</p> <p>23 Q. I'm trying to find --</p> <p>24 A. There are multiple LISTSERVS.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Q. And in 2009 who would it have been?</p> <p>2 A. Jail commander.</p> <p>3 Q. It would have been Jim Carpenter?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know what Mr. Moyer, excuse me,</p> <p>6 Undersheriff Moyer does with them?</p> <p>7 A. I do not.</p> <p>8 Q. Are they installed on some system that the</p> <p>9 computer, that the sheriff's department has?</p> <p>10 A. I don't know.</p> <p>11 Q. And do you know what Jim Carpenter used to do</p> <p>12 with them when he was the jail commander?</p> <p>13 A. I do not.</p> <p>14 Q. Would you please turn to page 64 of Exhibit 58.</p> <p>15 You'll see there's also a CC number at the</p> <p>16 bottom. But do you see where it says policy</p> <p>17 D1-A10?</p> <p>18 A. Yes.</p> <p>19 Q. "Process for rejecting mail."</p> <p>20 A. Yes.</p> <p>21 Q. It says, "Process for rejecting mail: If any</p> <p>22 publication or other mail is rejected, the</p> <p>23 sender, if known, and the addressee must be</p> <p>24 notified in writing of the, A, rejection of the</p> <p>25 correspondence." Do you see that?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. When did you do that?</p> <p>2 A. Once I realized that our policy might be in</p> <p>3 conflict with due process.</p> <p>4 Q. And when was that?</p> <p>5 A. I don't recall exactly. I remember coming back</p> <p>6 from vacation and finding out about it.</p> <p>7 Q. And we are talking about your notification of</p> <p>8 Prison Legal News' lawsuit; is that right?</p> <p>9 A. Actually the first notice I received was from</p> <p>10 counsel.</p> <p>11 Q. You mean county counsel?</p> <p>12 A. County counsel, yes.</p> <p>13 Q. Okay. And was that notice that you had been</p> <p>14 sued?</p> <p>15 A. No. What I recall first was that there was a</p> <p>16 conflict between what was on our website and</p> <p>17 what was in our policies.</p> <p>18 Q. Was that in January of 2012?</p> <p>19 A. I believe so.</p> <p>20 Q. And were you informed that this conflict was</p> <p>21 pointed out through a lawsuit by Prison Legal</p> <p>22 News?</p> <p>23 A. At some point I became aware of that, yes.</p> <p>24 Q. Okay. And did you go look at your website?</p> <p>25 A. Yes. Yes, I did.</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Yes.</p> <p>2 Q. And do you believe that that was happening in</p> <p>3 your jail as of April 1st, 2011?</p> <p>4 A. I don't know.</p> <p>5 Q. And the second item there says that "The sender,</p> <p>6 if known, and the addressee must be notified in</p> <p>7 writing of the reasons the correspondence was</p> <p>8 rejected." Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Was that happening in your jail as of April 1st,</p> <p>11 2011?</p> <p>12 A. I don't know.</p> <p>13 Q. And C, "Process for informally appealing the</p> <p>14 rejection to the jail commander." Do you see</p> <p>15 where it says that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. Okay. And this standard says that "The sender,</p> <p>18 if known, and the addressee must be notified in</p> <p>19 writing of the process for informally appealing</p> <p>20 a rejection to the mail commander." Was that</p> <p>21 happening in your jail as of April 1st, 2011?</p> <p>22 A. I don't know.</p> <p>23 Q. What, if anything, have you done to find out?</p> <p>24 A. I asked the undersheriff and two sergeants to</p> <p>25 look into it.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And was -- Did you agree that what was stated on</p> <p>2 the website conflicted with due process?</p> <p>3 A. I agreed at first blush that it, because I had a</p> <p>4 policy with me, and it disagreed with our own</p> <p>5 policy. And so I asked for it to be removed</p> <p>6 until we could get it straightened out.</p> <p>7 Q. And it has been -- Strike that.</p> <p>8 Your website, since the time that that</p> <p>9 information was on your website, it's been</p> <p>10 removed, you have not posted anything else about</p> <p>11 the mail; is that right?</p> <p>12 A. That is true.</p> <p>13 Q. And do you think that you removed from the</p> <p>14 website policy that you thought was incorrect</p> <p>15 back in January?</p> <p>16 MR. KRAEMER: Object to the form. It's</p> <p>17 vague and confusing. What was in January? I'm</p> <p>18 sorry.</p> <p>19 MR. WING: All right. I'll try again.</p> <p>20 MR. KRAEMER: It may be my fault. I wasn't</p> <p>21 sure if January was the policy or what.</p> <p>22 MR. WING: Doesn't matter. Doesn't matter.</p> <p>23 Q. BY MR. WING: Sometime in January, Sheriff, you</p> <p>24 were notified that your website contained a</p> <p>25 policy you looked at and said, boy, that's</p>

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<p style="text-align: right;">Page 106</p> <p>1 wrong. That sound correct?</p> <p>2 A. Yes, in comparing the two.</p> <p>3 Q. And you removed it?</p> <p>4 A. Yes.</p> <p>5 Q. And did you remove it in January? Your best</p> <p>6 recollection.</p> <p>7 A. Yes.</p> <p>8 Q. And since then you have not posted anything</p> <p>9 about your mail on your website; is that</p> <p>10 correct?</p> <p>11 A. That is correct.</p> <p>12 (Exhibit 59 marked for identification.)</p> <p>13 Q. BY MR. WING: Handing you Exhibit 59, do you</p> <p>14 recognize that?</p> <p>15 A. Yes.</p> <p>16 Q. And is that what your inmate policy -- Strike</p> <p>17 that. Is that what your website said regarding</p> <p>18 the Columbia County Sheriff's inmate policy as</p> <p>19 of January 24th, 2012?</p> <p>20 A. As far as the date, I don't know.</p> <p>21 Q. Any reason to think that's inaccurate?</p> <p>22 A. This date here?</p> <p>23 Q. Yes.</p> <p>24 A. No.</p> <p>25 Q. And if you look at the bottom of the page, from</p>	<p style="text-align: right;">Page 108</p> <p>1 April and part of May, four-plus months, you've</p> <p>2 had mail policy but you've not posted it for the</p> <p>3 public to see; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. And why are you not ready to post it?</p> <p>6 A. We wanted to make sure that we have it</p> <p>7 100 percent right.</p> <p>8 Q. And what are you waiting for to determine that?</p> <p>9 A. Just our own confidence level.</p> <p>10 Q. Okay. And when do you think your confidence</p> <p>11 level regarding this issue is going to reach the</p> <p>12 point where you are ready to post your mail</p> <p>13 policy?</p> <p>14 MR. KRAEMER: Object to form.</p> <p>15 THE WITNESS: We -- I don't know.</p> <p>16 Q. BY MR. WING: Are you waiting for a ruling in</p> <p>17 this lawsuit?</p> <p>18 A. No.</p> <p>19 Q. Do you have a plan in place to learn something</p> <p>20 or obtain more information that would give you</p> <p>21 the confidence to put your new policy up on the</p> <p>22 website?</p> <p>23 A. It's the same as many of our other efforts on</p> <p>24 the website. The website is the last thing we</p> <p>25 worry about getting, making sure we get</p>
<p style="text-align: right;">Page 107</p> <p>1 what you know of the way the internet works and</p> <p>2 documents printed from the internet, when does</p> <p>3 this indicate to you that Exhibit 59 was</p> <p>4 printed?</p> <p>5 A. April 3.</p> <p>6 Q. Of 2012?</p> <p>7 A. Yes.</p> <p>8 Q. Does it appear to you from this document that</p> <p>9 your website removed any description of the</p> <p>10 inmate mail policy as of January 4th, 2012, and</p> <p>11 that as of April 3rd, 2012, the only thing that</p> <p>12 the website said about your policy was the</p> <p>13 inmate mail policy is under review at this time?</p> <p>14 A. Yes.</p> <p>15 Q. And is that what your website still says?</p> <p>16 A. Yes.</p> <p>17 Q. Why have you not posted anything on your website</p> <p>18 about what the mail policy is?</p> <p>19 A. We're just not ready to put it on the internet</p> <p>20 yet.</p> <p>21 Q. Do you have a current inmate mail policy?</p> <p>22 A. Yes.</p> <p>23 Q. When did that policy go into effect?</p> <p>24 A. In January sometime.</p> <p>25 Q. So in the rest of January, February, March,</p>	<p style="text-align: right;">Page 109</p> <p>1 everything exactly the way it is because the</p> <p>2 website is a service to the public that, that we</p> <p>3 try to do our best with. But it's, we're not,</p> <p>4 we're focusing our energy right now on getting</p> <p>5 our processes right internally.</p> <p>6 Q. How did you get your inmate mail policy posting</p> <p>7 on the sheriff's website removed?</p> <p>8 A. I went in and deleted it.</p> <p>9 Q. Yourself?</p> <p>10 A. Yes.</p> <p>11 Q. Are you the one who posted it in the first</p> <p>12 place?</p> <p>13 A. No.</p> <p>14 Q. Who posted it in the first place?</p> <p>15 A. I don't know.</p> <p>16 Q. How did you get it posted in the first place?</p> <p>17 A. We have -- I don't know how it got posted.</p> <p>18 Q. It was posted -- Let's go back in time to</p> <p>19 something you said earlier, which is I think you</p> <p>20 said you caused notice to go out to the public</p> <p>21 that you were going to be adopting a</p> <p>22 postcard-only policy; right?</p> <p>23 A. Yes.</p> <p>24 Q. And you said that was accomplished through your</p> <p>25 website; right?</p>

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<p style="text-align: right;">Page 114</p> <p>1 Q. 16?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So the individuals who have the authority</p> <p>4 to approve content that's placed on the Columbia</p> <p>5 County Sheriff's website are Dorothea Jirka,</p> <p>6 Andy Moyer, any sergeant, you, and limited to</p> <p>7 the children's page only, the volunteer whose</p> <p>8 name you cannot recall. Is that accurate?</p> <p>9 A. Yes.</p> <p>10 Q. Anyone else?</p> <p>11 A. Well, and Jeff Mansheim can.</p> <p>12 Q. Can he decide what to post?</p> <p>13 A. Yes. He's given, on certain, in certain areas</p> <p>14 he has the ability to post what's needed to be</p> <p>15 posted.</p> <p>16 Q. What areas?</p> <p>17 A. Crime reports.</p> <p>18 Q. Any other areas?</p> <p>19 A. As far as content, no.</p> <p>20 Q. So he could post what somebody else who has the</p> <p>21 authority gives him --</p> <p>22 A. Yes.</p> <p>23 Q. -- but he can't decide what to post?</p> <p>24 A. Yes.</p> <p>25 Q. Is there anything in writing that talks about</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Yes.</p> <p>2 A. No.</p> <p>3 Q. Who did?</p> <p>4 A. Actually posted, it would almost have to be Jeff</p> <p>5 Mansheim.</p> <p>6 Q. Did you ask him who told him to put that up?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. I just haven't done it.</p> <p>10 Q. Is there a reason you have not done it?</p> <p>11 A. No.</p> <p>12 Q. Has anybody told you that they have asked</p> <p>13 Mr. Mansheim?</p> <p>14 A. No.</p> <p>15 Q. Has Mr. Mansheim told you himself who told him</p> <p>16 to do that?</p> <p>17 A. No.</p> <p>18 Q. What do you think happened?</p> <p>19 MR. KRAEMER: Object to the form,</p> <p>20 speculation.</p> <p>21 THE WITNESS: I have no idea.</p> <p>22 Q. BY MR. WING: Have you investigated what</p> <p>23 happened?</p> <p>24 A. I have tried to find out, yes.</p> <p>25 Q. How did you go about trying to find out?</p>
<p style="text-align: right;">Page 115</p> <p>1 who has the authority to post what on your</p> <p>2 website?</p> <p>3 A. No.</p> <p>4 Q. Is there any protocol that even identifies Jeff</p> <p>5 Mansheim as the person who will do posting on</p> <p>6 the website?</p> <p>7 A. Just common knowledge.</p> <p>8 Q. Do any of the individuals you've identified,</p> <p>9 Dorothea Jirka, Andy Moyer, the sergeant or the</p> <p>10 volunteer, ever do the posting themselves?</p> <p>11 A. No. The only posting that I'm aware of is by me</p> <p>12 or Jeff Mansheim.</p> <p>13 Q. Did you do the posting of your notice to the</p> <p>14 public that you would be adopting a</p> <p>15 postcard-only policy?</p> <p>16 A. No.</p> <p>17 Q. So it should have been Mr. Mansheim?</p> <p>18 A. Yes.</p> <p>19 Q. Did you do posting of the website policy about</p> <p>20 the inmate mail that you found in January 2012</p> <p>21 to be wrong?</p> <p>22 A. Did I do the posting?</p> <p>23 Q. Yes. Did you put it up on the website?</p> <p>24 A. I'm sorry. Did I put the one that I found to be</p> <p>25 wrong on the --</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Interviewed the jail commander.</p> <p>2 Q. That's Jim Carpenter?</p> <p>3 A. Yes. And Sergeant Cutright.</p> <p>4 Q. When did you do this?</p> <p>5 A. Sometime between January and now.</p> <p>6 Q. Can you shorten the time frame?</p> <p>7 A. It's probably a couple months ago now.</p> <p>8 Q. Did you interview them on the same day?</p> <p>9 A. I don't recall.</p> <p>10 Q. Within a close proximity of the time of each</p> <p>11 other?</p> <p>12 A. Yes.</p> <p>13 Q. Who did you interview first?</p> <p>14 A. I don't remember.</p> <p>15 Q. Did you take notes?</p> <p>16 A. No.</p> <p>17 Q. Why not?</p> <p>18 A. I just didn't take notes.</p> <p>19 Q. What did Jim Carpenter tell you in that</p> <p>20 interview?</p> <p>21 A. He said he didn't know.</p> <p>22 Q. So he did not know who posted the wrong policy?</p> <p>23 A. Right.</p> <p>24 Q. How long did you interview Mr. Carpenter for?</p> <p>25 A. Not for very long.</p>

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<p>1 Q. Five minutes? 15 minutes?</p> <p>2 A. Maybe five minutes. Wasn't that long.</p> <p>3 Q. What did you ask him?</p> <p>4 A. How did that get posted on the website?</p> <p>5 Q. Did you believe him?</p> <p>6 A. I didn't disbelieve him.</p> <p>7 Q. So you don't know whether to believe him?</p> <p>8 A. I don't know, I never got the answer from anyone</p> <p>9 I asked. So I don't know.</p> <p>10 Q. What did Sergeant Cutright say when you asked</p> <p>11 him?</p> <p>12 A. He did not know either.</p> <p>13 Q. So you believe he said. Are you confident that</p> <p>14 he said that?</p> <p>15 A. I don't recall anyone telling me that they knew</p> <p>16 how it happened.</p> <p>17 Q. How long did you interview Sergeant Cutright</p> <p>18 for?</p> <p>19 A. Very short amount of time.</p> <p>20 Q. Maybe five minutes?</p> <p>21 A. Maybe.</p> <p>22 Q. Did you do any further investigation?</p> <p>23 A. Talked with Dorothea and Timmie Sue.</p> <p>24 Q. Sorry. Who?</p> <p>25 A. And Timmie Sue. She's another, she's the</p>	<p>1 this?</p> <p>2 A. No reason. No.</p> <p>3 Q. Do you have an opinion of where the information</p> <p>4 came from that was posted on the website?</p> <p>5 A. Yes.</p> <p>6 Q. Where?</p> <p>7 A. From our inmate manual.</p> <p>8 Q. And who wrote your inmate manual?</p> <p>9 A. I have not gotten a good answer to that as far</p> <p>10 as most recent versions.</p> <p>11 Q. Who have you asked?</p> <p>12 A. I've asked Sergeant Cutright.</p> <p>13 Q. What did he tell you?</p> <p>14 A. I believe he said, well, no. He said the most</p> <p>15 recent versions were done by two individuals,</p> <p>16 one of whom I believe -- I can't remember</p> <p>17 exactly who those two people were, but they were</p> <p>18 corrections individuals.</p> <p>19 Q. Who are still employed by you?</p> <p>20 A. Yes.</p> <p>21 Q. Did you go talk to them and ask them?</p> <p>22 A. No. No.</p> <p>23 Q. Why not?</p> <p>24 A. I'm, our energy right now is focused on moving</p> <p>25 forward from this incident, not necessarily</p>
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<p>1 record's clerk.</p> <p>2 Q. For the jail?</p> <p>3 A. Well --</p> <p>4 Q. She's the part-time jail employee?</p> <p>5 A. Part-time jail, part time --</p> <p>6 Q. Could you spell her first name?</p> <p>7 A. Timmie, T I M M I E.</p> <p>8 Q. And her last name?</p> <p>9 A. Timmie Sue is her first name. And her last name</p> <p>10 is Hald, H A L D.</p> <p>11 Q. And does Timmie Sue, is that all one word or is</p> <p>12 there a dash or do you know?</p> <p>13 A. I don't know.</p> <p>14 Q. Okay. But Sue is part of the name, S U E?</p> <p>15 A. I can look at her name right now and tell you.</p> <p>16 Oh, no, I can't. It says T. Hald. Sorry.</p> <p>17 Q. And what did Dorothea Jirka tell you?</p> <p>18 A. I don't recall what she told me.</p> <p>19 Q. What did Timmie Sue Hald tell you?</p> <p>20 A. Again, I don't recall.</p> <p>21 Q. Did you do anything else to investigate who</p> <p>22 posted the wrong policy on your website?</p> <p>23 A. No.</p> <p>24 Q. Is there some reason why you didn't go to</p> <p>25 Mr. Mansheim himself and say, who told you to do</p>	<p>1 looking back at how it happened, but to move</p> <p>2 forward so that we get the good information in</p> <p>3 place.</p> <p>4 Q. So is it fair to say that you stopped</p> <p>5 investigating how the inmate manual that you</p> <p>6 currently use and the website that was posted</p> <p>7 with the wrong information first got created?</p> <p>8 A. At least it's suspended for now.</p> <p>9 Q. What are you waiting for?</p> <p>10 A. As I mentioned, we're working on trying to get,</p> <p>11 move forward from the incident right now.</p> <p>12 Q. Do you have an intention of resuming your</p> <p>13 investigation?</p> <p>14 A. Potentially.</p> <p>15 Q. What would sway you one way or the other?</p> <p>16 A. Personnel decisions.</p> <p>17 Q. Can you be more specific?</p> <p>18 A. No.</p> <p>19 Q. Decisions that you intend to make or are you</p> <p>20 saying that if somebody's not doing a good job,</p> <p>21 the fact that they might have screwed this up</p> <p>22 would also be a factor?</p> <p>23 A. We're, we're looking at layoffs. It could be</p> <p>24 that anyone who made this decision is no longer</p> <p>25 with us and it would be a moot point.</p>

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<p style="text-align: right;">Page 122</p> <p>1 Q. I see. Who's in charge of what goes in the</p> <p>2 inmate manual?</p> <p>3 A. Staff is assigned to write the inmate manual.</p> <p>4 Q. By whom?</p> <p>5 A. By the jail commander.</p> <p>6 Q. The jail commander was Jim Carpenter; right?</p> <p>7 A. Right. But the inmate manual had already been</p> <p>8 written when he was made jail commander.</p> <p>9 Q. Okay. And has it stayed substantially the same</p> <p>10 since then?</p> <p>11 A. I think so.</p> <p>12 Q. So it was written at least by mid 2009; is that</p> <p>13 right?</p> <p>14 A. Yes. The inmate manual was in place when I got</p> <p>15 there.</p> <p>16 Q. Okay. And it stayed substantially the same</p> <p>17 since?</p> <p>18 A. Since then, yes.</p> <p>19 Q. So any changes that were made since you became</p> <p>20 sheriff were made at the direction of Jim</p> <p>21 Carpenter, that is any changes to the inmate</p> <p>22 manual?</p> <p>23 A. I don't know.</p> <p>24 Q. Were they at your direction?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. When you read it within the past month, did you</p> <p>2 see anything in the inmate manual that needed to</p> <p>3 be changed?</p> <p>4 A. Yes.</p> <p>5 Q. What needed to be changed?</p> <p>6 A. The provisions regarding inmate mail.</p> <p>7 Q. Specifically which provisions?</p> <p>8 A. There's, there is a provision in there that</p> <p>9 precludes the delivery of magazines to inmates.</p> <p>10 Q. Sheriff, that was in the same inmate manual that</p> <p>11 you read when you first became the sheriff;</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. So why did you not think that that needed to be</p> <p>15 corrected back then?</p> <p>16 A. I did not catch the differences between our</p> <p>17 policy and what our manual said, the inmate</p> <p>18 manual said.</p> <p>19 Q. So did you have an understanding that at some</p> <p>20 point in the past that Columbia County Jail had</p> <p>21 a policy that prohibited magazines?</p> <p>22 A. No.</p> <p>23 Q. How would it have ended up in an inmate manual</p> <p>24 then?</p> <p>25 MR. KRAEMER: Object to form.</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Can you think of -- Strike that.</p> <p>2 When is the last time, if ever, you read the</p> <p>3 inmate manual?</p> <p>4 A. Within the last month.</p> <p>5 Q. You read it cover to cover?</p> <p>6 A. I don't know that it was cover to cover, but it</p> <p>7 was extensive. It was several different aspects</p> <p>8 of inmate relations.</p> <p>9 Q. Why did you read the inmate manual within the</p> <p>10 past month?</p> <p>11 A. Just as a normal course of different things that</p> <p>12 have come up, including our mail policy.</p> <p>13 Q. Had you ever read the inmate manual before?</p> <p>14 A. Yes.</p> <p>15 Q. In what context?</p> <p>16 A. Familiarization when I first became sheriff.</p> <p>17 Q. Do you think you read it cover to cover then?</p> <p>18 A. Yes.</p> <p>19 Q. That would have been in the first few months of</p> <p>20 your tenure as sheriff?</p> <p>21 A. Yes.</p> <p>22 Q. Did you see anything in that inmate manual when</p> <p>23 you first read it that you felt needed to be</p> <p>24 changed?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 125</p> <p>1 THE WITNESS: I don't know.</p> <p>2 Q. BY MR. WING: Did you ever try to find that out?</p> <p>3 A. No.</p> <p>4 Q. Was there anything else in the inmate manual</p> <p>5 that you read a month ago that you thought</p> <p>6 needed to be changed regarding inmate mail?</p> <p>7 A. Yes.</p> <p>8 Q. What else?</p> <p>9 A. The part about, addresses due process rights.</p> <p>10 Q. What do you think your current inmate mail,</p> <p>11 inmate manual says about due process rights?</p> <p>12 A. I can't recall exactly what it says.</p> <p>13 Q. It is deficient, in your opinion?</p> <p>14 A. My recollection is that it is, but I don't have</p> <p>15 the exact piece of how it is.</p> <p>16 Q. That same language regarding due process rights</p> <p>17 was in the inmate manual that you read when you</p> <p>18 first became sheriff; right?</p> <p>19 A. Yes.</p> <p>20 Q. And you did not think it was a problem then; is</p> <p>21 that correct?</p> <p>22 A. I didn't see the conflict between the two.</p> <p>23 Q. Is it fair to say -- Well, strike that.</p> <p>24 If somebody was booked into the jail last</p> <p>25 night or within the past week, what inmate</p>

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<p style="text-align: right;">Page 126</p> <p>1 manual would they receive?</p> <p>2 A. The same one that we have.</p> <p>3 Q. So it includes the language that says no</p> <p>4 magazines are allowed; right?</p> <p>5 A. They do get notice -- It does, yes.</p> <p>6 Q. And it also states whatever the due process</p> <p>7 provision is in the current inmate manual that</p> <p>8 you think is deficient; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Do you make any efforts to notify</p> <p>11 prisoners that this, these aspects of the inmate</p> <p>12 manual they receive are incorrect?</p> <p>13 A. That is the directive that has been given at the</p> <p>14 jail, yes.</p> <p>15 Q. Since when?</p> <p>16 A. Since we changed our policy.</p> <p>17 Q. Which was when?</p> <p>18 A. In January.</p> <p>19 Q. And when you say that's been given to the jail,</p> <p>20 who specifically?</p> <p>21 A. I believe the undersheriff. The undersheriff.</p> <p>22 Q. And in what form did you give this directive to</p> <p>23 the undersheriff?</p> <p>24 A. I don't remember.</p> <p>25 Q. Have you ever heard from him or anyone else how</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes.</p> <p>2 Q. What is that?</p> <p>3 A. That is the inmate mail guide that goes on the</p> <p>4 backside, I believe, of our notice.</p> <p>5 Q. Is that the document that you believe is the</p> <p>6 notice to prisoners you've just been testifying</p> <p>7 about?</p> <p>8 A. Yes.</p> <p>9 Q. And could you point to where on that page, this</p> <p>10 is page 2 of Exhibit H, excuse me, let's call it</p> <p>11 tab for ease of reference. So it's tab H of</p> <p>12 Exhibit 3 to this deposition, second page, where</p> <p>13 on that page does it notify prisoners that they</p> <p>14 may receive magazines?</p> <p>15 A. It doesn't.</p> <p>16 Q. Where on this page does it notify inmates of</p> <p>17 their due process rights?</p> <p>18 A. It doesn't.</p> <p>19 Q. So is it accurate to say that prisoners have not</p> <p>20 been notified of their due process rights or</p> <p>21 that they may receive magazines since you</p> <p>22 adopted your new policy in January 2012?</p> <p>23 A. My reaction is no, not accurate, but I don't</p> <p>24 know.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 127</p> <p>1 the jail notifies the inmates that at least</p> <p>2 these two aspects of the inmate manual are</p> <p>3 wrong?</p> <p>4 A. I know there are notices that are given to the</p> <p>5 inmates. I do not know in what form.</p> <p>6 Q. Have you ever seen them?</p> <p>7 A. Yes.</p> <p>8 Q. They're in writing?</p> <p>9 A. There are some in writing. I don't know if</p> <p>10 there's others.</p> <p>11 Q. And what do you recall about those notices?</p> <p>12 A. The notice advises what is a, it's a corrected</p> <p>13 version of what we prohibit and the process of</p> <p>14 appeal.</p> <p>15 Q. Sheriff, do you recall, this has been marked as</p> <p>16 Exhibit 3. Do you recognize this document?</p> <p>17 A. Yes.</p> <p>18 Q. That's your declaration you filed with the court</p> <p>19 in this matter; is that true?</p> <p>20 A. Yes.</p> <p>21 Q. And I'm going to show you what was attached as</p> <p>22 Exhibit H. Do you recognize that document?</p> <p>23 A. Yes.</p> <p>24 Q. And if you flip the page, second page, do you</p> <p>25 see that?</p>	<p style="text-align: right;">Page 129</p> <p>1 A. As far as what we've done.</p> <p>2 Q. Would you please look at Exhibit 5 and tell me</p> <p>3 if you think that is your current inmate manual.</p> <p>4 I will represent to you that document was</p> <p>5 provided by Sergeant Miller during her</p> <p>6 deposition and the mail inspection.</p> <p>7 A. Yes.</p> <p>8 Q. You think that's the current one?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Did you understand that you would be</p> <p>11 testifying today not only as the sheriff, but</p> <p>12 also on behalf of the sheriff's department about</p> <p>13 any notices that were given to inmates of the</p> <p>14 mail policy?</p> <p>15 A. I don't remember that I was, but I am sure I</p> <p>16 was. I don't know.</p> <p>17 Q. What, if anything, did you do to prepare for</p> <p>18 today's deposition?</p> <p>19 A. Just nothing.</p> <p>20 Q. Okay. Handing you Exhibit 6, do you recognize</p> <p>21 that?</p> <p>22 A. Yes.</p> <p>23 Q. You recognize that as your responses to Prison</p> <p>24 Legal News' discovery requests?</p> <p>25 A. Yes.</p>

33 (Pages 126 to 129)

Beovich Walter & Friend

WING DECL; Exhibit I; Page 22 of 37

<p style="text-align: right;">Page 138</p> <p>1 Q. Of a new mail policy?</p> <p>2 A. Yes.</p> <p>3 Q. And did you have discussions with her about that</p> <p>4 draft?</p> <p>5 MR. KRAEMER: Well, wait a second. Wouldn't</p> <p>6 that be privileged? You're asking if he had</p> <p>7 discussions with counsel.</p> <p>8 MR. WING: Well, I'm not asking what the --</p> <p>9 MR. KRAEMER: Yeah. You're asking the</p> <p>10 subject matter of the discussions. I think</p> <p>11 that's privileged.</p> <p>12 MR. WING: Well, just like I can ask whether</p> <p>13 the two of you met in preparation for this</p> <p>14 deposition. So I don't think whether you,</p> <p>15 whether something was a topic is privileged.</p> <p>16 MR. KRAEMER: Well, I think the topic is. I</p> <p>17 think you've asked -- Here's what I'm trying to</p> <p>18 get at: You can ask him if he met with me to</p> <p>19 prepare for the depositions, but you can't say,</p> <p>20 well, did you discuss this interrogatory with</p> <p>21 him? Did you discuss this with him? I think</p> <p>22 that's getting too close to the conversation.</p> <p>23 MR. WING: I agree with you.</p> <p>24 MR. KRAEMER: And that's where I'm</p> <p>25 concerned.</p>	<p style="text-align: right;">Page 140</p> <p>1 and Rigdon?</p> <p>2 A. Because I believe that they were the most</p> <p>3 conversant with our policies in the jail and</p> <p>4 would know how a change to, well, any policy</p> <p>5 would affect other policies and vice versa.</p> <p>6 Q. Did you have a single meeting in which you met</p> <p>7 with the three of them?</p> <p>8 A. No.</p> <p>9 Q. Did you meet with them independently, each of</p> <p>10 them?</p> <p>11 A. No.</p> <p>12 Q. Please describe the process.</p> <p>13 A. Somehow I sent them the work that I had done on</p> <p>14 the document that I had received from our, from</p> <p>15 Sarah Hanson and forwarded that to them for</p> <p>16 their comment.</p> <p>17 Q. And did you include Ms. Hanson on those</p> <p>18 communications?</p> <p>19 A. I don't think so.</p> <p>20 Q. So do you think you sent a single e-mail to all</p> <p>21 three of them, you know, together --</p> <p>22 A. I don't know.</p> <p>23 Q. -- and said --</p> <p>24 A. I don't know. I'm not sure.</p> <p>25 Q. Do you think you communicated the draft policy</p>
<p style="text-align: right;">Page 139</p> <p>1 MR. WING: So I'd like to know whether they</p> <p>2 had meetings about this policy.</p> <p>3 MR. KRAEMER: That's a fair question.</p> <p>4 Q. BY MR. WING: Did you have meetings about the</p> <p>5 policy that she provided to you?</p> <p>6 A. Maybe one, but mostly it was phone</p> <p>7 conversations.</p> <p>8 Q. Okay. How many times do you think you talked to</p> <p>9 her on the phone about this?</p> <p>10 A. I don't know. A dozen times maybe.</p> <p>11 Q. Did you make changes to what she sent you?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And was it your final decision, your sole</p> <p>14 decision, to adopt a new policy that became the</p> <p>15 January 26, 2012, policy?</p> <p>16 A. To adopt it?</p> <p>17 Q. Yeah.</p> <p>18 A. Yes.</p> <p>19 Q. Did you consult with anyone else besides</p> <p>20 Ms. Hanson?</p> <p>21 A. Yes.</p> <p>22 Q. Who?</p> <p>23 A. Undersheriff Moyer, Sergeant Cutright, Sergeant</p> <p>24 Rigdon.</p> <p>25 Q. And why did you consult with Sergeant Cutright</p>	<p style="text-align: right;">Page 141</p> <p>1 to them via e-mail?</p> <p>2 A. I believe, I think I did.</p> <p>3 Q. And have you looked for those e-mails?</p> <p>4 A. I think I did.</p> <p>5 Q. Where did you look?</p> <p>6 A. In my sent mail.</p> <p>7 Q. Did you find them?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you have a policy, something in place that</p> <p>10 deletes your sent mail after a certain amount of</p> <p>11 time?</p> <p>12 A. It's the same, it's the county's policy that</p> <p>13 does that automatically after six months, I</p> <p>14 believe.</p> <p>15 Q. And these e-mails would have been in late</p> <p>16 January, is that right, mid to late January?</p> <p>17 A. Yes.</p> <p>18 Q. Of this year?</p> <p>19 A. Yes.</p> <p>20 Q. So they should not automatically be deleted yet;</p> <p>21 right?</p> <p>22 A. No.</p> <p>23 Q. Is that correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Did you ask Sergeant Cutright whether he had</p>

<p style="text-align: right;">Page 142</p> <p>1 that e-mail?</p> <p>2 A. No.</p> <p>3 Q. Did you ask Sergeant Rigdon whether he had that</p> <p>4 e-mail?</p> <p>5 A. No.</p> <p>6 Q. Did you ask Undersheriff Moyer whether he had</p> <p>7 that e-mail?</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. Didn't cross my mind to ask.</p> <p>11 Q. Do you intend to do that?</p> <p>12 A. Sure. Yes.</p> <p>13 Q. Ask each one of them; right?</p> <p>14 A. Yes.</p> <p>15 Q. Undersheriff Moyer gave you written comments on</p> <p>16 the draft that you gave him; right?</p> <p>17 A. I don't recall Undersheriff Moyer doing so. He</p> <p>18 may have.</p> <p>19 Q. And Sergeant Cutright, he gave you written</p> <p>20 comments; right?</p> <p>21 A. Yes.</p> <p>22 Q. And where is the document with his written</p> <p>23 comments on them?</p> <p>24 A. No longer exists.</p> <p>25 Q. Why? What happened to them?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Have you been in charge of evidence during the</p> <p>2 course of your career?</p> <p>3 A. Yes.</p> <p>4 Q. Countless times; right?</p> <p>5 A. Countless times.</p> <p>6 Q. And you understand the concept of chain of</p> <p>7 custody?</p> <p>8 A. Yes.</p> <p>9 Q. And you testified earlier in this deposition</p> <p>10 that you revamped the sheriff's department</p> <p>11 because the retention of evidence in the</p> <p>12 evidence room was not being properly handled;</p> <p>13 right?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. If you had been notified by one of your</p> <p>16 deputies that there was evidence in a lawsuit or</p> <p>17 criminal matter that they had disposed of, what</p> <p>18 would have been your reaction?</p> <p>19 A. Well, there would have been discipline.</p> <p>20 Q. What kind of discipline?</p> <p>21 A. Depending on the nature of the offense, letter</p> <p>22 in the file or something like that.</p> <p>23 Q. Letter in the file like a reprimand, is that</p> <p>24 what you mean?</p> <p>25 A. Reprimand. Yeah.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I'm sure it either went in the trash or was</p> <p>2 shredded.</p> <p>3 Q. So you disposed of them?</p> <p>4 A. Yes.</p> <p>5 Q. Why did you dispose of them?</p> <p>6 A. Normal practice.</p> <p>7 Q. Why do you dispose of notes?</p> <p>8 A. I get way too many of them.</p> <p>9 Q. You knew at the time you disposed of these that</p> <p>10 you were in litigation with Prison Legal News</p> <p>11 over your mail policy; right?</p> <p>12 A. Yes.</p> <p>13 Q. Did you not understand that those notes were</p> <p>14 evidence?</p> <p>15 A. I did not understand that.</p> <p>16 Q. You have been a law enforcement official since</p> <p>17 how long?</p> <p>18 A. For 23 years.</p> <p>19 Q. 23 years?</p> <p>20 A. 23 years. Yes.</p> <p>21 Q. And you have testified in court as a law</p> <p>22 enforcement official?</p> <p>23 A. Yes.</p> <p>24 Q. How many times?</p> <p>25 A. Many times.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Okay. Have you had to reprimand any of your</p> <p>2 officers because they disposed of evidence?</p> <p>3 A. No.</p> <p>4 Q. Is it the kind of thing that you would expect</p> <p>5 your deputies and sheriffs know, not to dispose</p> <p>6 of evidence?</p> <p>7 A. Absolutely.</p> <p>8 Q. Can you explain how it was that you disposed of</p> <p>9 these notes?</p> <p>10 A. Yes. I did not view them as evidence.</p> <p>11 Q. Have you ever been notified by anyone to retain</p> <p>12 your communications or notes or other documents</p> <p>13 regarding your mail policies?</p> <p>14 A. I don't recall. I mean, yes, as far as, I've</p> <p>15 received notice in the past to, to provide all</p> <p>16 notes or something like that.</p> <p>17 Q. So there have been, that was in previous</p> <p>18 lawsuits?</p> <p>19 A. Yes. Yes.</p> <p>20 Q. And in this matter have you been notified to</p> <p>21 retain all possible relevant documents?</p> <p>22 A. I don't recall receiving that notice.</p> <p>23 Q. Interrogatory number eight, if you look on page</p> <p>24 11, asks, among other things, for all employees,</p> <p>25 officials, agents, volunteers or consultants who</p>

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1 A. Basically talked about that way.
 2 Q. All right. So I'd like to make a distinction
 3 between them, you learning information from them
 4 and them participating in a decision. Did they
 5 in any way --
 6 A. No.
 7 Q. -- have a meeting or discussion with them where
 8 they participated in your decision?
 9 A. No.
 10 Q. Okay. And did Washington County Jail commander
 11 Marie Tyler participate in your decision, other
 12 than you might have gotten the information from
 13 her?
 14 A. No.
 15 Q. Your answer also says that the Oregon State
 16 Sheriffs' Association and/or Washington County
 17 Sheriff's Office may be in possession of
 18 materials relating to the reasons for adopting
 19 the postcard restriction. They don't possess
 20 materials regarding the reason that you adopted
 21 a postcard-only policy, do they?
 22 A. No.
 23 Q. It might be why they thought a postcard policy
 24 is a good idea, but they don't possess materials
 25 about why you chose to; is that correct?

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1 A. That's correct.
 2 Q. And Washington County has a postcard-only
 3 policy; is that right?
 4 A. I don't know.
 5 Q. Would you please look at interrogatory number
 6 five on page 7. This is back to the question of
 7 written notice if the defendants contend that
 8 the jail's current mail policy requires the jail
 9 to provide written notice when the jail sensors
 10 incoming or outgoing mail. Do you see that?
 11 A. Yes.
 12 Q. Okay. And then it asks, "Why did you adopt that
 13 requirement policy?" And halfway down the page
 14 your statement says, "The policies effective
 15 prior to January 26, 2012, did not comport with
 16 due process." Is that what you signed?
 17 A. Yes.
 18 Q. You believe that to be true?
 19 A. Yes.
 20 Q. You believe that the sheriff's department
 21 violated the U.S. Constitution by not providing
 22 due process notice before January 26, 2012?
 23 A. Yes.
 24 Q. Do you know what part of the U.S. Constitution
 25 is violated by that?

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1 A. 14th Amendment.
 2 MR. KRAEMER: How much longer?
 3 MR. WING: You mean overall?
 4 MR. KRAEMER: No.
 5 MR. WING: Before lunch?
 6 MR. KRAEMER: It's ten to 2:00 right now.
 7 MR. WING: Okay. Why don't we break at
 8 2:00.
 9 Q. BY MR. WING: At the bottom of the page your
 10 answer says, "Nonprivileged documents relied
 11 upon are Washington County's inmate mail policy
 12 as well as notes from Sergeants Cutright and
 13 Rigdon that were not kept."
 14 A. Yes.
 15 Q. Did Sergeant Rigdon also give you written notes?
 16 A. Yes.
 17 Q. And you disposed of them?
 18 A. Yes.
 19 Q. And you disposed them about the same time you
 20 disposed of Sergeant Cutright's notes?
 21 A. Yes.
 22 Q. Do you know what the 1st Amendment to the U.S.
 23 Constitution is?
 24 A. It's a guaranteed right to free speech, freedom
 25 of religion.

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1 Q. How did you learn about that? How did you learn
 2 what the 1st Amendment essentially provides for?
 3 A. My gosh. High school maybe, grade school.
 4 Q. Okay. And the 14th Amendment, same thing?
 5 A. 14th Amendment as far as my knowledge of it,
 6 probably was a little bit later in life.
 7 Q. Did you, as a law enforcement officer, receive
 8 any training or education on the 1st or
 9 14th Amendment?
 10 A. Definitely the 1st Amendment, yes. I don't
 11 recall on the 14th as far as enforcement and due
 12 process.
 13 Q. Do you provide either directly or indirectly any
 14 training to your law enforcement officers who
 15 you supervise or employ about the Constitutional
 16 rights of citizens or those who are arrested or
 17 detained by you?
 18 A. Do I as the sheriff's office provide that
 19 training or do I rely on it that they've had the
 20 training?
 21 Q. That's why I said directly or indirectly.
 22 A. Indirectly, yeah.
 23 Q. I guess what I mean is they have received that
 24 training at some point in their career, but do
 25 you either speak about it at a staff meeting or

39 (Pages 150 to 153)

<p style="text-align: right;">Page 154</p> <p>1 provide them written materials or send them to a</p> <p>2 conference? Are you responsible for giving them</p> <p>3 this information in some fashion?</p> <p>4 A. In some fashion, yes.</p> <p>5 Q. In what fashion?</p> <p>6 A. The fashion mostly in just an overall statement</p> <p>7 that our, we have to make, there's a reliance</p> <p>8 upon an understanding that they have an</p> <p>9 understanding of constitutional rights and then</p> <p>10 we reinforce the concept that that's our primary</p> <p>11 responsibility in executing our duties, is to</p> <p>12 make sure that the rights of all people are</p> <p>13 protected.</p> <p>14 Q. Is there more detail than that or do you simply</p> <p>15 say, of course, remember, people, we've got to,</p> <p>16 you know, respect the rights of everybody?</p> <p>17 A. It's more like that.</p> <p>18 Q. More like the latter?</p> <p>19 A. Yes.</p> <p>20 Q. You have got to respect the rights of everybody?</p> <p>21 A. Yeah.</p> <p>22 MR. WING: If you want, we can go ahead and</p> <p>23 break now.</p> <p>24 (Break taken from 1:52 to 2:41.)</p> <p>25 Q. BY MR. WING: Sheriff, for simplicity sake I am</p>	<p style="text-align: right;">Page 156</p> <p>1 A. No.</p> <p>2 Q. -- in your office?</p> <p>3 A. No.</p> <p>4 Q. And for the court reporter's sake, I want to</p> <p>5 just describe these things so that the record is</p> <p>6 really clear what we're looking at.</p> <p>7 A. It's fine.</p> <p>8 Q. Do you agree with me in all capital letters</p> <p>9 there's a marking "return to sender"?</p> <p>10 A. Yes.</p> <p>11 Q. And you have not seen that before?</p> <p>12 A. No.</p> <p>13 Q. Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Thank you. Below that there is language that</p> <p>16 begins, "as of April 1st, 2010." Do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. Have you seen that language in your jail?</p> <p>20 A. I have not. I'm sorry. Yes, I have. Not in my</p> <p>21 jail, but I've seen it.</p> <p>22 Q. Where have you seen it?</p> <p>23 A. I saw it on a sticker that was in a drawer in</p> <p>24 the front office.</p> <p>25 Q. In the front office of the sheriff's department?</p>
<p style="text-align: right;">Page 155</p> <p>1 going to ask you to stack that stuff up and move</p> <p>2 it from your purview there so I can show you</p> <p>3 some other things. Thank you. I show you</p> <p>4 what's been previously marked as Exhibit 20. Do</p> <p>5 you think you've seen that before?</p> <p>6 A. This exhibit?</p> <p>7 Q. Yes.</p> <p>8 A. No.</p> <p>9 Q. Okay. If you take a moment, orient yourself to</p> <p>10 the first page. Does it look like a photocopy</p> <p>11 of an envelope from Prison Legal News to an</p> <p>12 inmate at Columbia County Jail?</p> <p>13 A. That's what it looks like. Yes.</p> <p>14 Q. I'll let you know that the numbers across the</p> <p>15 top, the insignia shows that this was filed with</p> <p>16 the court.</p> <p>17 A. Okay.</p> <p>18 Q. And there appear to be three different stamps or</p> <p>19 stickers regarding how this mail was handled.</p> <p>20 Do you see those?</p> <p>21 A. One, two, well, I see two.</p> <p>22 Q. Okay. So let's start with this, it says return</p> <p>23 to sender?</p> <p>24 A. Okay. Yeah. Sorry.</p> <p>25 Q. Is that a stamp you've seen --</p>	<p style="text-align: right;">Page 157</p> <p>1 A. Yes.</p> <p>2 Q. And so when we came to the sheriff's department</p> <p>3 the other night for the mail inspection, we came</p> <p>4 into a lobby and that's where we first saw you.</p> <p>5 A. Yes.</p> <p>6 Q. Is that the front desk that you were standing</p> <p>7 next to?</p> <p>8 A. Yes.</p> <p>9 Q. And there's a security metal detector that we</p> <p>10 had to walk through. Was that next to the</p> <p>11 office?</p> <p>12 A. That's next to the office. Yes.</p> <p>13 Q. And the people who sit at the front desk in that</p> <p>14 office include the volunteers that you've</p> <p>15 testified about?</p> <p>16 A. Yes.</p> <p>17 Q. And those people who sit at that front desk have</p> <p>18 a drawer in which you found these stickers.</p> <p>19 A. Correct.</p> <p>20 Q. And did you investigate why those stickers were</p> <p>21 found at the drawer?</p> <p>22 A. Yes.</p> <p>23 Q. How did you go about investigating that?</p> <p>24 A. I asked what this was doing here and they said</p> <p>25 someone, I believe it was Timmie Sue, told me</p>

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<p style="text-align: right;">Page 162</p> <p>1 A. I do agree with that.</p> <p>2 Q. And as you sit here today, you have no idea</p> <p>3 who's responsible for creating, obtaining or</p> <p>4 using these stickers?</p> <p>5 A. I have an idea.</p> <p>6 Q. What is your idea?</p> <p>7 A. I believe it was Jim Carpenter. That's what I</p> <p>8 believe, although I don't know.</p> <p>9 Q. And it says on the sticker, "this applies to</p> <p>10 all" and "all" is in capital letters; is that</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. "This applies to all incoming and outgoing</p> <p>14 mail." That's what it says; right?</p> <p>15 A. Yes.</p> <p>16 Q. Is that true?</p> <p>17 A. That's what it says. Yes.</p> <p>18 Q. Is that true, that Columbia County Jail only</p> <p>19 accepts postcards and that that policy applies</p> <p>20 to all incoming and outgoing mail?</p> <p>21 A. No.</p> <p>22 MR. ROBERSON: Object to form.</p> <p>23 Q. BY MR. WING: Okay. There is also what appears</p> <p>24 to be a stamp that's partially covering the</p> <p>25 addressee's information on this Exhibit 20;</p>	<p style="text-align: right;">Page 164</p> <p>1 and one sticker?</p> <p>2 A. Yes.</p> <p>3 Q. Apart from the address label. Would you agree?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And the return to sender stamp that's in</p> <p>6 capital letters you've already testified about</p> <p>7 and the sticker you've already testified about.</p> <p>8 We're now looking at a stamp with a hand and a</p> <p>9 finger pointing that is partially covering the</p> <p>10 addressee label; right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. If you turn to the second page of</p> <p>13 Exhibit 20, you'll see that appears to be the</p> <p>14 first page of Prison Legal News magazine or</p> <p>15 journal. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Have you ever read any portion of Prison Legal</p> <p>18 News?</p> <p>19 A. No.</p> <p>20 Q. Any issue?</p> <p>21 A. No.</p> <p>22 Q. Why not?</p> <p>23 A. I don't have -- I just haven't.</p> <p>24 Q. Okay. Do you believe that this document is</p> <p>25 protected under the 1st Amendment?</p>
<p style="text-align: right;">Page 163</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Have you seen that stamp before?</p> <p>4 A. Yes.</p> <p>5 Q. Is that used by the jail?</p> <p>6 A. No.</p> <p>7 Q. Where did you see it?</p> <p>8 A. Mail I've sent out personally. It seems to be a</p> <p>9 post office stamp.</p> <p>10 Q. You think that's from the post office?</p> <p>11 A. That's what I believe, but I don't know. That's</p> <p>12 the only place I've ever seen anything like this</p> <p>13 before.</p> <p>14 Q. Okay. So are you saying you don't know whether</p> <p>15 the jail has that stamp or your answer is the</p> <p>16 jail does not have that stamp?</p> <p>17 A. I don't know that the jail has this stamp.</p> <p>18 Q. Have you done anything to investigate whether,</p> <p>19 what stickers and stamps the jail uses when</p> <p>20 responding or returning mail?</p> <p>21 A. No.</p> <p>22 MR. ROBERSON: Can we specify for the record</p> <p>23 what stamp you're referring to?</p> <p>24 Q. BY MR. WING: So I think we've agreed that there</p> <p>25 are two stamps on the front page of Exhibit 20</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Absolutely.</p> <p>2 Q. And should it have been delivered to your jail?</p> <p>3 A. Yes.</p> <p>4 Q. And you believe that the censorship of this</p> <p>5 item, the rejection of Exhibit 20 violated the</p> <p>6 1st Amendment?</p> <p>7 A. Yes.</p> <p>8 Q. Thank you. If you please look at Exhibit 21.</p> <p>9 Oh, let's go back for one minute. Excuse me.</p> <p>10 Looking at Exhibit 20, can you tell from any</p> <p>11 portion of Exhibit 20 why Exhibit 20 was</p> <p>12 rejected by your jail?</p> <p>13 A. I don't know that it was rejected by our jail,</p> <p>14 but I don't know other than, I don't know why it</p> <p>15 was rejected.</p> <p>16 Q. Okay. Does the postcard-only policy apply to</p> <p>17 magazines?</p> <p>18 A. No.</p> <p>19 Q. Did it ever?</p> <p>20 A. Not according to policy, no.</p> <p>21 Q. And the only information that you see on the</p> <p>22 cover of Exhibit 20 as to why the jail might</p> <p>23 have rejected this item is the sticker?</p> <p>24 A. Yes.</p> <p>25 Q. Is that true?</p>

42 (Pages 162 to 165)

Beovich Walter & Friend

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<p style="text-align: right;">Page 166</p> <p>1 A. Yes.</p> <p>2 Q. Let's go to Exhibit 21. There is a, appears to</p> <p>3 be a stamp that says inspected by Columbia</p> <p>4 County Jail at the top. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Is that a stamp you've seen before at your jail?</p> <p>7 A. No.</p> <p>8 Q. And there are three reasons why this was</p> <p>9 returned, according to this stamp, would you</p> <p>10 agree?</p> <p>11 A. Yes.</p> <p>12 Q. It says first, "Return to sender." And then it</p> <p>13 says, "Contraband." And then it says,</p> <p>14 "Refuse/violates security." Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Would you please take a minute and look at the</p> <p>17 second page of this document. Again it is a</p> <p>18 magazine, Prison Legal News; right?</p> <p>19 A. Yes.</p> <p>20 Q. And do you have any reason to believe that this</p> <p>21 contains contraband?</p> <p>22 A. No.</p> <p>23 Q. Do you have any reason to believe that it</p> <p>24 violates security at the jail?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And if this was rejected by the jail --</p> <p>3 Before we get there, why don't you look at the</p> <p>4 second page. Do you see this is an order form</p> <p>5 for subscription to Prison Legal News?</p> <p>6 A. Yes.</p> <p>7 Q. Have you ever seen that before?</p> <p>8 A. No.</p> <p>9 Q. If you look, the page after that is the reverse</p> <p>10 side of that, different subscription rates and</p> <p>11 time periods. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And the page after that you see is a front and</p> <p>14 back of a order form for books to be sold by</p> <p>15 Prison Legal News. Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And then finally there's a book offer with a</p> <p>18 habeas cite book. Do you see that?</p> <p>19 A. Oh, yes.</p> <p>20 Q. Okay. What is habeas?</p> <p>21 A. It's, has to do with the demand for the, habeas</p> <p>22 corpus is demand for body. So it's some sort of</p> <p>23 demand, request to show something.</p> <p>24 Q. Okay. Do you think it has to do with prisoners'</p> <p>25 rights?</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. Do you think that the censorship of this Prison</p> <p>2 Legal News journal violated the 1st Amendment?</p> <p>3 A. Yes.</p> <p>4 Q. And do you think that any, there's any</p> <p>5 indication on the first page of Exhibit 21 to</p> <p>6 the person who received this back, what was</p> <p>7 wrong with this piece of mail so it violates</p> <p>8 policy?</p> <p>9 A. No.</p> <p>10 Q. So it also would be a violation of the</p> <p>11 14th Amendment due process requirement; is that</p> <p>12 true?</p> <p>13 A. Yes.</p> <p>14 Q. Let's look at Exhibit 22. Have you seen this</p> <p>15 before?</p> <p>16 A. No.</p> <p>17 Q. Okay. Do you see that the first page is an</p> <p>18 envelope from Prison Legal News to a prisoner at</p> <p>19 Columbia County Jail?</p> <p>20 A. Yes.</p> <p>21 Q. And you see the sticker that we discussed that</p> <p>22 begins, as of April 1st, 2010?</p> <p>23 A. Yes.</p> <p>24 Q. And it says, it's got the return to sender</p> <p>25 stamp; right?</p>	<p style="text-align: right;">Page 169</p> <p>1 A. I would -- Yes.</p> <p>2 Q. And then the last page, something called</p> <p>3 Prisoner's Guerilla Handbook. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And you see the subheading there, high school,</p> <p>6 vocational, paralegal, undergraduate, graduate</p> <p>7 courses?</p> <p>8 A. Yes.</p> <p>9 Q. Do you see it?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Are these materials that the jail should</p> <p>12 be censoring?</p> <p>13 A. No.</p> <p>14 Q. Do you think they're protected by the 1st</p> <p>15 Amendment?</p> <p>16 A. Yes.</p> <p>17 Q. And in rejecting this mail do you think the jail</p> <p>18 violated the 1st Amendment?</p> <p>19 A. Yes.</p> <p>20 Q. And do you think the first page provides due</p> <p>21 process notice --</p> <p>22 A. No.</p> <p>23 Q. -- to the sender?</p> <p>24 A. No.</p> <p>25 Q. And, therefore, would be a violation of the</p>

<p style="text-align: right;">Page 170</p> <p>1 14th Amendment?</p> <p>2 A. Yes, I do.</p> <p>3 Q. If you please look at Exhibit 23. Flip through</p> <p>4 the pages. I think the contents of the envelope</p> <p>5 are the same. Let me know if you agree.</p> <p>6 A. I do.</p> <p>7 Q. Okay. And similarly, do you think in rejecting</p> <p>8 Exhibit 23 the jail violated the 1st Amendment?</p> <p>9 A. Yes.</p> <p>10 Q. And the front page of Exhibit 23 has a different</p> <p>11 stamp, one that's not found on Exhibit 22; is</p> <p>12 that right?</p> <p>13 A. Yes.</p> <p>14 Q. And that's a jail stamp that gave as reasons,</p> <p>15 return to sender but review/violates security;</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. And you do not see anything in Exhibit 23 that</p> <p>19 violates security, do you?</p> <p>20 A. No.</p> <p>21 Q. Okay. Would you please look at Exhibit 24. Do</p> <p>22 you see the first page is an envelope from</p> <p>23 Prison Legal News to a prisoner at Columbia</p> <p>24 County Jail?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Okay. And they included gift options and</p> <p>2 subscription forms and book catalogs like we</p> <p>3 looked at before?</p> <p>4 A. Yes.</p> <p>5 Q. And you think all of that's protected under the</p> <p>6 1st Amendment?</p> <p>7 A. Yes.</p> <p>8 Q. And so in rejecting Exhibit 24, the jail</p> <p>9 violated the 1st Amendment?</p> <p>10 A. Yes.</p> <p>11 Q. And the first page did not give due process</p> <p>12 notice to the sender; correct?</p> <p>13 A. Correct.</p> <p>14 Q. Therefore, that would be a violation of the</p> <p>15 14th Amendment; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. I'd like to show you Exhibit 25. Have you ever</p> <p>18 seen this before?</p> <p>19 A. No.</p> <p>20 Q. What is a mail violation notice?</p> <p>21 A. It's one of the jail's notices, apparently. Has</p> <p>22 my badge on it.</p> <p>23 Q. Have you ever seen this kind of notice before?</p> <p>24 A. I have not seen this notice.</p> <p>25 Q. And would you agree with me that this document</p>
<p style="text-align: right;">Page 171</p> <p>1 Q. And second page, do you see that's on Prison</p> <p>2 Legal News letterhead and it says, "Dear PLN</p> <p>3 supporter."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And it says, "You recently received a PLN</p> <p>7 fundraising letter, however, the printer made a</p> <p>8 mistake and did not print the entire letter, so</p> <p>9 you only received half of it. This is the</p> <p>10 entire letter."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. If you take as much time as you need to</p> <p>14 look through the rest of the letter and tell me</p> <p>15 if you think that this letter is protected under</p> <p>16 the 1st Amendment?</p> <p>17 A. No, I do not.</p> <p>18 Q. Just to be clear, I asked you whether you</p> <p>19 thought this letter was protected by the</p> <p>20 1st Amendment?</p> <p>21 A. I'm sorry.</p> <p>22 Q. That's okay.</p> <p>23 A. Yes, it is protected by the 1st Amendment.</p> <p>24 Q. And you looked through the rest of the pages?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 173</p> <p>1 as a form itself does not provide information</p> <p>2 about what type of mail is -- There's a</p> <p>3 violation -- I'm not doing a good job with this</p> <p>4 question. I'm going to strike it.</p> <p>5 Can you determine from looking at this mail</p> <p>6 violation notice what was found to be in</p> <p>7 violation?</p> <p>8 A. Just the one box that's checked.</p> <p>9 Q. What does that state?</p> <p>10 A. It says, "Do not accept periodicals."</p> <p>11 Q. What is a periodical?</p> <p>12 A. It's a publication that's published</p> <p>13 periodically.</p> <p>14 Q. Can you tell from this document what the</p> <p>15 periodical is that was found in violation?</p> <p>16 A. I cannot.</p> <p>17 Q. And would you agree that this particular form</p> <p>18 says that the jail does not accept periodicals?</p> <p>19 Is that what it says?</p> <p>20 A. That's what it says.</p> <p>21 Q. Does it appear to you that this is a form, in</p> <p>22 other words, this isn't typed in just to deal</p> <p>23 with this one instance, but rather it appears to</p> <p>24 be a form of the jail that would be used, if</p> <p>25 you'll excuse the pun, periodically?</p>

<p style="text-align: right;">Page 190</p> <p>1 Q. So it's a few months after that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what used to be in the hygiene kits</p> <p>4 for inmates to write before your postcard-only</p> <p>5 policy?</p> <p>6 A. I do not.</p> <p>7 Q. So if they used to receive four pieces of paper</p> <p>8 and now receive two postcards, have you</p> <p>9 significantly reduced the amount of space in</p> <p>10 which they can write --</p> <p>11 A. Yes.</p> <p>12 Q. -- content? Okay.</p> <p>13 Would that be a con or a negative reason for</p> <p>14 adopting the postcard-only policy?</p> <p>15 A. It certainly could be construed that way by</p> <p>16 some, sure.</p> <p>17 Q. Do you construe it that way?</p> <p>18 A. It's -- Potentially, sure.</p> <p>19 Q. Did you consider that when you adopted the</p> <p>20 postcard-only policy?</p> <p>21 A. I did not consider what was in the inmates'</p> <p>22 indigent kits before we implemented that.</p> <p>23 Q. Did you consider the impact of adopting the</p> <p>24 postcard-only policy on the inmates?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. No.</p> <p>2 Q. So how would a person, an inmate who wants to</p> <p>3 write what they used to write in a four-page</p> <p>4 letter on a postcard, how would they go about</p> <p>5 doing that?</p> <p>6 A. Well, if they want to communicate as much, as</p> <p>7 many words as they did on four-page letter, then</p> <p>8 you'd have to buy four postcards.</p> <p>9 Q. Are you sure it's just four?</p> <p>10 A. Probably eight if you write front to back.</p> <p>11 Q. Because you can't write on the front of a</p> <p>12 postcard, can you?</p> <p>13 A. No.</p> <p>14 Q. Is that right?</p> <p>15 A. Not very -- No.</p> <p>16 Q. It is not right or it is right?</p> <p>17 A. That's right, you cannot.</p> <p>18 Q. And you'd have to buy postage for each one of</p> <p>19 those postcards; right?</p> <p>20 A. Yes.</p> <p>21 Q. So isn't it actually true that it's much more</p> <p>22 expensive for an inmate to send the same amount</p> <p>23 of content on a postcard as it is to send in the</p> <p>24 letter?</p> <p>25 A. Absolutely.</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. What did you consider about that?</p> <p>2 A. I believed, my thoughts were that the inmates</p> <p>3 would get used to this, that we were, that it</p> <p>4 was not an effort to infringe on their right to</p> <p>5 communicate, but rather a means for us to make</p> <p>6 sure that the opportunity to communicate could</p> <p>7 continue by making it more efficient, not</p> <p>8 continue versus -- Let me resay that.</p> <p>9 It gave us the opportunity to make sure that</p> <p>10 the process of inmates being able to communicate</p> <p>11 through the mail would not be hampered by our</p> <p>12 inability to process the mail, that with</p> <p>13 everything that we were trying to do with the</p> <p>14 number of staff that we have, I believe that it</p> <p>15 was a way for, for inmate communication to be</p> <p>16 standardized and improved as far as efficiency</p> <p>17 so that the mail went out when it was supposed</p> <p>18 to go out, got delivered when it was supposed to</p> <p>19 be delivered.</p> <p>20 Q. Do you think it is more expensive for inmates to</p> <p>21 communicate by postcard than by letter?</p> <p>22 A. No.</p> <p>23 Q. Do you think that you can include on a single</p> <p>24 postcard what you can include in a four-page</p> <p>25 letter?</p>	<p style="text-align: right;">Page 193</p> <p>1 Q. Okay. And the same would be true of those</p> <p>2 people who are sending, used to send letters to</p> <p>3 inmates via letter, they now have to use</p> <p>4 postcards and so they'd have the increased cost</p> <p>5 as well; right?</p> <p>6 A. Yes.</p> <p>7 Q. How much, can you compare what the difference in</p> <p>8 cost is to the jail in purchasing a postcard</p> <p>9 that you give to inmates versus a piece of white</p> <p>10 paper?</p> <p>11 A. I don't know. I do not know the cost.</p> <p>12 Q. So let's say you go to any office supply store</p> <p>13 and you buy a package of 500 sheets of white</p> <p>14 paper that you use in your printer; right?</p> <p>15 A. Yes.</p> <p>16 Q. If we were to compare that with 1,000 postcards</p> <p>17 that have the picture of the first sheriff on</p> <p>18 them that your office buys and gives to inmates,</p> <p>19 do you have an opinion which would be more</p> <p>20 expensive?</p> <p>21 A. I really don't know because I don't know how</p> <p>22 much the postcards cost us.</p> <p>23 Q. And when somebody writes a letter, there's also</p> <p>24 the cost of the envelope; right?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 206</p> <p>1 and finding out what's inside.</p> <p>2 Q. Okay. So would it be your opinion that the</p> <p>3 deputies don't need to open it and look inside</p> <p>4 since it appears to be not privileged and not</p> <p>5 legal mail or should they open it up and see</p> <p>6 what's inside?</p> <p>7 A. I think currently our policy is that they don't</p> <p>8 open the, these pieces of mail.</p> <p>9 Q. So is there anything here that causes you to</p> <p>10 think that it is contraband or is it contraband</p> <p>11 in the sense that it's not a postcard?</p> <p>12 A. Right. The latter.</p> <p>13 Q. So in your understanding, does the mail policy</p> <p>14 call letters, by virtue of the fact that they</p> <p>15 are not postcards, contraband?</p> <p>16 A. No. That's not my understanding.</p> <p>17 Q. So this would be a mislabeled reason by calling</p> <p>18 it contraband. But do you think it would be</p> <p>19 rejected because it's not a postcard?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Thank you. And for that reason, it</p> <p>22 doesn't really matter what is contained in the</p> <p>23 personal mail envelope. It's only supposed to</p> <p>24 be a postcard, so it gets rejected because it's</p> <p>25 not a postcard?</p>	<p style="text-align: right;">Page 208</p> <p>1 (Exhibit 66 marked for identification.)</p> <p>2 Q. BY MR. WING: Here is Exhibit 66. Do you</p> <p>3 recognize the first page of Exhibit 66 as a</p> <p>4 photocopy of an envelope from your office?</p> <p>5 A. Yes.</p> <p>6 Q. To Lucy Lenuox?</p> <p>7 A. Yes.</p> <p>8 Q. We've just been looking at correspondence from</p> <p>9 Lucy Lenuox; right?</p> <p>10 A. Yes.</p> <p>11 Q. And enclosed in this envelope was a prohibited</p> <p>12 mail notice that's the second page of</p> <p>13 Exhibit 66. And it's addressed to her; is that</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. And the date is 2-11-12; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And can you tell from this notice what it was</p> <p>19 that was rejected?</p> <p>20 A. It says it was deemed personal mail and not on a</p> <p>21 postcard.</p> <p>22 Q. There are some boxes above that; right?</p> <p>23 A. Yes.</p> <p>24 Q. Do any of those apply?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 207</p> <p>1 MR. ROBERSON: Object to form.</p> <p>2 Q. BY MR. WING: Is that true?</p> <p>3 A. If it comes in the form of a personal letter,</p> <p>4 yes.</p> <p>5 Q. Well, what you were looking at in Exhibit 65</p> <p>6 wasn't really a letter; right? It was in an</p> <p>7 envelope?</p> <p>8 A. What I mean is if it comes the way a personal</p> <p>9 letter would come, with an address handwritten,</p> <p>10 a return address and handwritten address with no</p> <p>11 indication that it's coming from a publisher, no</p> <p>12 sense it's a periodical, there's no, there's no</p> <p>13 sense that it's even bulk mail, if there's any</p> <p>14 indication that it's coming from a publisher, it</p> <p>15 would be a different story. But if it's coming</p> <p>16 as private mail, then right now our policy would</p> <p>17 say that you, it doesn't go through.</p> <p>18 Q. No matter what's in it?</p> <p>19 A. We don't know what's in it.</p> <p>20 Q. But I'm saying it doesn't matter what's in it;</p> <p>21 right?</p> <p>22 A. Right. Right.</p> <p>23 Q. According to your policy?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. All right.</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. And which one do you think applies?</p> <p>2 A. I would say two, returning the letter.</p> <p>3 Q. Okay. Those are not checked; is that right?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. And can you tell who the mail handler</p> <p>6 was?</p> <p>7 A. No.</p> <p>8 Q. What is your DPSST number?</p> <p>9 A. Mine?</p> <p>10 Q. Yes.</p> <p>11 A. 22325.</p> <p>12 Q. To your knowledge, are they all five digits?</p> <p>13 A. No. They're not all five digits. People who</p> <p>14 have been around longer have short, smaller</p> <p>15 numbers.</p> <p>16 Q. Okay. The date on the prohibited mail notice we</p> <p>17 were just looking at, 2-11-12, is that before or</p> <p>18 after your February 1st training of your staff</p> <p>19 about the new mail policy?</p> <p>20 A. Would be after.</p> <p>21 Q. If Ms. Lenuox sent the same envelope that you</p> <p>22 saw in Exhibit 66, excuse me, 65, the same</p> <p>23 enclosure to 11 different prisoners, would you</p> <p>24 expect her to receive 11 prohibited mail notices</p> <p>25 all saying the same thing?</p>

<p style="text-align: right;">Page 210</p> <p>1 MR. ROBERSON: Under the policy, Counsel?</p> <p>2 MR. WING: No.</p> <p>3 MR. ROBERSON: Object to form.</p> <p>4 Go ahead. You can answer.</p> <p>5 THE WITNESS: I would expect it. Sure.</p> <p>6 Q. BY MR. WING: Would there be any reason not, for</p> <p>7 that not to happen?</p> <p>8 A. No. No good reason.</p> <p>9 Q. Okay. Do you know what actually happened?</p> <p>10 A. No.</p> <p>11 Q. Okay.</p> <p>12 (Exhibit 67 marked for identification.)</p> <p>13 Q. BY MR. WING: Just look at Exhibit 67. This</p> <p>14 prisoner through the inmate request form says,</p> <p>15 "Could you provide me a copy of CCJ's new mail</p> <p>16 policy, please?" Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And do you see the date that this is being</p> <p>19 requested?</p> <p>20 A. Yes.</p> <p>21 Q. He then writes -- And the date is when, please?</p> <p>22 A. February 7, 2012.</p> <p>23 Q. That's after you adopted your January 26th</p> <p>24 policy; is that right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 212</p> <p>1 new policy did not change how incoming and</p> <p>2 outgoing mail is treated?</p> <p>3 MR. ROBERSON: Form.</p> <p>4 THE WITNESS: That's not how I read this.</p> <p>5 Q. BY MR. WING: How do you read it?</p> <p>6 A. This inmate is asking for a copy of the new mail</p> <p>7 policy. "We were told that the recent changes</p> <p>8 would be posted." So he knows that there have</p> <p>9 been changes. They just haven't been posted</p> <p>10 yet. What I believe the sergeant is saying is</p> <p>11 what we told you is still in effect. We will</p> <p>12 get it out to you in written form as soon as we</p> <p>13 can, but there are still changes being made to</p> <p>14 the actual wording of the policy. Therefore, to</p> <p>15 put it in writing in some sort of final form for</p> <p>16 the inmates hasn't happened yet.</p> <p>17 Q. BY MR. WING: Okay. That's your interpretation</p> <p>18 of --</p> <p>19 A. That's my interpretation of what was written</p> <p>20 here.</p> <p>21 Q. Okay. Then later the answering deputy writes,</p> <p>22 "When the policy is finalized, the inmate</p> <p>23 portion will be made available via a pod memo."</p> <p>24 Is that right? Did I read it correctly?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. He then writes, "We were told that the recent</p> <p>2 changes would be posted in the units, but that</p> <p>3 has not happened." Then the answer at the</p> <p>4 bottom says, "The mail policy is changing and</p> <p>5 the information that affects inmates' mail as</p> <p>6 far as outgoing and incoming mail remains the</p> <p>7 same."</p> <p>8 Is that true?</p> <p>9 A. It's what he wrote. I'm not sure what you mean</p> <p>10 by "is that true."</p> <p>11 Q. Is it true that the new policy did not affect</p> <p>12 the incoming or outgoing mail?</p> <p>13 MR. ROBERSON: Object to form.</p> <p>14 THE WITNESS: If you're asking me -- I'm</p> <p>15 trying to figure out what you're asking me. I'm</p> <p>16 sorry.</p> <p>17 Q. BY MR. WING: I'm trying to be as direct as I</p> <p>18 can be. This prisoner has asked for a copy of</p> <p>19 the new policy; would you agree?</p> <p>20 A. Yes.</p> <p>21 Q. And the response says, as far as the incoming,</p> <p>22 outgoing mail goes, the policy is the same.</p> <p>23 Isn't that what he wrote?</p> <p>24 A. That's what he wrote.</p> <p>25 Q. And I'm asking you whether it's true that the</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Has that happened?</p> <p>2 A. Has it happened?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. And that's the inmate...</p> <p>6 A. Mail guide.</p> <p>7 Q. Inmate mail guide?</p> <p>8 A. Yes.</p> <p>9 Q. And we've talked about the fact that that</p> <p>10 doesn't include information about due process;</p> <p>11 right?</p> <p>12 A. That's correct.</p> <p>13 Q. And it does not include a clarification that</p> <p>14 magazines are allowed; right?</p> <p>15 A. Right. But it doesn't prohibit the magazine.</p> <p>16 Q. And then it says, the deputy says, "After the</p> <p>17 policy is finalized, that will be placed in the</p> <p>18 new upcoming inmate manual"; is that right?</p> <p>19 A. That's correct.</p> <p>20 Q. When will the new inmate manual be coming out?</p> <p>21 A. It is in the hands of legal counsel. I'm</p> <p>22 waiting.</p> <p>23 Q. Okay. And this inmate was told this back on</p> <p>24 February 8th, 2012; right?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 250</p> <p>1 Q. Okay. And do you have the same computer that</p> <p>2 you had --</p> <p>3 A. Yes.</p> <p>4 Q. -- throughout?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Do you have a place on your computer, a</p> <p>7 folder where you keep things regarding policies?</p> <p>8 A. Yes. Not on the computer -- Well, on our</p> <p>9 various drives which are on the network, we have</p> <p>10 all of our superseded policies.</p> <p>11 Q. Okay. In final form?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have, track changes that you've made?</p> <p>14 A. No.</p> <p>15 Q. You know what that term means?</p> <p>16 A. Yes.</p> <p>17 Q. And do you have a folder or a binder or a</p> <p>18 Red Well or something of changes that you've</p> <p>19 made to policies?</p> <p>20 A. No.</p> <p>21 Q. Sheriff, would you please look at Exhibit 50.</p> <p>22 It's a copy of the inmate manual --</p> <p>23 A. Yes.</p> <p>24 Q. -- dated November 18, 2010. That's the current</p> <p>25 one; is that right?</p>	<p style="text-align: right;">Page 252</p> <p>1 the Columbia County Jail soon will limit</p> <p>2 incoming and outgoing inmate mail to postcards</p> <p>3 only, Sheriff Jeff Dickerson announced Tuesday."</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. And was this the notice you were talking about</p> <p>7 earlier in your deposition that you notified the</p> <p>8 public this policy was coming?</p> <p>9 A. Yes.</p> <p>10 Q. Did you send a press release to the Daily News?</p> <p>11 Did you hold a press conference?</p> <p>12 A. No, I didn't hold a press conference.</p> <p>13 Q. Did you speak directly to a reporter?</p> <p>14 A. I may have.</p> <p>15 Q. Okay. The second paragraph begins, "The</p> <p>16 processing of inmate mail is very time-consuming</p> <p>17 and labor-intensive, Dickerson said in a</p> <p>18 prepared statement."</p> <p>19 Do you think that's something you read or</p> <p>20 that you handed out?</p> <p>21 A. Well, I, wouldn't have been something I read.</p> <p>22 It either was handed out or was part of our,</p> <p>23 what we had on our website. I don't know. I'd</p> <p>24 have to look at the website one and see.</p> <p>25 Q. Okay. Has the postcard-only policy met your</p>
<p style="text-align: right;">Page 251</p> <p>1 A. Yes.</p> <p>2 Q. Is that your signature?</p> <p>3 A. It is.</p> <p>4 Q. And just confirm that this is the same first</p> <p>5 page as Exhibit 5.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So that's your signature on both of</p> <p>8 those?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Sheriff, was there a Oregon State</p> <p>11 Sheriffs' Association conference on or about</p> <p>12 April 3rd of this year that you attended?</p> <p>13 A. No. I don't -- No.</p> <p>14 Q. Did you attend --</p> <p>15 A. They might have had one, but I didn't attend it.</p> <p>16 Q. Did you attend any conferences in which there</p> <p>17 was a discussion about modifying sheriff</p> <p>18 department's policies because of this lawsuit?</p> <p>19 A. No.</p> <p>20 (Exhibit 68 marked for identification.)</p> <p>21 Q. BY MR. WING: Let's look at Exhibit 68. Do you</p> <p>22 see this is a news article from the Daily News</p> <p>23 dated December 22nd, 2009? Do you see that?</p> <p>24 A. Yes, I do.</p> <p>25 Q. And it says, "To save time and improve security,</p>	<p style="text-align: right;">Page 253</p> <p>1 expectations?</p> <p>2 A. I think so.</p> <p>3 Q. That's yes?</p> <p>4 A. Yes.</p> <p>5 Q. Did it achieve what you set out to achieve with</p> <p>6 it?</p> <p>7 A. Yes.</p> <p>8 Q. What did it achieve?</p> <p>9 A. It has saved us time and it has enabled us to</p> <p>10 have greater confidence in our security.</p> <p>11 Q. How has it saved you time?</p> <p>12 A. Based on reports that I receive from our, the</p> <p>13 leadership in the jail, it's cut it by about</p> <p>14 half.</p> <p>15 Q. Who told you that?</p> <p>16 A. I believe it's Sergeant Cutright. Sergeant</p> <p>17 Cutright told me.</p> <p>18 Q. When did he tell you this?</p> <p>19 A. I don't remember.</p> <p>20 Q. Did he tell you how he came to that conclusion?</p> <p>21 A. No.</p> <p>22 Q. Did he tell you this year or sometime before</p> <p>23 that?</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you believe there's a correlation between how</p>

<p style="text-align: right;">Page 254</p> <p>1 much mail the jail gets and how many prisoners 2 it houses? 3 A. I don't know. 4 Q. Is it possible that it takes less time to 5 process the mail because you have fewer 6 prisoners? 7 A. I don't know. 8 Q. Is it possible that it takes less time to 9 process the mail because it's being done in the 10 middle of the night when there's a lot less 11 going on in the jail? 12 A. I don't know. 13 Q. Is it possible that it takes less time to 14 process the mail because the amount of mail 15 that's being sent is far less since you adopted 16 a postcard-only policy? 17 MR. ROBERSON: Object to form. 18 THE WITNESS: Anything is possible, but I 19 don't, I don't know. 20 Q. BY MR. WING: Well, you seem to have attributed 21 the amount of time it takes to process the mail 22 to the postcard policy; right? 23 A. Yes. 24 Q. So I am asking you why couldn't it be due to 25 something else? And it sounds like you don't</p>	<p style="text-align: right;">Page 256</p> <p>1 A. I don't know. I have never processed the mail, 2 so I can't comment on that. 3 Q. Okay. Do you plan to keep the policy you have, 4 the mail policy? 5 A. You asked me if I planned on never changing it? 6 And we always are reevaluating, trying to make 7 sure our policies are the most efficient and 8 effective and clear as they possibly can be. 9 Q. Okay. So you don't know what your plans are? 10 A. Well, the plan is ongoing policy review on all 11 the policies. 12 Q. Have you included in anybody's performance 13 evaluation failure to comply with the mail 14 policies? 15 A. No. 16 Q. Have you disciplined any employee for failing to 17 comply with the mail policies? 18 A. No. 19 Q. Are you aware of anybody who has been 20 disciplined for that reason? 21 A. No. 22 Q. Do you have any intention of disciplining 23 anybody for failing to comply with the mail 24 policies? 25 A. I don't have any intent at this time, no.</p>
<p style="text-align: right;">Page 255</p> <p>1 know. 2 A. Well, it could be, like anything. Sure. 3 Q. So what caused you to conclude that it was 4 because of the merits of the postcard-only 5 policy? 6 A. Subjected belief. 7 Q. And what is your subjected belief based on? 8 A. The understanding that based on what I've heard 9 is that the mail has not necessarily decreased 10 all that much from the time, over time and that 11 could be for a number of reasons. But that I'm 12 not going to speculate on. But just based on 13 that and then based on the fact that we are, no 14 matter how many, what time of day it happens, 15 it, the amount of work is going to be the same. 16 So it's not necessarily the time of day that it 17 happens. And there's always going to be 18 interruptions in the process, even on graveyard. 19 Q. Okay. Have you done anything to investigate 20 whether the, how long it takes to process the 21 mail and what any reduction is the result of? 22 A. No. 23 Q. Okay. Do you think that it would take more or 24 less time to process 16 postcards or four pages 25 in a letter?</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. During the course of the past two years, have 2 you ever looked at your website? 3 A. The front page always jumps up on my, it's the 4 home page. 5 Q. Okay. 6 A. When I go on the internet. 7 Q. And do you go on the internet? 8 A. Regularly. 9 Q. Regularly. Several times a week? 10 A. Yes. 11 Q. And are there parts of your website that you go 12 and check? 13 A. Yes, from time to time. 14 Q. What parts? 15 A. Well, mostly the press releases when I'm 16 doing -- When I, when I first started out the 17 first couple years I didn't do anything on the 18 website. Jeff Mansheim is part time and I got 19 him to teach me how to do some of the basic 20 stuff. So I, mostly I do press releases. 21 Q. How often would you say you put together a new 22 press release for your website? 23 A. I'd say it varies, really does. I could go 24 weeks where they have three or four or five and 25 then maybe more weeks where I don't do any.</p>

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<p style="text-align: right;">Page 258</p> <p>1 Just depends on what's happening and how much</p> <p>2 time we have.</p> <p>3 Q. Okay. Your declaration, Exhibit 3, paragraph 9,</p> <p>4 third sentence you wrote, "Following the filing</p> <p>5 of plaintiff's lawsuit, I learned that the front</p> <p>6 office employees sometime rejected mailings</p> <p>7 before sending them to corrections staff." Who</p> <p>8 did you find out actually rejected mailings?</p> <p>9 A. I don't, I don't have the names of the people.</p> <p>10 Q. Is it your testimony that somebody in the front</p> <p>11 office actually rejected Prison Legal News?</p> <p>12 A. That's, that's what I believe.</p> <p>13 Q. Have you asked Jim Carpenter whether he trained</p> <p>14 anybody who sits at the front desk to make</p> <p>15 decisions about whether mail is permitted or</p> <p>16 should be rejected?</p> <p>17 A. I asked Jim Carpenter about what happened. I</p> <p>18 don't know if it was put exactly in those terms.</p> <p>19 Q. And what did he say regarding that?</p> <p>20 A. He was unsure.</p> <p>21 Q. So he might have told the front desk employees</p> <p>22 that they could make decisions about whether</p> <p>23 mail is permitted or rejected?</p> <p>24 A. He might have. I don't know.</p> <p>25 Q. Okay. Regarding your description of contraband</p>	<p style="text-align: right;">Page 260</p> <p>1 formal count. They could be booking in someone</p> <p>2 who's been brought in by a police agency or ICE.</p> <p>3 They could be doing 15-minute checks on a</p> <p>4 suicidal subject. They could be, have to</p> <p>5 prepare a six-pack for an agency. It's a photo</p> <p>6 line-up for an agency requesting assistance,</p> <p>7 emergency assistance from our jail, doing a</p> <p>8 photo line-up. Those are just some of the</p> <p>9 things that come to mind.</p> <p>10 Q. Is it generally pretty quiet during graveyard</p> <p>11 shift?</p> <p>12 A. It's more quiet than it is during day shift.</p> <p>13 Q. So is there downtime when there's not much to</p> <p>14 do?</p> <p>15 A. I imagine so. I don't know.</p> <p>16 Q. Do you have a law library at the jail?</p> <p>17 A. I know we have law books.</p> <p>18 Q. Where do you keep them?</p> <p>19 A. They're kept in the jail.</p> <p>20 Q. Are they kept on a library cart?</p> <p>21 A. Yes. Yes.</p> <p>22 Q. And they all fit on that library cart on both</p> <p>23 sides; is that right?</p> <p>24 A. I don't know the extent of the law library or</p> <p>25 the books in the law --</p>
<p style="text-align: right;">Page 259</p> <p>1 in your declaration, is that information that</p> <p>2 you have personally or is it just something</p> <p>3 you've been told by somebody else?</p> <p>4 A. It's a combination of both.</p> <p>5 Q. Have you ever seen contraband that included</p> <p>6 bodily fluids?</p> <p>7 A. Yes.</p> <p>8 Q. Where?</p> <p>9 A. I believe it was in the Washington County Jail.</p> <p>10 Q. When were you in the Washington County Jail?</p> <p>11 A. In my 23 years of law enforcement I've been in a</p> <p>12 lot of jails and that was one where I believe I</p> <p>13 saw it.</p> <p>14 Q. So you were there as a state trooper; is that</p> <p>15 correct?</p> <p>16 A. Yeah, as a detective with the state police.</p> <p>17 Q. Have you seen any of the things you've described</p> <p>18 in your declaration in the Columbia County Jail?</p> <p>19 A. No.</p> <p>20 Q. If a deputy or sergeant was not processing the</p> <p>21 mail at 1:00 in the morning or thereabouts, what</p> <p>22 would that official be doing?</p> <p>23 A. If they were not doing it?</p> <p>24 Q. Yes.</p> <p>25 A. Wide variety of things. They could be doing a</p>	<p style="text-align: right;">Page 261</p> <p>1 Q. You were present during the mail inspection?</p> <p>2 A. Yeah. Part of it, yes.</p> <p>3 Q. Okay. And that cart was brought out --</p> <p>4 A. Yes.</p> <p>5 Q. -- for our inspection --</p> <p>6 A. Yes.</p> <p>7 Q. -- in the hallway; right?</p> <p>8 A. Yes.</p> <p>9 Q. And you saw all of those books on the cart?</p> <p>10 A. Yes.</p> <p>11 Q. And do you know what those books are comprised</p> <p>12 of?</p> <p>13 A. They looked like legal reference books.</p> <p>14 Q. Oregon statutes?</p> <p>15 A. I believe. Yes. I saw some that said Oregon on</p> <p>16 them.</p> <p>17 Q. And is that the extent of the legal books that</p> <p>18 are available to prisoners at Columbia County</p> <p>19 Jail?</p> <p>20 A. I don't know.</p> <p>21 Q. Was there ever a computer available to</p> <p>22 prisoners?</p> <p>23 A. There was and I don't know if there still is or</p> <p>24 not.</p> <p>25 Q. So you don't know whether that was changed for</p>

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Beovich Walter & Friend

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<p style="text-align: right;">Page 266</p> <p>1 Q. Would you endorse such a thing?</p> <p>2 A. Potentially.</p> <p>3 Q. When prisoners complained about the</p> <p>4 postcard-only policy, you expected that the</p> <p>5 sheriff deputies would respond, maybe politely,</p> <p>6 but nevertheless, well, that's the policy;</p> <p>7 right? I mean, in effect saying this is the</p> <p>8 policy we have and we're not going to change it,</p> <p>9 at least not right now.</p> <p>10 A. There's a grievance procedure that the inmates</p> <p>11 can follow. And it should be written. And if</p> <p>12 there was a template that was added to that,</p> <p>13 that is informational and accurate, then I think</p> <p>14 that would be helpful.</p> <p>15 Q. In essence, the grievance that you shouldn't</p> <p>16 have a postcard-only policy, you would expect</p> <p>17 would be responded to by saying, but we do have</p> <p>18 a postcard-only policy and it's going to be</p> <p>19 applied. I mean, some verbiage maybe more</p> <p>20 politely than that, but that would be the</p> <p>21 outcome; right?</p> <p>22 A. I really don't know what they're doing back</p> <p>23 there or how it's going to be perceived or how</p> <p>24 they're going to present it to the inmates.</p> <p>25 Q. So what I'm saying is the outcome of a grievance</p>	<p style="text-align: right;">Page 268</p> <p>1 prisoner?</p> <p>2 A. Yes. Or, or any sender of mail.</p> <p>3 Q. Okay.</p> <p>4 A. We have to know what we have done, not just that</p> <p>5 we're violating their rights.</p> <p>6 Q. Okay. So today you have acknowledged that the</p> <p>7 Columbia County Jail violated Prison Legal</p> <p>8 News's rights, the 1st Amendment and the</p> <p>9 14th Amendment and several publications. What,</p> <p>10 if any, corrective action have you taken</p> <p>11 regarding that?</p> <p>12 A. Well, we instituted a, an effort to establish a</p> <p>13 due process for senders of mail and receivers of</p> <p>14 mail. Well, the receivers have had somewhat of a</p> <p>15 due process. But, so we've, we're working on</p> <p>16 the due process part. We have changed the</p> <p>17 policy to reflect that. We've also notified our</p> <p>18 staff that you have to err on the side of the</p> <p>19 inmate and of the sender. And if there's a</p> <p>20 question, it either comes in or it, it has to</p> <p>21 be, it has to be checked through a supervisor if</p> <p>22 they're going to deny a final, you know, denial</p> <p>23 of a, of anything.</p> <p>24 Q. And when you say your staff has been notified of</p> <p>25 that, when and where has your staff been</p>
<p style="text-align: right;">Page 267</p> <p>1 about the postcard-only policy is a foregone</p> <p>2 conclusion; right? Like a change in</p> <p>3 postcard-only policy because an inmate grieved</p> <p>4 it; right?</p> <p>5 A. It could.</p> <p>6 Q. But you haven't?</p> <p>7 A. Every time there's a grievance, we evaluate it.</p> <p>8 We're evaluating a grievance right now. We</p> <p>9 evaluate grievances.</p> <p>10 Q. Can anybody bring a grievance about the</p> <p>11 postcard-only policy to you?</p> <p>12 A. No. I'm just saying overall policy. I'm sorry.</p> <p>13 No one's brought a postcard-only policy</p> <p>14 grievance to me.</p> <p>15 Q. And if they said I think you're violating my</p> <p>16 1st Amendment rights, then you would have done</p> <p>17 what with that?</p> <p>18 A. I would expect a, a detailed explanation on how</p> <p>19 we are violating the individual's 1st Amendment</p> <p>20 rights and to see if, and certainly check to see</p> <p>21 that we're standing up to Constitutional muster</p> <p>22 on that.</p> <p>23 Q. And when you say you'd expect someone to, to</p> <p>24 present a detailed argument for why you're</p> <p>25 violating the 1st Amendment rights, you mean the</p>	<p style="text-align: right;">Page 269</p> <p>1 notified of that?</p> <p>2 A. Well, through the training process.</p> <p>3 Q. Did you attend the training?</p> <p>4 A. I did not.</p> <p>5 Q. So how do you know?</p> <p>6 A. Just what I've been told by my staff.</p> <p>7 Q. Is this the one-hour training on February 1st,</p> <p>8 2012?</p> <p>9 A. I believe so. Yes.</p> <p>10 Q. And who told you that that's what your staff</p> <p>11 were notified?</p> <p>12 A. Undersheriff Moyer.</p> <p>13 Q. You talked to him in a break during this</p> <p>14 deposition; right?</p> <p>15 A. Yes.</p> <p>16 Q. What did you talk to him about?</p> <p>17 A. Mostly about one of our inmates.</p> <p>18 Q. Did you talk about the mail policy?</p> <p>19 A. Only asked him one question and that was in</p> <p>20 regard to the notification of inmates on our</p> <p>21 mail policy.</p> <p>22 Q. Does the jail remove the staples from</p> <p>23 publications that it admits?</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know why they would?</p>

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that JEFFREY M. DICKERSON personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 283, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 5th day of June, 2012.



Aleshia K. Macom

CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT II
TO
DECLARATION OF JESSE WING
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4
5 PRISON LEGAL NEWS, a project

6 of the HUMAN RIGHTS DEFENSE

7 CENTER,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; Columbia

11 County Sheriff's Office; JEFF

12 DICKERSON, individually and

13 in his capacity as Columbia

14 County Sheriff,

15 Defendants.

16
17
18
19
20 30(b)(6) DEPOSITION OF BRYAN CUTRIGHT

21 Taken in behalf of Plaintiff

22 May 9, 2012

Cutright, Bryan

May 9, 2012

<p style="text-align: right;">Page 22</p> <p>1 Q. You mentioned the one con of the postcard-only 2 policy that you could remember as a topic of 3 discussion was that there's less room for 4 inmates to write. 5 A. Correct. 6 Q. And why is that a con? 7 A. Inmates usually typically wrote letters on 8 notebook paper and they would write on front and 9 back. And they could send usually roughly about 10 four pieces of paper per stamp. 11 Q. So that was before the postcard-only policy? 12 A. Correct. 13 Q. And was it typical for an inmate to write a 14 four-page, front-and-back letter? 15 A. I don't recall. I never counted all of them. 16 But they got two sheets of paper and two 17 envelopes, or four sheets of paper and two 18 envelopes every time they got hygiene kits. 19 Q. And prior to the postcard-only policy, could an 20 inmate obtain more than four sheets of paper at 21 a time? 22 A. They could buy tablets of paper. 23 Q. How many tablets? 24 A. There was no limit on it. Whenever commissary 25 went, they could buy, I don't know if there was</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And has that changed since the beginning of 2 2010? 3 A. Has, I'm not sure, what changed? 4 Q. That mail is typically received in envelope. 5 A. Yeah. The only mail we accept is postcards. 6 Q. So we did a jail inspection last night and we 7 saw quite a few postcards come into the jail and 8 very few envelopes. 9 A. Correct. 10 Q. Was that an immediate change or did that come 11 over time? 12 A. When we changed to actually the postcard policy, 13 we let the inmates, we gave them a certain 14 amount of time from the initiating this to the 15 end of this so that they could have a chance to 16 notify their families. And then we said this is 17 the drop dead, this is when postcards only will 18 be accepted. I don't know what the dates were. 19 Q. Sometime in 2010? 20 A. Yes. 21 Q. Did it still take some time before people 22 outside the jail learned of the policy? 23 A. I don't recall. It was fairly, pretty quick 24 catching on. 25 Q. But did the jail continue to receive incoming</p>
<p style="text-align: right;">Page 23</p> <p>1 an actual limit for the commissary itself, but 2 they could buy whatever money they had on their 3 books basically. 4 Q. So when you say they could have four sheets of 5 paper, do you mean, are you referring to 6 indigent inmates? 7 A. Yeah. Indigent hygiene kits came out with four 8 sheets of paper and two envelopes. 9 Q. What else is in a hygiene kit? 10 A. Shampoo, toothpaste, toothbrush, pencil, a comb. 11 I believe that's it, plus the paper. Now it's 12 postcards, but it was paper and envelopes. 13 Q. Prior to the postcard-only policy, did inmates 14 send postcards in outgoing mail? 15 A. We didn't have postcards for them to send. 16 Q. Prior to the postcard-only policy did inmates 17 receive postcards in the mail? 18 A. On occasions. 19 Q. Was that typical? 20 A. Not typical, but every now and then they'd come 21 in if their family is on vacation you would see 22 one from Florida or wherever they would possibly 23 be. 24 Q. Do most of the mail come in by envelope? 25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 mail in an envelope? 2 A. I'm sure we still do, I would assume. 3 Q. Do you currently process the mail? 4 A. Not at this moment because I'm not on graveyard. 5 Q. When is the last time you did process the mail? 6 A. Would have been December 2011. 7 Q. Do you currently supervise the processing of the 8 mail? 9 A. No. 10 Q. Have you ever? 11 A. Have I ever supervised processing? 12 Q. Yes. 13 A. Yes. 14 Q. When was that? 15 A. I would say December of 2011. 16 Q. And can you describe for me, how does that work 17 when you supervise the processing of the mail? 18 A. I basically watch the deputy processing the mail 19 and answer any questions they may have. If they 20 have a question that may arise about whether 21 this piece of mail should be accepted or 22 rejected, then I would give them the answer per 23 the policy, yes it can come in or no, it's not. 24 Q. Does that mean you're in the same room as the 25 deputy --</p>

7 (Pages 22 to 25)

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<p style="text-align: right;">Page 26</p> <p>1 A. Yes.</p> <p>2 Q. -- when the mail is being processed? Yes?</p> <p>3 A. Yes.</p> <p>4 Q. Just to make sure we don't have a confusing</p> <p>5 record, it's important that I finish asking you</p> <p>6 my question before you answer even if you think</p> <p>7 you know what I'm asking. Okay?</p> <p>8 A. Okay.</p> <p>9 Q. Great. So in December 2011 when you supervised</p> <p>10 the mail processing, what shift was that on?</p> <p>11 A. Day shift.</p> <p>12 Q. Day shift?</p> <p>13 A. Yes.</p> <p>14 Q. And I understand that now the mail is processed</p> <p>15 graveyard; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. When was that changed?</p> <p>18 A. I don't know the exact date.</p> <p>19 Q. After, shortly after December 2011?</p> <p>20 A. Well, it's sometime between December, or</p> <p>21 January 1, 2011 -- or 2012 and today's date. I</p> <p>22 was on swing shift prior to this, so I didn't</p> <p>23 process the mail.</p> <p>24 Q. Okay. So in December 2011, was supervising the</p> <p>25 mail processing one of your regular duties on</p>	<p style="text-align: right;">Page 28</p> <p>1 A. It would either be Sergeant Miller or Sergeant</p> <p>2 Rigdon.</p> <p>3 Q. Does that mean that typically a deputy is</p> <p>4 processing the mail and either Sergeant Miller,</p> <p>5 Sergeant Rigdon is supervising that activity?</p> <p>6 A. Not at this time. There's usually only three</p> <p>7 people on the shift at that time of the night.</p> <p>8 And typically it would be the sergeant</p> <p>9 processing the mail, I would assume.</p> <p>10 Q. So in December 2011 you're working day shift; is</p> <p>11 that right?</p> <p>12 A. Correct.</p> <p>13 Q. And do you work day shift that whole year?</p> <p>14 A. Yes.</p> <p>15 Q. And does that mean that each time that you</p> <p>16 worked you were dealing with mail issues and</p> <p>17 supervising the deputy that was processing the</p> <p>18 mail?</p> <p>19 A. No.</p> <p>20 Q. How often were you dealing with those issues?</p> <p>21 A. Whenever they came up. I couldn't give you an</p> <p>22 exact number.</p> <p>23 Q. At least once a week?</p> <p>24 A. Yes.</p> <p>25 Q. At least once a shift?</p>
<p style="text-align: right;">Page 27</p> <p>1 every shift?</p> <p>2 A. My duties was a supervisor on the shift. So</p> <p>3 everything on the shift was my duty.</p> <p>4 Q. And how often did an issue requiring your</p> <p>5 attention regarding the mail come up?</p> <p>6 A. Quite frequently because of the postcard policy,</p> <p>7 making sure that we don't, you know, making sure</p> <p>8 things don't get rejected that shouldn't be or</p> <p>9 things that, items may come in that had writing</p> <p>10 on both sides or something and policy says it</p> <p>11 can only be on one or reviewing some of the</p> <p>12 photographs that some people may think are</p> <p>13 sexually explicit to determine whether they are</p> <p>14 or not.</p> <p>15 Q. You mentioned sometimes writing comes in on both</p> <p>16 sides. Do you mean both sides of a postcard?</p> <p>17 A. Both sides of a postcard, yes.</p> <p>18 Q. And is that prohibited?</p> <p>19 A. Yes.</p> <p>20 Q. Why is that?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Do you have any idea?</p> <p>23 A. No.</p> <p>24 Q. And who supervises the processing of the mail</p> <p>25 now that it's done on graveyard?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. No.</p> <p>2 Q. When you were supervising the mail processing,</p> <p>3 what room was the mail being processed in?</p> <p>4 A. What was the what?</p> <p>5 Q. What room was the mail being processed in?</p> <p>6 A. Typically just in the booking area itself.</p> <p>7 Q. We went to the jail last night but we saw a lot</p> <p>8 different pieces of it. Can you describe for me</p> <p>9 what you're terming the booking area?</p> <p>10 A. Where the mail was processed, is being processed</p> <p>11 at this time is the, is an office in the booking</p> <p>12 area. The booking area is right in front of</p> <p>13 that where the three stations are and the three</p> <p>14 computers. That's the actual booking area.</p> <p>15 Q. In 2011 when you were supervising the processing</p> <p>16 of the mail, did any events occur regarding the</p> <p>17 mail that prompted you to suggest changes in the</p> <p>18 mail policy?</p> <p>19 A. No.</p> <p>20 (Exhibit 6 marked for identification.)</p> <p>21 Q. BY MS. CHAMBERLAIN: Sergeant, the court</p> <p>22 reporter's just handed to you what's been marked</p> <p>23 as Exhibit 6. Have you seen Exhibit 6 before?</p> <p>24 A. Yes.</p> <p>25 Q. And Exhibit 6 is titled Defendant Jeff</p>

8 (Pages 26 to 29)

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<p style="text-align: right;">Page 38</p> <p>1 one goes to the inmate, one goes in the file. 2 At that time we weren't sending them back to the 3 initial person, but just to make sure they were 4 in the two proper places. 5 Q. When you say they were not being sent back to 6 the initial person, what do you mean by that? 7 A. Whoever sent the mail in, there was no 8 prohibited mail slip being sent with the 9 rejected mail back to the individual who sent 10 the item. 11 Q. So if someone from outside the jail sent a 12 letter or some other correspondence to an inmate 13 and it was rejected, the person who sent the 14 mail in was not getting notice that the mail was 15 rejected? 16 A. They were receiving their mail back with a stamp 17 on there that said contraband or something. 18 It's a little stamp. I don't remember exactly 19 what it says. It has three or four little 20 checkboxes you can check and then stamp it on 21 the envelope or whatever the item was and send 22 it back. 23 Q. Okay. So the sender outside the jail -- Strike 24 that. 25 The jail would return to sender the rejected</p>	<p style="text-align: right;">Page 40</p> <p>1 A. The new ones? No. 2 Q. Have you heard any complaints about them? 3 A. No. 4 Q. There was training this year on the new mail 5 policy; is that right? 6 A. Yes. 7 Q. Were you involved in that in any way? 8 A. Yes. 9 Q. How were you involved? 10 A. Basically conducted the training with the 11 Undersheriff Andy Moyer. 12 Q. Who attended the training? 13 A. All corrections staff. 14 Q. All corrections staff from all shifts? 15 A. Yes. 16 Q. When you say "corrections staff," do you mean 17 deputies and sergeants? 18 A. Yes. 19 Q. Anyone else? 20 A. No. 21 (Exhibit 7 marked for identification.) 22 Q. BY MS. CHAMBERLAIN: Sergeant, you've been 23 handed Exhibit 7. Is this the course attendance 24 roster from the training you've just described? 25 A. Yes.</p>
<p style="text-align: right;">Page 39</p> <p>1 mail; correct? 2 A. Correct. 3 Q. But did not send the sender a prohibited mail 4 notice or mail rejection form? 5 A. Correct. 6 Q. So who at that time that that was the procedure, 7 who did receive the prohibited mail notice or 8 mail rejection form? 9 A. It was supposed to be one given to the inmate 10 and one placed in the inmate's file. 11 Q. Is that a carbon copy? 12 A. It's just a copy off the copy machine. 13 Q. So the deputy processing the mail would fill one 14 out and then make a copy in the copy machine? 15 A. Correct. 16 Q. When's the last time you processed the mail 17 yourself? 18 A. I would say December 2011. 19 Q. Were you involved in any way in drafting the new 20 mail rejection notices? 21 A. No. 22 Q. Who did that? 23 A. Either the sheriff or the undersheriff. I 24 couldn't tell you. 25 Q. Have you used one?</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. How long was that training? 2 A. It indicates it was one hour. 3 Q. Were you in charge of it? 4 A. I was co-facilitating with the undersheriff. 5 Q. Did the two of you share responsibility equally? 6 A. No. He, we, the way training was conducted was 7 we gave everybody a copy of the new policy and 8 we went down and read the entire policy to staff 9 and stopped at every one of them just to ask, 10 make sure no one had any questions or concerns. 11 And that was how we conducted the training. 12 Q. So you handed out the new policy to all staff? 13 A. Yes. 14 Q. Each of them had their own copy? 15 A. Yes. 16 Q. And someone read it out loud? 17 A. Yes. We went around the room and each person 18 read a certain portion of it. 19 Q. And were there questions? 20 A. There was a couple. I don't know what they 21 were. 22 Q. And how long did you say the training lasted? 23 A. It indicates it was one hour. 24 Q. Does that sound right to you? 25 A. Yeah. The meeting was, the meeting was actually</p>

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<p style="text-align: right;">Page 42</p> <p>1 four hours and there were several other things 2 discussed and other things trained on. But 3 yeah, it was about an hour for the mail itself. 4 Q. Handing to you what's previously been marked as 5 Exhibit 3. Exhibit 3 is the declaration of 6 Sheriff Dickerson, including exhibits. Can you 7 let me know which, let me know if the policy 8 that was handed out in the training you've just 9 described is attached to the sheriff's 10 declaration and which one it is. 11 A. I couldn't tell you for sure which one it is. I 12 would assume since the, looking at the policies, 13 looking at the training, the training was 14 conducted on February 1st and the policy got 15 written on January 26th, which would be the one 16 closest to that time frame. 17 Q. Are you looking at Exhibit E? 18 A. Which would be Exhibit E, correct. 19 Q. So based on the date of the training, which was 20 February 1st, you believe that Exhibit E to the 21 sheriff's declaration is the policy that was 22 handed out and read aloud? 23 A. Yes. 24 Q. As you can see, there's a later policy dated 25 February 10th, 2012. It's Exhibit F to the</p>	<p style="text-align: right;">Page 44</p> <p>1 template? 2 A. Yes. 3 Q. You mentioned that the February 1st, 2012, 4 training was a one-hour training but was part of 5 a multi-hour meeting; is that right? 6 A. Yes. 7 Q. Would you call it a staff meeting? 8 A. It was a staff meeting and then training 9 involved with it, yes. 10 Q. And when a staff meeting and training occurs, 11 does someone take minutes of those meetings? 12 A. No. 13 Q. Did you take notes during the staff training? 14 A. No. 15 Q. Do you know if anyone else did? 16 A. Not that I recall. 17 Q. Was anyone in charge of taking note of what 18 questions or issues were raised during the 19 training? 20 A. No. The only thing that would have been, the 21 undersheriff would have made the notes on the 22 actual policy that he had if there was any 23 changes that needed to be made, like I said, 24 spelling ones or things like that that came up. 25 But other than that, no.</p>
<p style="text-align: right;">Page 43</p> <p>1 sheriff's declaration. Do you see that? 2 A. Yes. 3 Q. And were you involved in any way in drafting the 4 modifications between those two policies? 5 A. Not that I recall. 6 Q. Do you know what prompted the sheriff's 7 department to issue another policy on 8 February 10th? 9 A. I, from my recollection I believe that there was 10 a few changes that had came up during the 11 training session. 12 Q. What were those? 13 A. I have no idea. I don't recall what they were. 14 Most of them were, I believe were like typos, 15 things that needed to be corrected as far as 16 spelling goes. I do know there was a couple 17 Washington County items left in the policy that 18 had to be taken out and changed to Columbia 19 County. But other than that, I have no idea 20 what the rest of them would be. 21 Q. Do you know why Washington County's name was in 22 the Columbia County Jail mail policy? 23 A. Because the policy was drafted off of a 24 Washington County policy. 25 Q. So Washington County policy was used as a</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Do you believe Undersheriff Moyer took notes on 2 his policy, is that what you're saying? 3 A. He took notes for corrections on his policy, 4 yes. 5 Q. You did not take notes? 6 A. No. 7 Q. So other than the reading of the policy aloud 8 and answering the questions that arose, did 9 anything else occur during the February 1st, 10 2012, training? 11 A. Not that I recall. 12 Q. Was, during the February 1st, 2012, training, 13 was this lawsuit discussed? 14 A. No. 15 Q. Has there been a meeting with jail staff 16 regarding this lawsuit? 17 A. Not that I've attended. 18 Q. Do you know if there's been a meeting with jail 19 staff regarding this lawsuit? 20 A. Not that I'm aware of. 21 (Exhibit 8 marked for identification.) 22 MR. KRAEMER: You know, we've been going for 23 probably an hour and a half, I think. 24 MS. CHAMBERLAIN: Oh, sure. I'm just going 25 to ask one question on Exhibit 7 and let's take</p>

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<p style="text-align: right;">Page 50</p> <p>1 policy had been changed?</p> <p>2 A. No. I think enough people had heard the rumor</p> <p>3 that there was a lawsuit pending. But the</p> <p>4 policy was changed because when the lawsuit was</p> <p>5 actually filed, after reviewing our policy,</p> <p>6 there was several issues that we thought we</p> <p>7 could improve upon and that needed to be</p> <p>8 changed. So that's what we moved forward with.</p> <p>9 Q. So was the jail's mail policy changed in</p> <p>10 response to the issues raised in this lawsuit?</p> <p>11 A. Yes.</p> <p>12 Q. Other than what you've just described, did you</p> <p>13 do anything else in the training --</p> <p>14 A. No.</p> <p>15 Q. -- on February 1, 2012?</p> <p>16 A. No.</p> <p>17 Q. You've also been handed Exhibit 8. Can you</p> <p>18 describe this for us.</p> <p>19 A. It is another DPSST F-6 form for a training for</p> <p>20 March 18, 2010.</p> <p>21 Q. And were you the instructor --</p> <p>22 A. Yes.</p> <p>23 Q. -- of that training?</p> <p>24 A. Yes.</p> <p>25 Q. And what was this training about?</p>	<p style="text-align: right;">Page 52</p> <p>1 not allow them to hide contraband in envelopes,</p> <p>2 put substance inside there, paperclips, you</p> <p>3 know, different contraband items.</p> <p>4 Q. You mentioned the first reason for the suggested</p> <p>5 change, you mentioned standardized to keep</p> <p>6 things going. What do you mean by that?</p> <p>7 A. The jail standards which we've already talked</p> <p>8 about are a set of standards that are throughout</p> <p>9 the state of Oregon. Those standards are set,</p> <p>10 they're not a requirement, but they're a</p> <p>11 recommended way of operating the facility. So</p> <p>12 the Ossa decided as a group, I would assume,</p> <p>13 that some, as a group they decided that. I</p> <p>14 don't know for sure who decided that. Like I</p> <p>15 said, I just got the results back from our jail</p> <p>16 commander. And then so part of the jail</p> <p>17 standards was heading toward going to postcards</p> <p>18 only. And so to keep things standard within the</p> <p>19 jail standards, that we were thinking about</p> <p>20 making the shift as well.</p> <p>21 Q. And, but that was voluntary, not a requirement;</p> <p>22 is that correct?</p> <p>23 A. Correct. None of the jail standards are a</p> <p>24 requirement.</p> <p>25 Q. And did you explain during this training why the</p>
<p style="text-align: right;">Page 51</p> <p>1 A. This was, I do believe, about the policy change</p> <p>2 when we went to the postcards.</p> <p>3 Q. And does Exhibit 8 accurately reflect who</p> <p>4 attended that training?</p> <p>5 A. As far as I can tell, yes.</p> <p>6 Q. Did the sheriff attend that training?</p> <p>7 A. He's not on the roster. I would assume that he</p> <p>8 did not attend.</p> <p>9 Q. And what occurred in this training?</p> <p>10 A. Basically the same thing as this policy here</p> <p>11 except for in the 2010 policy we discussed the</p> <p>12 postcards themselves went into a little detail</p> <p>13 on why we were suggesting a change to going to</p> <p>14 postcards only. We let them, staff discuss it a</p> <p>15 little bit, tell us what they, if they had any</p> <p>16 concerns, what their questions might be and then</p> <p>17 we went through and read the policy the same as</p> <p>18 this one here.</p> <p>19 Q. And what did you tell jail staff about why the</p> <p>20 suggested change?</p> <p>21 A. The same thing I mentioned earlier about it was</p> <p>22 a standardized thing that the state dealt with,</p> <p>23 SA was trying to go to to keep things going and</p> <p>24 explain to them the time saving, how long it</p> <p>25 takes to process mail and also the ability to</p>	<p style="text-align: right;">Page 53</p> <p>1 postcard-only policy was a good idea for the</p> <p>2 Columbia County Jail itself?</p> <p>3 A. Yes.</p> <p>4 Q. Why is that?</p> <p>5 A. The same things I said earlier about their not</p> <p>6 being able to hide contraband inside the</p> <p>7 envelopes, inside the paper, not being able to</p> <p>8 stick things along the, I guess the glue strip</p> <p>9 along the sealing of the envelopes, not being</p> <p>10 able to put -- With the thinner paper it's</p> <p>11 easier to put a substance on there. They have</p> <p>12 ways of putting liquid on there, then drying it</p> <p>13 back out. With the postcards being thicker, it,</p> <p>14 it expands more. You can see a big mark on it</p> <p>15 if it's wet. With the paper, it's harder to see</p> <p>16 a mark.</p> <p>17 Q. And how do you know that?</p> <p>18 A. I've seen it in different cases.</p> <p>19 Q. And so what have you seen on thinner paper that</p> <p>20 you were just describing?</p> <p>21 A. Semen. Guys will send it in to girls, girls</p> <p>22 will send it in to guys and they'll put it on</p> <p>23 pieces of paper. At the time we had notebook</p> <p>24 paper and they would put it in that way. And</p> <p>25 then once you start to read the letter further</p>

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<p style="text-align: right;">Page 54</p> <p>1 down you realize that it says that's what that</p> <p>2 is on there. And you're like, eww, okay.</p> <p>3 Q. And how did you make a determination that it was</p> <p>4 semen that was on the paper?</p> <p>5 A. Because it said it in the letter.</p> <p>6 Q. And how many times did that happen?</p> <p>7 A. I couldn't tell you. At least a couple for sure</p> <p>8 that I know of, but...</p> <p>9 Q. What years were those?</p> <p>10 A. I couldn't tell you.</p> <p>11 Q. You also mentioned glue strips.</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever find contraband in glue strips?</p> <p>14 A. Not personally.</p> <p>15 Q. When you say glue strips, what do you mean?</p> <p>16 A. On the envelope, the sealing portion of it, the</p> <p>17 flap comes over, it has the, I guess it's a glue</p> <p>18 strip there.</p> <p>19 Q. Do you know of other jail staff that found</p> <p>20 things in the glue strips?</p> <p>21 A. No.</p> <p>22 Q. You mentioned one of the reasons for the</p> <p>23 postcard-only policy was regarding, I guess,</p> <p>24 envelopes and the ability to hide contraband in</p> <p>25 those items; is that right?</p>	<p style="text-align: right;">Page 56</p> <p>1 for us?</p> <p>2 A. Yes.</p> <p>3 Q. And when was that incident?</p> <p>4 A. June, June 8th of 2004.</p> <p>5 Q. And what occurred?</p> <p>6 A. An inmate received an envelope, a manila</p> <p>7 envelope addressed to Lundy, received at the</p> <p>8 Columbia County Jail. The letter, this letter</p> <p>9 and opened it to search for contraband. Inside</p> <p>10 the birthday card of Lundy, some pictures and a</p> <p>11 letter. I noticed the seal of the envelope</p> <p>12 looked different. It looked like it was sealed</p> <p>13 with some sort of foreign substance. I put the</p> <p>14 manila envelope in my locker until I was able to</p> <p>15 test the seal for drugs. It says the envelope</p> <p>16 tested positive for amphetamines.</p> <p>17 Q. What jail staff was involved in that incident?</p> <p>18 A. Deputy Cleary, Deputy Kyles. Looks like those</p> <p>19 two were the ones who did the...</p> <p>20 Q. Were you involved in this incident in any way?</p> <p>21 A. I was, I was involved only by being aware of the</p> <p>22 situation and knowing that there was expected to</p> <p>23 have a piece of mail come in.</p> <p>24 Q. And the mail was tested a second time; is that</p> <p>25 right?</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And during your tenure at the Columbia</p> <p>3 County Jail did you find contraband in</p> <p>4 envelopes?</p> <p>5 A. I have found contraband, yes.</p> <p>6 Q. What have you found?</p> <p>7 A. I believe it was methamphetamines. I don't</p> <p>8 recall the report for sure. But it was either</p> <p>9 meth or heroin.</p> <p>10 Q. And when was that?</p> <p>11 A. I don't recall the date. I do believe that it</p> <p>12 was one of the documents provided as evidence.</p> <p>13 Q. And was it in the last year?</p> <p>14 A. No.</p> <p>15 Q. Was it in 2004?</p> <p>16 A. I don't know.</p> <p>17 (Exhibit 9 marked for identification.)</p> <p>18 Q. BY MS. CHAMBERLAIN: Sergeant, the court</p> <p>19 reporter's handed you what's been marked as</p> <p>20 Exhibit 9. Can you identify Exhibit 9 for us.</p> <p>21 A. It's a report written for supplying contraband</p> <p>22 of an inmate, Ms. Lundy.</p> <p>23 Q. Have you seen Exhibit 9 before?</p> <p>24 A. Yes.</p> <p>25 Q. Is this the incident you were just describing</p>	<p style="text-align: right;">Page 57</p> <p>1 A. I don't see where it was tested a second time.</p> <p>2 Q. It's your understanding it was tested once and</p> <p>3 it came back positive?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Did the jail determine how much</p> <p>6 amphetamines was found?</p> <p>7 A. No.</p> <p>8 Q. Were you involved in locating that document</p> <p>9 that's Exhibit 9?</p> <p>10 A. Producing this document, I printed it out of our</p> <p>11 system, yes.</p> <p>12 Q. How did you find it?</p> <p>13 A. I went in there and hit "search" and typed in</p> <p>14 the person's name and it popped up the report.</p> <p>15 Q. And what caused you to search for this?</p> <p>16 A. We were, myself and the, I think it was Greg</p> <p>17 from --</p> <p>18 MR. KRAEMER: Wait a second. Don't discuss</p> <p>19 conversations with any attorneys.</p> <p>20 THE WITNESS: The attorney asked if there</p> <p>21 was any, if this had ever happened before.</p> <p>22 Q. BY MS. CHAMBERLAIN: And in searching for</p> <p>23 documents, did you search for any other document</p> <p>24 other than Exhibit 9?</p> <p>25 A. I searched the entire Golden Eagle system for</p>

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<p style="text-align: right;">Page 58</p> <p>1 contraband in mail items.</p> <p>2 Q. What did you find?</p> <p>3 A. None at the time until I remembered this</p> <p>4 person's name about a week later.</p> <p>5 Q. And when you say you searched for contraband</p> <p>6 items in the Golden Eagle system, what do you</p> <p>7 mean by that?</p> <p>8 A. When reports are written, they're stored in our</p> <p>9 inmate management system, which is Golden Eagle.</p> <p>10 And you, there's an incident type. On this one</p> <p>11 here it says "supplying contraband." So you</p> <p>12 type in the name, the type of the incident and</p> <p>13 you can search every report that has that title.</p> <p>14 Q. So you search for the word "contraband"?</p> <p>15 A. Yes.</p> <p>16 Q. And you found nothing?</p> <p>17 A. I found nothing related to mail, yes.</p> <p>18 Q. And how far back does the Golden Eagle system</p> <p>19 go?</p> <p>20 A. 2000.</p> <p>21 Q. And then, so you separately searched for what is</p> <p>22 Exhibit 9?</p> <p>23 A. No. I was, like I said, a week later I was</p> <p>24 talking to my wife and this name came up,</p> <p>25 Ms. Lundy, and I remembered that's the person</p>	<p style="text-align: right;">Page 60</p> <p>1 all 20 jail staff attend the training and who</p> <p>2 and how the jail's run during that one-hour</p> <p>3 training. Does that make sense?</p> <p>4 A. We take breaks for rounds and we have civilian</p> <p>5 staff answer the phones.</p> <p>6 Q. When you say "civilian staff," what do you mean?</p> <p>7 A. Front office personnel.</p> <p>8 Q. Are those volunteers?</p> <p>9 A. No. They're our front office personnel, civil</p> <p>10 people.</p> <p>11 Q. But they're not considered jail staff?</p> <p>12 A. They're not jail staff at all. They're, they're</p> <p>13 part of the sheriff's office but not part of the</p> <p>14 jail.</p> <p>15 Q. How many front office personnel are there</p> <p>16 currently?</p> <p>17 A. There are four.</p> <p>18 Q. And do the front office personnel handle the</p> <p>19 mail in any way?</p> <p>20 A. No, not the jail mail.</p> <p>21 Q. Other kinds of mail?</p> <p>22 A. That's where the mail comes in at. So they sort</p> <p>23 the mail into two piles, one for sheriff's</p> <p>24 office, one for jail.</p> <p>25 Q. Is that the extent of their involvement?</p>
<p style="text-align: right;">Page 59</p> <p>1 who this report was written on.</p> <p>2 Q. In your search for documents did you find any</p> <p>3 other documents related to contraband coming in</p> <p>4 through the mail?</p> <p>5 A. Other than an attorney sending in a document</p> <p>6 with a paperclip in it, I don't believe so.</p> <p>7 Q. Do you mean an attorney sent something to his</p> <p>8 client at the jail with a paperclip?</p> <p>9 A. Yes.</p> <p>10 Q. So other than the incident you've just described</p> <p>11 that's summarized in Exhibit 9 and the incident</p> <p>12 where an attorney mailed in a paperclip, are</p> <p>13 there any other incidences you're aware of which</p> <p>14 contraband was sent through the mail?</p> <p>15 A. Not that I'm aware of.</p> <p>16 MS. CHAMBERLAIN: Let's take a five-minute</p> <p>17 break.</p> <p>18 (Break taken from 12:08 to 12:19.)</p> <p>19 Q. BY MS. CHAMBERLAIN: Okay. We're back on the</p> <p>20 record. Sergeant, how many jail staff are there</p> <p>21 currently at the jail?</p> <p>22 A. Currently there are 20.</p> <p>23 Q. And I see on Exhibit 7, the course attendance</p> <p>24 roster for the February 1st, 2012, training,</p> <p>25 there are 20 names. Can you explain to us how</p>	<p style="text-align: right;">Page 61</p> <p>1 A. That's their involvement. Well, as far as I</p> <p>2 know. For the jail mail that's their</p> <p>3 involvement.</p> <p>4 Q. Do volunteers work at the jail?</p> <p>5 A. Some do.</p> <p>6 Q. What do they do there?</p> <p>7 A. There's one volunteer that works in the front</p> <p>8 dealing with clients as they come in and taking</p> <p>9 phone calls.</p> <p>10 Q. Do volunteers at the jail have any role in the</p> <p>11 mail processing?</p> <p>12 A. They don't work in the jail. They work in front</p> <p>13 office. I'm sorry. Not in the jail.</p> <p>14 Q. Do they have any involvement --</p> <p>15 A. No.</p> <p>16 Q. -- in the mail?</p> <p>17 A. No.</p> <p>18 Q. So during the one-hour training on February 1st,</p> <p>19 2012, am I correct that all 20 jail staff were</p> <p>20 at that training and breaks were taken so that</p> <p>21 they could do rounds?</p> <p>22 A. There, at that time there was 21 jail staff. So</p> <p>23 obviously they're not all here. One of these</p> <p>24 Was Undersheriff Moyer. So there were two not</p> <p>25 at this training listed here.</p>

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<p style="text-align: right;">Page 66</p> <p>1 Washington County Jail about their mail policy?</p> <p>2 A. No.</p> <p>3 (Exhibit 11 marked for identification.)</p> <p>4 Q. BY MS. CHAMBERLAIN: Sergeant Cutright, you have</p> <p>5 been handed Exhibit 11. Can you identify this</p> <p>6 document for us.</p> <p>7 A. This is a memorandum of understanding that I</p> <p>8 wrote on March 23rd, 2010.</p> <p>9 Q. Okay. For the record, it's a two-page document</p> <p>10 CC 000192 to 193. Why did you write this memo?</p> <p>11 A. This letter or this memo was written to</p> <p>12 highlight some changes made to the policy in</p> <p>13 2010. It was also written, the biggest point</p> <p>14 was so we could add this information to the</p> <p>15 internet so the public would know what the</p> <p>16 change to the policy was or what the mail policy</p> <p>17 of the Columbia County Sheriff's Office at that</p> <p>18 time was. And this was drafted directly and cut</p> <p>19 and pasted out of our inmate manual.</p> <p>20 Q. And why did you, am I correct then that one of</p> <p>21 the purposes of drafting this was to inform the</p> <p>22 public of the changes that were being made?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And it's written to the corrections</p> <p>25 division, all inmates of the Columbia County</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Yes.</p> <p>2 Q. And why did you do that?</p> <p>3 A. So that the public would have access to the,</p> <p>4 yeah, the policy that pertains to them insofar</p> <p>5 as sending mail in to the inmates of the</p> <p>6 Columbia County Jail.</p> <p>7 Q. And was this the text of this memorandum posted</p> <p>8 on the website?</p> <p>9 A. Yes.</p> <p>10 Q. Who did that?</p> <p>11 A. I don't know.</p> <p>12 Q. Did you draft this by yourself?</p> <p>13 A. I drafted it by myself, but it was reviewed by</p> <p>14 other supervisors for content.</p> <p>15 Q. And is the content of Exhibit 11, the memorandum</p> <p>16 of understanding the mail policy or is it a</p> <p>17 summary?</p> <p>18 A. It's a summary of the mail policy.</p> <p>19 Q. How did you create it?</p> <p>20 A. How did I create it?</p> <p>21 Q. How did you create the summary?</p> <p>22 A. I copied and pasted the sections out of the</p> <p>23 inmate manual that pertain to the inmates and</p> <p>24 posted, and put it with this so that we could</p> <p>25 post it on the website so that there would be</p>
<p style="text-align: right;">Page 67</p> <p>1 Jail. Was it also your purpose to inform the</p> <p>2 corrections division and the inmates of the</p> <p>3 changes?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So how, who was this distributed to?</p> <p>6 A. Corrections division, all corrections divisions</p> <p>7 and the inmates of the jail. And the content</p> <p>8 was actually also published on the internet.</p> <p>9 Q. How was it distributed to the inmates?</p> <p>10 A. It was, I believe it was laminated and put in</p> <p>11 the pods at that time.</p> <p>12 Q. Where is it put in the pods?</p> <p>13 A. On the mailboxes.</p> <p>14 Q. One per pod?</p> <p>15 A. Yes.</p> <p>16 Q. And there are ten pods in the jail; is that</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. And was this memorandum distributed as you've</p> <p>20 just described on or about March 23rd, 2010?</p> <p>21 A. Somewhere around that date, yes.</p> <p>22 Q. Okay. And you also mentioned that one of the</p> <p>23 purposes was to add information to the internet.</p> <p>24 A. Correct.</p> <p>25 Q. Do you mean the jail's website?</p>	<p style="text-align: right;">Page 69</p> <p>1 consistency between what the inmates have and</p> <p>2 know and what their families have and know</p> <p>3 pertains to the inmate policy.</p> <p>4 Q. So who drafted the inmate manual language?</p> <p>5 A. I don't know who did the last policy change on</p> <p>6 the inmate manual.</p> <p>7 Q. Who's in charge of the inmate manual?</p> <p>8 A. Well, sheriff's ultimately responsible for the</p> <p>9 inmate manual. But it kind of just depends on</p> <p>10 what supervisor's assigned to it. The last time</p> <p>11 it was done was done by Deputy Rush and Sergeant</p> <p>12 Rigdon.</p> <p>13 Q. What was the first name?</p> <p>14 A. Deputy Rush.</p> <p>15 Q. When was that?</p> <p>16 A. This one's dated November 18, 2010.</p> <p>17 Q. And what are you looking at?</p> <p>18 A. Inmate manual.</p> <p>19 Q. That is Exhibit 5?</p> <p>20 A. Correct.</p> <p>21 Q. And is it your understanding that the last time</p> <p>22 the inmate manual was updated was November 18,</p> <p>23 2010?</p> <p>24 A. Yes.</p> <p>25 Q. Have you ever been responsible for updating the</p>

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<p style="text-align: right;">Page 70</p> <p>1 inmate manual?</p> <p>2 A. Not for solely updating the inmate manual, no.</p> <p>3 Q. Am I correct that in creating Exhibit 11, you</p> <p>4 took the exact language from the inmate manual</p> <p>5 regarding a summary of the inmate mail policy</p> <p>6 and cut and pasted it into this memo --</p> <p>7 A. Yes.</p> <p>8 Q. -- and distributed it?</p> <p>9 A. Yes.</p> <p>10 (Exhibit 12 marked for identification.)</p> <p>11 Q. BY MS. CHAMBERLAIN: Sergeant Cutright, you've</p> <p>12 been handed Exhibit 12. Do you recognize</p> <p>13 Exhibit 12?</p> <p>14 A. It appears to be what is on the sheriff's office</p> <p>15 website.</p> <p>16 Q. And when you testified earlier that you drafted</p> <p>17 Exhibit 11 in part so the information could go</p> <p>18 onto the internet, did you mean the website that</p> <p>19 is shown here in Exhibit 12?</p> <p>20 A. Yes.</p> <p>21 Q. And how do you refer to that website, the</p> <p>22 Columbia County Sheriff's website? The jail's</p> <p>23 website?</p> <p>24 A. It's on the Columbia County Sheriff's Office</p> <p>25 website.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. I don't typically print from the internet. So I</p> <p>2 don't know.</p> <p>3 Q. Okay.</p> <p>4 A. I don't recall.</p> <p>5 Q. Is Exhibit 12 an, contain an accurate</p> <p>6 description of the jail's mail policy as of</p> <p>7 January 19, 2012?</p> <p>8 A. Without reading the entire policy, I would say</p> <p>9 yes, other than the part where it says do not</p> <p>10 accept magazines.</p> <p>11 Q. And where do you see that? At the bottom of the</p> <p>12 second page?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Are you looking at the portion that</p> <p>15 reads, "magazines" --</p> <p>16 A. "Are not allowed inside the facility," yeah.</p> <p>17 Q. And you say that's not accurate as of</p> <p>18 January 19, 2012?</p> <p>19 A. No.</p> <p>20 Q. What is inaccurate about that?</p> <p>21 A. That's not, the policy doesn't say, the policy</p> <p>22 does not state that we do not accept magazines</p> <p>23 in the Columbia County Jail.</p> <p>24 Q. And did the jail ever prohibit magazines?</p> <p>25 A. It's never been an issue. So I don't know.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. And who's responsible for maintaining the</p> <p>2 content on the website?</p> <p>3 A. I have no idea.</p> <p>4 Q. Looking at Exhibit 11, is the content of</p> <p>5 Exhibit 11 an accurate description of the jail's</p> <p>6 mail policy as of March 23rd, 2010?</p> <p>7 A. At that time I would assume, yes.</p> <p>8 Q. And I'll represent to you that the Exhibit 12</p> <p>9 was printed from the Columbia County Sheriff's</p> <p>10 Office website January 19, 2012. Assuming that</p> <p>11 is true, is the content of Exhibit 12 an</p> <p>12 accurate description of the Columbia County</p> <p>13 Sheriff's Office mail policy as of that date?</p> <p>14 MR. KRAEMER: I am going to object. The</p> <p>15 documents speak for themselves.</p> <p>16 THE WITNESS: What was your question?</p> <p>17 Q. BY MS. CHAMBERLAIN: My question is -- Let me</p> <p>18 back up here actually. Let's look at the bottom</p> <p>19 of Exhibit 12. See that line at the bottom of</p> <p>20 the first page, the end it says 1/19/2012.</p> <p>21 A. Yes.</p> <p>22 Q. Do you know what that indicates?</p> <p>23 A. I have no idea.</p> <p>24 Q. You ever seen a line like that before from</p> <p>25 something printed from the internet?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Let's take a look at the second page of your</p> <p>2 Exhibit 11. Towards the bottom, just above</p> <p>3 religious materials there is a section called,</p> <p>4 "Can inmates have access to books, magazines and</p> <p>5 newspapers?" Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the last sentence of that paragraph</p> <p>8 states, "Magazines are not allowed inside this</p> <p>9 facility"; is that correct?</p> <p>10 A. It's what it states. Yes.</p> <p>11 Q. Okay. And you prepared this memorandum; is that</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. And as of March 23rd, 2010, was that an accurate</p> <p>15 statement?</p> <p>16 A. No.</p> <p>17 Q. It was not accurate?</p> <p>18 A. No.</p> <p>19 Q. Why was it in your memo?</p> <p>20 A. Because it was copied out of the inmate manual.</p> <p>21 Inmate manual's obviously not correct.</p> <p>22 Q. When did you become aware of that?</p> <p>23 A. I became aware that that statement was in there</p> <p>24 actually a couple weeks ago.</p> <p>25 Q. How did you become aware of that?</p>

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<p style="text-align: right;">Page 74</p> <p>1 A. It was brought to my attention. 2 Q. By who? 3 A. By legal counsel. 4 Q. What did you do to respond to learning that? 5 MR. KRAEMER: Well, respond, don't discuss 6 anything that was said. 7 And I'm not sure that's what you're asking. 8 You're not asking what he said to the lawyer. 9 You're asking if he took some action after the 10 conversation. 11 MS. CHAMBERLAIN: I'm happy to restate it 12 that way. 13 Q. BY MS. CHAMBERLAIN: Did you take any action in 14 response to learning that the inmate manual was 15 incorrect? 16 A. The inmate manual is in revision. 17 Q. What do you mean it's in revision? 18 A. It's being prepared for changes. 19 Q. Who's preparing that? 20 A. At this point I don't know if it's been assigned 21 to a sergeant yet. I know the sheriff has been 22 making some changes to it. 23 Q. Currently? 24 A. Yes. 25 Q. What changes are being made?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. It's a magazine that was marked prohibited mail. 2 Q. And what magazine is that? 3 A. I don't know the name of it. 4 Q. Can you describe it for me? 5 A. It has a lot of women that are barely dressed. 6 Q. And it was not permitted into the jail? 7 A. Correct. 8 Q. Why is that? 9 A. Because of nudity. 10 Q. And nudity is prohibited? 11 A. Yes. 12 Q. Other than that one magazine that recently 13 arrived, are you aware of any other magazines 14 that have arrived addressed to inmates at the 15 Columbia County Jail? 16 A. Not that I recall. 17 Q. At the time that you drafted or you prepared the 18 March 23, 2010, memorandum which is Exhibit 11, 19 at that time did you believe that this statement 20 "Magazines are not allowed inside this facility" 21 was an accurate statement? 22 A. I never even got that it was even in there. I 23 cut and pasted off the inmate manual, put it in 24 that document without particularly reading the 25 whole entirety of it because that's what was</p>
<p style="text-align: right;">Page 75</p> <p>1 A. I have no idea. The sheriff is doing that. 2 Q. Do you have reason to believe that the change is 3 being made to correct this misstatement? 4 A. It would definitely correct that statement, yes. 5 Q. Did the Columbia County Jail ever prohibit 6 magazines from the facility? 7 A. Not that I recall. Not in policy. 8 Q. When you process or supervise the mail 9 processing during your tenure at the Columbia 10 County Jail, did you see magazines arrive at 11 that facility? 12 A. I have never declined or seen a magazine come to 13 any inmate at the facility. 14 Q. So, Sergeant, do you mean you've, in your 15 17 years at the Columbia County Jail, you've 16 never observed a magazine arrive in the incoming 17 mail? 18 A. Never seen a magazine arrive for an inmate at 19 the Columbia County Jail. 20 Q. Have you heard of magazines arriving at the 21 Columbia County Jail? 22 A. Yes. 23 Q. What do you know about that? 24 A. Well, there's one there right now. 25 Q. What's that?</p>	<p style="text-align: right;">Page 77</p> <p>1 being given to the inmates. So to keep things 2 the same between the public and the inmates, I 3 just did exactly that, copy and paste. 4 Q. So do you mean at the time you prepared the 5 Exhibit 11 you were not aware that this 6 statement was in your memo? 7 A. Correct. 8 Q. And -- 9 A. Or in the inmate manual. 10 Q. And if you had read the memorandum completely, 11 would you have removed that? 12 A. Yes. 13 Q. At any time did you become aware that 14 corrections staff at the jail believed that the 15 jail prohibited magazines? 16 A. I believe that's their assumption because we've 17 never had magazines come through. 18 Q. So what is your assumption based on? 19 A. Just the fact that just like, for example, this 20 last one's been prohibited. And in the past 21 there's been not magazines addressed to 22 individual inmates, but bulk mail type things 23 come in that we've rejected bulk mail. So those 24 have been disposed of. So I assumed that meant, 25 I believe their assumption was we don't accept</p>

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<p style="text-align: right;">Page 78</p> <p>1 magazines because we don't have any there and we</p> <p>2 don't accept bulk mail magazines.</p> <p>3 Q. I understand that a few weeks ago you became</p> <p>4 aware that the statement that magazines are not</p> <p>5 allowed in the facility is in the inmate manual.</p> <p>6 And that is incorrect; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And prior to a few weeks ago when you learned</p> <p>9 that, were you aware that magazines were being</p> <p>10 rejected by jail staff?</p> <p>11 A. No.</p> <p>12 Q. Have you spoken to any jail staff about that?</p> <p>13 A. I haven't. It's in the new policy that, it's</p> <p>14 clarified in the new policy that periodicals are</p> <p>15 acceptable.</p> <p>16 Q. I've seen both the term "periodicals" used and</p> <p>17 the term "magazines." What's your understanding</p> <p>18 of the difference?</p> <p>19 A. My understanding, it's pretty much the same</p> <p>20 thing.</p> <p>21 Q. What about the term "newspapers," do you</p> <p>22 differentiate newspapers from periodicals or</p> <p>23 magazines?</p> <p>24 A. Newspapers are specifically mentioned as</p> <p>25 acceptable.</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Changed in 2011. 2010 the population was around</p> <p>2 206. So between the years 2010 we were running</p> <p>3 an average of about 200, 205, 206, and 2011 went</p> <p>4 down to about 180 and now it's down to about</p> <p>5 130.</p> <p>6 Q. What about 2009?</p> <p>7 A. 2009, average population was roughly 160.</p> <p>8 Q. So am I correct in assuming you -- Strike that.</p> <p>9 Did you observe a change in the mail volume</p> <p>10 between 2009 and the present?</p> <p>11 A. Yes.</p> <p>12 Q. And can you describe for me how the volume</p> <p>13 changed?</p> <p>14 A. There's less mail now than there was in 2000,</p> <p>15 back then.</p> <p>16 Q. "Back then" being 2009?</p> <p>17 A. Yes.</p> <p>18 Q. How much less mail?</p> <p>19 A. I couldn't tell you. I didn't count them</p> <p>20 specifically.</p> <p>21 Q. What is it that you've observed?</p> <p>22 A. That there's less mail.</p> <p>23 Q. Can you describe with any more description or</p> <p>24 specificity what you mean?</p> <p>25 A. I can't give you exact numbers.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Do you use the word "newspapers" and</p> <p>2 "periodicals" interchangeably?</p> <p>3 A. I don't personally.</p> <p>4 Q. Do you know if the jail does?</p> <p>5 A. No, I don't know.</p> <p>6 Q. Since the jail adopted its postcard-only policy</p> <p>7 in 2010, has the jail experienced any change in</p> <p>8 mail volume of incoming mail?</p> <p>9 A. I couldn't tell you.</p> <p>10 Q. You've supervised the mail processing at least</p> <p>11 in 2011; is that right?</p> <p>12 A. Yes.</p> <p>13 Q. And you also supervised the mail processing in</p> <p>14 2010?</p> <p>15 A. Yes.</p> <p>16 Q. And based on your experience observing,</p> <p>17 supervising the mail processing, did you observe</p> <p>18 any change in the volume of incoming mail?</p> <p>19 A. Not due to the postcard change.</p> <p>20 Q. Due to what?</p> <p>21 A. Population change.</p> <p>22 Q. What was the population change?</p> <p>23 A. Average daily population was 180. Now it's down</p> <p>24 to 130.</p> <p>25 Q. When did that change occur?</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. For example, is the mail pile half as thick as</p> <p>2 it used to be?</p> <p>3 A. I can't say that with certainty.</p> <p>4 Q. So how do you know that the volume has changed?</p> <p>5 A. Just there's less inmates and there's less</p> <p>6 people writing them. And obviously when there's</p> <p>7 more people, there's more letters coming in.</p> <p>8 Q. And that's been your experience?</p> <p>9 A. Yes.</p> <p>10 Q. That the more inmates you have, the more mail</p> <p>11 you have?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And why the decrease in inmates since</p> <p>14 2010?</p> <p>15 A. Staffing.</p> <p>16 Q. What do you mean?</p> <p>17 A. Budgeted staffing.</p> <p>18 Q. Do you mean there were budget cuts?</p> <p>19 A. Yes.</p> <p>20 Q. How did that affect the number of staff?</p> <p>21 A. Less money you have, less staff we have.</p> <p>22 Q. Did you have layoffs?</p> <p>23 A. Yes.</p> <p>24 Q. How many?</p> <p>25 A. Since 2009, about six.</p>

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<p style="text-align: right;">Page 106</p> <p>1 Q. And is that normal part of mail processing for 2 the corrections staff to use the inmate head 3 count document to hand mark the total number of 4 incoming, outgoing mail? 5 A. I can't speak for the other staff. I don't 6 know. 7 Q. Have you seen other staff do that? 8 A. Yes. 9 Q. Do you do that? 10 A. No. 11 Q. When's the last time you processed mail 12 yourself? 13 A. December 2011. 14 Q. And how did you keep track of who sent and 15 received mail? 16 A. I scan the individual item as I have the piece 17 of mail in front of me so I have no reason to 18 mark on my head count because I already have it. 19 If John Smith has a piece of mail, I scan John 20 Smith has a piece of mail. I don't mark it. 21 Q. I'd like to turn your attention to Exhibit 6 you 22 have got in front of you. It's the, Sheriff 23 Dickerson supplemental responses, defendant's 24 first interrogatories and request for 25 production. Before we get to that, following up</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And did you search for documents responsive to 2 this request? 3 A. I searched for multiple documents. I'm not sure 4 about this one specifically. 5 Q. Did you search for communications regarding any 6 announcements or comments on the modifications 7 to the mail policy? 8 A. No, I didn't. 9 Q. Do you know if someone else did? 10 A. I don't. 11 Q. Do you know if any were found? 12 A. I don't. 13 Q. Do you know whether or not the sheriff's 14 department announced to prisoners the changes to 15 the mail policy from January, February this 16 year? 17 A. I don't. 18 Q. Do you know whether the sheriff's department 19 announced or commented on the modifications to 20 the inmate mail policies of this year to the 21 public? 22 A. I don't. 23 Q. What about to the press? 24 A. I don't. 25 Q. You don't know?</p>
<p style="text-align: right;">Page 107</p> <p>1 on my last question, the process you just 2 described, when you process mail yourself in the 3 way that you do so without using the inmate head 4 count, is that process quicker than using the 5 sheets and handwriting? 6 A. I didn't say that I didn't use the head count. 7 I said I don't mark on the head count. 8 Q. So is your process quicker? 9 A. For me it is. 10 Q. How much quicker? 11 A. I don't know. I've never done it the other way, 12 so I don't know. 13 Q. I'd like to turn your attention to page 17 of 14 Exhibit 6, request for production 23. 15 A. Okay. 16 Q. States, "Please produce all communications to 17 prisoners, the public or the press announcing or 18 commenting on the modifications to the inmate 19 mail policy dated January 26, 2012, or 20 February 10, 2012." 21 You've been designated as the sheriff's 22 department's designee for any documents 23 responsive to this request for production; is 24 that right? 25 A. I believe so.</p>	<p style="text-align: right;">Page 109</p> <p>1 A. I don't know. 2 Q. Who do you believe would be qualified to answer 3 those questions? 4 A. Sheriff Dickerson. 5 Q. Has the volume of outgoing mail changed since 6 the sheriff's department adopted the 7 postcard-only policy? 8 A. I can't tell you. I don't know. 9 Q. Has the time it takes the corrections staff to 10 process the mail changed since the sheriff 11 adopted the postcard-only policy? 12 A. Yes. 13 Q. How has it changed? 14 A. It just takes less time to process postcards 15 than it does to process letters. 16 Q. Why is that? 17 A. Because when you're searching, when you're 18 looking at a postcard, you have basically two 19 sides. You hold it in your hand, flip it over. 20 You can scan through it real quickly to make 21 sure there's no keywords of assaults, escapes 22 threat of any kind and you're done with that 23 piece of postcard. If you have a letter, you 24 have to open up the letter. You have to take 25 each page. You have to scan all the way down,</p>

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<p>1 front, back, all the pages, make sure there's</p> <p>2 no, on the outgoing mail you're basically just</p> <p>3 scanning for threats or anything they're not</p> <p>4 supposed to be doing, contact with known victims</p> <p>5 or other things like that, sending out plans of</p> <p>6 escape or maps of the jail layout or things of</p> <p>7 that that would violate our safety or security.</p> <p>8 And the incoming mail, you're searching for</p> <p>9 items on the paper. You're searching, you have</p> <p>10 got to check the seal or sticky tape or whatever</p> <p>11 you want to call it, glue. You have got the</p> <p>12 postcard. You have got the stamp. You have got</p> <p>13 to cut it off so they don't get that. You have</p> <p>14 to search each piece of paper front and back for</p> <p>15 stains, for marks, for keywords. And there's</p> <p>16 just way more to do on a four-page letter than</p> <p>17 there is on a one-page postcard.</p> <p>18 Q. And you mention looking at the two sides of the</p> <p>19 postcard. But the jail only permits one side of</p> <p>20 the postcard to be written on; is that correct?</p> <p>21 A. One side for the, the front side is for the</p> <p>22 address. Inmate has to have his name and</p> <p>23 address and where it's going to so just in case</p> <p>24 it's returned to sender we know where to send</p> <p>25 it. And on the other side is for him to write a</p>	<p>1 Q. So since the sheriff's department adopted the</p> <p>2 postcard-only policy, has there been less</p> <p>3 content to review?</p> <p>4 A. Per item, yes.</p> <p>5 Q. Okay. Have there been more items or less items</p> <p>6 or the same?</p> <p>7 A. Outgoing mail I would say there would be more</p> <p>8 items because they still try to fit in four</p> <p>9 pages to their family to get the same message</p> <p>10 across. So they'll write four postcards instead</p> <p>11 of four pieces of paper in one envelope.</p> <p>12 Q. How often have you seen an inmate write four</p> <p>13 postcards at one time to one person?</p> <p>14 A. I couldn't tell you.</p> <p>15 Q. Every day?</p> <p>16 A. I couldn't tell you.</p> <p>17 Q. Are you thinking of a particular event that you</p> <p>18 observed?</p> <p>19 A. Yeah.</p> <p>20 Q. What's that?</p> <p>21 A. One inmate wrote four postcards to his family</p> <p>22 because he couldn't get it. It just said page 1</p> <p>23 or postcard one, postcard two, well, one of</p> <p>24 two -- one of four, one of -- two of two, all</p> <p>25 the way down, and sent them out that way.</p>
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<p>1 message or her to write a message.</p> <p>2 Q. And you mention scanning the content for threats</p> <p>3 and escape plans and other content; is that</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. And you had to do that same type of scanning</p> <p>7 when inmates were permitted to receive letters;</p> <p>8 is that right?</p> <p>9 A. Correct.</p> <p>10 Q. And when inmates were also permitted to send</p> <p>11 letters?</p> <p>12 A. Correct.</p> <p>13 Q. And I think you've described for us before that</p> <p>14 inmates could send a letter in an envelope with</p> <p>15 four pieces of paper written on the front and</p> <p>16 back; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. So preceding the postcard-only policy, an inmate</p> <p>19 could write substantially more in one piece of</p> <p>20 communication; is that accurate?</p> <p>21 A. Correct.</p> <p>22 Q. And that also required the jail staff to review</p> <p>23 significantly more content when reviewing it for</p> <p>24 threats and escape plans; is that right?</p> <p>25 A. Yes.</p>	<p>1 Q. And when did you see that?</p> <p>2 A. That was probably back in 2010 when we first</p> <p>3 started doing it.</p> <p>4 Q. How many times have you ever seen something like</p> <p>5 that?</p> <p>6 A. That's the only time it comes to mind, because I</p> <p>7 know the inmate.</p> <p>8 Q. So how much less time do jail staff -- Strike</p> <p>9 that.</p> <p>10 How has the time required to process the</p> <p>11 mail changed since the adoption of postcard-only</p> <p>12 policy?</p> <p>13 A. Takes about a third of the time to do it now</p> <p>14 than it used to.</p> <p>15 Q. Does it take a third of the time or has it been</p> <p>16 reduced by a third of the time?</p> <p>17 A. Takes about a third of the time to do it.</p> <p>18 Q. And what is your testimony based on?</p> <p>19 A. Me doing it personally.</p> <p>20 Q. So how long did it used to take you?</p> <p>21 A. It could take sometimes anywhere between an hour</p> <p>22 and a half, three hours to process incoming and</p> <p>23 outgoing mail. And that's between your normal</p> <p>24 job. So the mail handler doesn't have time to</p> <p>25 sit down and just specifically do that.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. So when you say between one-and-a-half hours to 2 three hours, are you referring only to the mail 3 processing or are you referring to beginning the 4 mail processing and ending -- 5 A. The mail processing itself. 6 Q. -- including distractions? 7 A. No. Just the mail, processing the mail. 8 Q. And since the postcard-only policy was adopted 9 PIP by the Columbia County Sheriff's Office, how 10 much time does it take you to process the mail? 11 A. I would say between a half an hour and an hour, 12 depending on the volume. 13 Q. So you mentioned that it takes less time because 14 correspondence can be scanned more quickly; is 15 that right? 16 A. That is true. 17 Q. And any other basis for your testimony that it 18 takes less time? 19 A. No. I think that's pretty much it. 20 Q. You mentioned stamps. Do you, are you required 21 to remove stamps that come in in incoming mail? 22 A. Yes. 23 Q. And do you do that for each item of mail? 24 A. Unless it's legal mail. 25 Q. And why do you do that?</p>	<p style="text-align: right;">Page 116</p> <p>1 that was hidden under a stamp? 2 A. Not that I'm aware of. We throw the stamps 3 away. 4 Q. When you describe mail processing taking between 5 1.5 and 3 hours, what period of time are you 6 talking about? 7 A. I don't understand the question. 8 Q. Are you talking about in, average in 2009 9 preceding the postcard-only policy? 10 A. Yes. 11 Q. And that was also when the inmate population was 12 significantly higher? 13 A. In 2009 it was a little higher but not 14 significantly, correct. 15 Q. In 2009 about 160? 16 A. Correct. And now it's about 130. 17 Q. And will you describe the mail processing as 18 formerly taking between 1.5 and 3 hours, what is 19 your statement based on? 20 A. Same thing I just mentioned, me personally doing 21 it. 22 Q. Just your memory? 23 A. Of me actually seeing -- We did some studies on 24 what we spent time doing. So we logged how much 25 time we do every single thing so we could divide</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Because there's a potential, it's a potential 2 spot somebody can hide some type of foreign 3 substance. 4 Q. Do you also remove address labels? 5 A. They're not supposed to come in with them. But 6 if it did, they would be removed as well. We 7 used to remove them and write in their address 8 by hand. 9 Q. How do you remove the stamps? 10 A. Currently you're supposed to peel them off the 11 postcards. 12 Q. Is that what you have done? 13 A. What I have done? 14 Q. Yes. 15 A. With the postcards, yeah. I use actually a pair 16 of scissors and kind of scrape it off. 17 Q. And you do that with each stamp that arrives? 18 A. With each stamp. 19 Q. And have you trained corrections staff to do the 20 same? 21 A. To remove the post stamp? I haven't 22 specifically shown them how to do it, but they, 23 it's part of the policy to remove them. 24 Q. Has the jail ever received anything that's a 25 threat to the safety or security of the jail</p>	<p style="text-align: right;">Page 117</p> <p>1 up the tasks between our shifts. So at that 2 time we were doing mail, we were doing 3 everything else, we wanted to see what the 4 average time was, how much time was spent on 5 each individual task. 6 Q. And who was in charge of conducting those 7 studies? 8 A. Me. 9 Q. And was that study done in writing? 10 A. It was done just on, we had little sheets of 11 paper we did. 12 Q. And where are those sheets now? 13 A. In the recycling bin. 14 Q. Are they in the recycling bin? 15 A. Well, they're probably shredded by now. It's 16 been years ago. 17 Q. When was that? 18 A. 2008, 2009, right around there. 19 Q. And has the sheriff's department done such a 20 study -- 21 A. No. 22 Q. -- since then? No? 23 A. No. 24 Q. So as we sit here today, do you recall the 25 outcome of the study done in 2008 or 2009</p>

<p style="text-align: right;">Page 118</p> <p>1 regarding the time jail staff spent doing 2 various tasks? 3 A. Do I recall the time? You have to tell me what 4 tasks. There's multitude of tasks that we do. 5 Q. So mail processing. 6 A. Mail processing was averaging 1.5 to 3 hours. 7 Q. And did you determine that by looking at 8 something or by your own memory of the study? 9 A. By me doing it and by other people, by 10 everybody's combined. We had several people 11 doing different tasks. So we took the average 12 of what it took the group of people to do it. 13 So if there was five people that did mail, we 14 divided -- Put the hours in, divided it by five. 15 That's what we came out with. 16 Q. And your statement that it was between 1.5 and 17 3 hours, is that based on your own memory of the 18 study -- 19 A. That's my own memory of it. Because we went 20 through some process when we switched over to 21 the postcards because I wanted to see what kind 22 of time savings it would be. 23 Q. Are there any documents related to that study in 24 existence? 25 A. No.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Not contraband, just sending stuff to victims 2 and things like that. 3 Q. Do you mean prohibited content? 4 A. Prohibited content and contact with other 5 people. 6 Q. Why did the jail adopt a postcard-only policy 7 for outgoing mail? 8 MR. KRAEMER: Objection, speculation. 9 THE WITNESS: I couldn't tell you. It's 10 part of the policy. 11 Q. BY MS. CHAMBERLAIN: One of the topics you're 12 here to testify about today is the reasons for 13 the modifications to the jail mail policy; is 14 that right? 15 A. Correct. 16 Q. Do you know the reason for the sheriff's 17 department adopting the postcard-only policy for 18 outgoing mail? 19 A. We adopted it for all inmate mail. 20 Q. Did the reasons for adopting it for outgoing 21 mail differ in any way from the reasons for 22 adopting in general? 23 A. It wasn't even addressed. It was all inmate 24 mail in general. 25 Q. So the topic of whether there should be a</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. No? 2 A. No. 3 Q. Prior to the postcard-only policy, what amount 4 of time was spent specifically for processing 5 incoming mail? 6 A. I couldn't tell you. It was all done together. 7 Q. Same answer for outgoing mail? 8 A. Yeah. I do them both at the same time. 9 Q. Based on your experience, did it take longer to 10 process incoming mail or longer to process 11 outgoing mail? 12 A. I'd say process incoming mail. 13 Q. Took longer? 14 A. Yes. 15 Q. Why is that? 16 A. Because you have more mail to scan and you know 17 when the inmates are sending mail out you don't 18 have to scan for certain items. They're not 19 going to have drugs in the jail. If they do, 20 they're not going to be send them out. So the 21 items going out of the jail are less likely to 22 be contraband than the ones coming in. 23 Q. During your tenure at the Columbia County 24 Sheriff's Office, did you ever encounter 25 contraband being sent out of the jail?</p>	<p style="text-align: right;">Page 121</p> <p>1 postcard-only policy for outgoing mail was not 2 addressed? 3 A. No. 4 Q. Is that correct? 5 A. Correct. 6 Q. So prior to the postcard-only policy, what shift 7 was the mail processed during? 8 A. Day shift. 9 Q. Any particular time of day? 10 A. When the mail came in. 11 Q. Is that in the morning or in the afternoon? 12 A. It depends on the mailman. 13 Q. And that changed sometime in late 2011; is that 14 right? 15 A. Not sure if it changed in '11 or early 2012, but 16 sometime around there. 17 Q. What was the reason for that change? 18 A. Less staff. 19 Q. What do you mean? 20 A. Just task moved from day shift to graveyard 21 because there's, we have less personnel to do 22 the day shift function. So mail was moved to a 23 different time frame. 24 Q. How many staff are on duty during the day shift? 25 A. Four.</p>

<p style="text-align: right;">Page 122</p> <p>1 MR. KRAEMER: Is this a good time for a 2 break? 3 Q. BY MS. CHAMBERLAIN: Just one more question. 4 How many staff on shift during graveyard? 5 A. Three. 6 Q. How about swing? 7 A. Four. 8 MS. CHAMBERLAIN: We can take a break. 9 Wait. Can you hang on one second? 10 MR. KRAEMER: Sure. 11 Q. BY MS. CHAMBERLAIN: Just a couple more 12 questions, then we'll take a break, Sergeant. 13 You testified that there was a change sometime 14 either late 2011 or early 2012 from the mail 15 being processed during the day shift to the 16 night shift; correct? 17 A. Correct. 18 Q. Okay. And that was because there was less staff 19 during the day shift? 20 A. Correct. 21 Q. Okay. And did it help operations to move the 22 mail processing to middle of the night? 23 A. Yes. 24 Q. How did it help? 25 A. There's less staff on day shift to perform the</p>	<p style="text-align: right;">Page 124</p> <p>1 between start time and the end of the processing 2 the mail, including all the interruptions? 3 A. Eight hours per shift. 4 Q. And do you know now what the total time is, 5 including disruptions? 6 A. During your shift. I don't know. I'm not doing 7 the mail right now, so I couldn't tell you. 8 Q. And have you, yourself, ever processed the mail 9 since it was moved into the night shift? 10 A. No. 11 Q. Have you, yourself, ever supervised the mail 12 processing since it was moved into the night 13 shift? 14 A. No. 15 Q. You mentioned that the mail policy requires you 16 to remove stamps on incoming mail? 17 A. Yes. 18 Q. And where in the mail policy does it require you 19 to do that? 20 A. Is there a policy here somewhere? 21 Q. Yeah. The one with the tabs there. You are 22 looking at Exhibit F to, yeah, Exhibit F to 23 Exhibit 3? 24 A. What's that? 25 Q. That's Exhibit 3; correct?</p>
<p style="text-align: right;">Page 123</p> <p>1 day shift functions than we need to do the job. 2 So we moved that function to a time where 3 there's no inmate movement. There's no courts. 4 There's no nothing. So it's a better time for 5 staff to be able to conduct that function than 6 it would be in the middle of day where we're 7 overloaded with tasks to do. 8 Q. When that change happened, did the sheriff's 9 department need to remove any functions from the 10 duties of the night shift corrections staff? 11 A. Not that I'm aware of. 12 Q. What did the corrections staff used to do during 13 the time they now process the mail? 14 A. Rounds and other, other functions, whatever 15 they're currently doing as well. But their 16 inmate, there's no inmate movement during that 17 time. 18 Q. So the night shift staff were able to 19 incorporate the mail processing into the duties 20 without removing any? 21 A. Correct. 22 Q. And when you determined it took an average of 23 between one-and-a-half and three hours to 24 process the mail preceding the postcard-only 25 policy, what was the average total duration</p>	<p style="text-align: right;">Page 125</p> <p>1 A. Yes. 2 Q. You are looking at tab F; correct? 3 A. Yes. Tab F, current policy. Page 11, top of 4 the page, subparagraph B, "Remove postage 5 stamps, flaps, sealing tape and gummed and 6 adhesive address labels. Remove labels only on 7 personal mail, leave labels on legal and 8 official mail." 9 MS. CHAMBERLAIN: Okay. Time for a break. 10 (Break taken from 1:48 to 2:28.) 11 Q. BY MS. CHAMBERLAIN: We're back on the record 12 after a lunch break. Sergeant, I'd like to turn 13 your attention to Exhibit 6, page 7. 14 Interrogatory number five asked for -- You can 15 just read that to yourself. 16 Sergeant, have you had an opportunity to 17 read interrogatory number five? 18 A. Yes. 19 Q. In Sheriff Dickerson's response, the last 20 sentence states, "Nonprivileged documents relied 21 upon are Washington County's inmate mail policy 22 as well as notes from Sergeant Cutright and 23 Rigdon that were not kept." Do you know what 24 notes the sheriff is referring to there? 25 A. I am aware of the notes. That's what I was</p>

<p style="text-align: right;">Page 134</p> <p>1 last year; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Can you explain to me how those changes,</p> <p>4 what brought about those changes.</p> <p>5 A. Disciplinary action.</p> <p>6 MR. KRAEMER: You are not to say anything</p> <p>7 more about that.</p> <p>8 MS. CHAMBERLAIN: Are you instructing your</p> <p>9 client not to answer?</p> <p>10 MR. KRAEMER: Yes. I just instructed him</p> <p>11 not to answer.</p> <p>12 MS. CHAMBERLAIN: What's the basis for that?</p> <p>13 MR. KRAEMER: Basis is it has nothing to do</p> <p>14 with this lawsuit. It's a personnel matter.</p> <p>15 It's a private matter. Has nothing to do with</p> <p>16 truthfulness, honesty or any of the issues in</p> <p>17 this case. You can file a motion with the</p> <p>18 court. We'll file a response with a sealed copy</p> <p>19 of everything. The judge can make a decision if</p> <p>20 you think that's necessary.</p> <p>21 MS. CHAMBERLAIN: Steve, we might avoid a</p> <p>22 motion if I could ask a few follow-up questions.</p> <p>23 Of course you can object to him answering them,</p> <p>24 but it might be helpful.</p> <p>25 MR. KRAEMER: You're not to answer any</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. BY MS. CHAMBERLAIN: Sheriff, do you know what</p> <p>2 the 1st and the 14th Amendment are?</p> <p>3 A. Sheriff is not here.</p> <p>4 Q. Sergeant, do you know what the 1st and 14th</p> <p>5 Amendment are?</p> <p>6 A. Top of my head I can't think of it right now.</p> <p>7 Q. I will reask those questions. Do you know</p> <p>8 anything at all about what the 1st Amendment of</p> <p>9 the Constitution says?</p> <p>10 A. I can't think of it right this second.</p> <p>11 Q. Do you know anything at all about what the</p> <p>12 14th Amendment of the Constitution says?</p> <p>13 A. I can't think of it right this second.</p> <p>14 MS. CHAMBERLAIN: Okay. Steve, a couple</p> <p>15 other questions along those lines.</p> <p>16 Q. BY MS. CHAMBERLAIN: Has there been a finding or</p> <p>17 conclusion to an investigation against you?</p> <p>18 MR. KRAEMER: Don't answer that.</p> <p>19 Q. BY MS. CHAMBERLAIN: Is the, are the allegations</p> <p>20 or the investigative findings, if any, a matter</p> <p>21 of public record?</p> <p>22 MR. KRAEMER: Don't answer that.</p> <p>23 Q. BY MS. CHAMBERLAIN: Who demoted you?</p> <p>24 MR. KRAEMER: Don't answer that.</p> <p>25 Q. BY MS. CHAMBERLAIN: Who promoted you?</p>
<p style="text-align: right;">Page 135</p> <p>1 question until I tell you whether or not to</p> <p>2 answer.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. KRAEMER: Okay go ahead.</p> <p>5 Q. BY MS. CHAMBERLAIN: Okay. Sergeant, did the</p> <p>6 disciplinary matter that precipitated the change</p> <p>7 in your employment position relate in any way to</p> <p>8 an allegation that you violated the</p> <p>9 1st Amendment?</p> <p>10 MR. KRAEMER: You can answer that.</p> <p>11 THE WITNESS: No, it did not.</p> <p>12 Q. BY MS. CHAMBERLAIN: Or the 14th --</p> <p>13 MR. KRAEMER: Don't say no, I did not. Just</p> <p>14 say yes or no. Okay.</p> <p>15 Go ahead. Next.</p> <p>16 Q. BY MS. CHAMBERLAIN: Okay. Did the disciplinary</p> <p>17 matter involve an allegation that you violated</p> <p>18 the 14th Amendment?</p> <p>19 MR. KRAEMER: You can answer that.</p> <p>20 THE WITNESS: No.</p> <p>21 Q. BY MS. CHAMBERLAIN: Did the disciplinary matter</p> <p>22 relate in any way to the mail policy or</p> <p>23 processing at the Columbia County Jail?</p> <p>24 MR. KRAEMER: You can answer that.</p> <p>25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. KRAEMER: You can answer that.</p> <p>2 MS. CHAMBERLAIN: Was that a no, don't</p> <p>3 answer?</p> <p>4 MR. KRAEMER: You can answer that.</p> <p>5 THE WITNESS: Sheriff.</p> <p>6 Q. BY MS. CHAMBERLAIN: I have seen a number of</p> <p>7 inmate manuals produced in this litigation, are</p> <p>8 those something, the ones that were created in</p> <p>9 the last two years, are you familiar with those?</p> <p>10 A. I'm familiar with our inmate manuals, yes.</p> <p>11 Q. In your 17 years at the sheriff's department,</p> <p>12 has there always been an inmate manual?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have a work e-mail?</p> <p>15 A. Yes.</p> <p>16 Q. What's the address?</p> <p>17 A. Bryan.Cutright@CO.Columbia.or.us.</p> <p>18 Q. Are you familiar with the Oregon Jail Managers'</p> <p>19 Association e-mail LISTSERV?</p> <p>20 A. Yes.</p> <p>21 Q. Are you on it?</p> <p>22 A. I'm cc'd on it.</p> <p>23 Q. When you say you're cc'd on it, do you mean</p> <p>24 you're a member of the LISTSERV?</p> <p>25 A. I get a copy of the LISTSERV. I'm not actually</p>

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<p style="text-align: right;">Page 138</p> <p>1 a member of it. I get copy of their stuff. So</p> <p>2 I can't communicate with them.</p> <p>3 Q. Okay. Who else from the Columbia County Jail is</p> <p>4 a member?</p> <p>5 A. I, I'm not sure.</p> <p>6 Q. The sheriff?</p> <p>7 A. I'm not sure. I assume he's with the state --</p> <p>8 MR. KRAEMER: Don't assume anything.</p> <p>9 Q. BY MS. CHAMBERLAIN: How often do you get</p> <p>10 e-mails from the Oregon Jail Managers'</p> <p>11 Association?</p> <p>12 A. Weekly.</p> <p>13 Q. What is the Oregon Jail Managers' Association?</p> <p>14 A. It's the association of all the Oregon jail</p> <p>15 managers in the state of Oregon.</p> <p>16 Q. Is there a representative from each of the</p> <p>17 Oregon jails in the association?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know?</p> <p>20 A. I don't know. I'm, I've been there but I</p> <p>21 haven't seen every single one.</p> <p>22 Q. When you say you've been there, what do you</p> <p>23 mean?</p> <p>24 A. I've been to their meetings, but I haven't seen</p> <p>25 36 jail managers there.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Has the postcard-only policy been a topic on the</p> <p>2 Oregon Jail Managers' Association LISTSERV?</p> <p>3 A. Yes.</p> <p>4 Q. Starting when?</p> <p>5 A. I don't know.</p> <p>6 Q. What's been discussed?</p> <p>7 A. The last thing that I seen on there was that</p> <p>8 Columbia County's in a lawsuit and you might</p> <p>9 want to review your mail policy.</p> <p>10 Q. Did you discuss the postcard-only policy with</p> <p>11 people from other jails in Oregon off the</p> <p>12 LISTSERV?</p> <p>13 A. I have not.</p> <p>14 Q. Do you know whether Columbia County counsel is a</p> <p>15 member of that LISTSERV?</p> <p>16 A. I do not.</p> <p>17 Q. Do you know who Marie Tyler is?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Who is that?</p> <p>20 A. She's general manager of Washington County</p> <p>21 Sheriff's Office.</p> <p>22 Q. Have you had any conversations with her about</p> <p>23 the postcard-only policy?</p> <p>24 A. No.</p> <p>25 Q. Do you know who Elmer Dickens is?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. Are those the quarterly meetings that you talked</p> <p>2 about earlier?</p> <p>3 A. Yes.</p> <p>4 Q. Where do those occur?</p> <p>5 A. Various places.</p> <p>6 Q. Has the Columbia County Jail ever hosted?</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. Okay. Has postcard-only policy been a topic at</p> <p>9 those meetings?</p> <p>10 A. Again, I can't say yes or no. No, not that I</p> <p>11 have been there before.</p> <p>12 Q. So none of the Oregon jail manager meetings that</p> <p>13 you've attended have included as a topic</p> <p>14 postcard-only policy?</p> <p>15 A. None have.</p> <p>16 Q. Is the Oregon Jail Managers' Association</p> <p>17 connected in any way with the Oregon Sheriffs'</p> <p>18 Association?</p> <p>19 A. Yes.</p> <p>20 Q. How are they related?</p> <p>21 A. It's a, it's a sub-association of the state,</p> <p>22 Oregon State Sheriffs' Organization.</p> <p>23 Q. Have you posted e-mails to the Oregon Jail</p> <p>24 Managers' Association LISTSERV?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 141</p> <p>1 A. I know who he is. I've never met him.</p> <p>2 Q. Who is he?</p> <p>3 A. He's an attorney for Washington County Sheriff's</p> <p>4 Office.</p> <p>5 Q. Have you ever spoken with him?</p> <p>6 A. No.</p> <p>7 (Exhibit 15 marked for identification.)</p> <p>8 Q. BY MS. CHAMBERLAIN: Sergeant, do you recognize</p> <p>9 Exhibit 15?</p> <p>10 A. Yes.</p> <p>11 Q. What is it?</p> <p>12 A. It's an e-mail from Marie Tyler, Washington</p> <p>13 County Sheriff's Office, to the Association of</p> <p>14 Oregon Jail Managers.</p> <p>15 Q. And did you receive this?</p> <p>16 A. Yes.</p> <p>17 Q. With the attachment?</p> <p>18 A. I'm not sure.</p> <p>19 Q. Did you receive this e-mail on or about</p> <p>20 March 13, 2012?</p> <p>21 A. If that's the date, I would have got it the same</p> <p>22 date it was sent out.</p> <p>23 Q. And did you read this e-mail when you received</p> <p>24 it?</p> <p>25 A. No, I did not.</p>

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<p style="text-align: right;">Page 142</p> <p>1 Q. But you do recall receiving it?</p> <p>2 A. I recall receiving the e-mail, yes.</p> <p>3 Q. And have you ever read this e-mail?</p> <p>4 A. I've read the e-mail itself, not the attachment.</p> <p>5 Q. Okay. When did you read the e-mail itself?</p> <p>6 A. I would assume on March 13, 2012.</p> <p>7 Q. But is today the first time you've seen the</p> <p>8 attachment?</p> <p>9 A. Yeah. I never opened the attachment.</p> <p>10 Q. Do you routinely not open attachments or you</p> <p>11 just didn't open this one?</p> <p>12 A. I didn't open this one because it was concerning</p> <p>13 the mail policy and we were already working on</p> <p>14 our mail policy.</p> <p>15 Q. And who was working on your mail policy?</p> <p>16 A. The sheriff.</p> <p>17 Q. Anyone else?</p> <p>18 A. He's the only one, the undersheriff was</p> <p>19 involved, but the sheriff was the one actually</p> <p>20 doing the typing.</p> <p>21 Q. How did you first become aware of the Columbia</p> <p>22 County Sheriff's Department had been sued by</p> <p>23 Prison Legal News?</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you recall when approximately you found out?</p>	<p style="text-align: right;">Page 144</p> <p>1 A. It's an e-mail from, it originated from Marie</p> <p>2 Tyler, Washington County Sheriff's Office, to</p> <p>3 the jail LISTSERV about a unified response to</p> <p>4 the postcard policy or the postcard change.</p> <p>5 Q. When you say "a unified response" what do you</p> <p>6 mean?</p> <p>7 A. It's a response that their attorney had</p> <p>8 suggested that we, other counties could use in</p> <p>9 response to inmate-filed grievances.</p> <p>10 Q. Do you mean inmates filing grievances regarding</p> <p>11 the postcard-only policy?</p> <p>12 A. Yes.</p> <p>13 Q. And is this a postcard grievance response</p> <p>14 template that you adopted?</p> <p>15 A. One very similar to this and it might be exact.</p> <p>16 I'm not sure.</p> <p>17 Q. And were you involved in determining that this</p> <p>18 would be an appropriate response to any postcard</p> <p>19 grievance?</p> <p>20 MR. KRAEMER: Object to form.</p> <p>21 Q. BY MS. CHAMBERLAIN: You can answer.</p> <p>22 MR. KRAEMER: Yeah. You can answer. Sorry.</p> <p>23 THE WITNESS: We, I typed up the, cut and</p> <p>24 pasted this section onto a response for our</p> <p>25 staff, yes.</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I don't. Sometime around when it first started.</p> <p>2 It was either the undersheriff or the sheriff</p> <p>3 brought it up.</p> <p>4 Q. Is Columbia County Sheriff's Department</p> <p>5 currently working with any other sheriff's</p> <p>6 departments on reviewing the mail policy?</p> <p>7 A. I have no idea.</p> <p>8 Q. Do you also have a personal e-mail account on a</p> <p>9 Blackberry?</p> <p>10 A. Yes.</p> <p>11 Q. And some of the e-mails that we received from</p> <p>12 sheriff's department appear to include e-mails</p> <p>13 that you forwarded to yourself from your --</p> <p>14 A. My e-mails are forwarded from my work account to</p> <p>15 my Blackberry.</p> <p>16 Q. That's automatically done?</p> <p>17 A. Yes.</p> <p>18 Q. All of your e-mails?</p> <p>19 A. All of my work e-mails, yes.</p> <p>20 Q. Okay.</p> <p>21 (Exhibit 16 marked for identification.)</p> <p>22 Q. BY MS. CHAMBERLAIN: Sergeant, do you recognize</p> <p>23 Exhibit 16?</p> <p>24 A. Yes.</p> <p>25 Q. What is it?</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. BY MS. CHAMBERLAIN: And have you received --</p> <p>2 Strike that.</p> <p>3 Has the Columbia County Sheriff's Department</p> <p>4 received grievances regarding the postcard</p> <p>5 policy?</p> <p>6 A. Yes.</p> <p>7 Q. When did that start?</p> <p>8 A. When did the grievances start?</p> <p>9 Q. Yes.</p> <p>10 A. The day the policy changed.</p> <p>11 Q. You immediately started receiving grievances?</p> <p>12 A. Yes.</p> <p>13 Q. What kind of complaints did you receive?</p> <p>14 A. That it violates their right to send mail or to</p> <p>15 communicate.</p> <p>16 Q. And did you, were you personally involved in</p> <p>17 responding to those grievances?</p> <p>18 A. I have responded to those grievances, some of</p> <p>19 them.</p> <p>20 Q. You have?</p> <p>21 A. Yes.</p> <p>22 Q. And in your response did you use this postcard</p> <p>23 grievance response template that's found in</p> <p>24 Exhibit 16?</p> <p>25 A. Yes.</p>

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1 Q. Did you have any discussions with anyone at the
 2 sheriff's department about whether this postcard
 3 grievance response template was an appropriate
 4 way for the Columbia County Sheriff's Department
 5 to respond?
 6 A. The supervisors, we had a meeting with the
 7 sheriff and undersheriff, agreed that would be
 8 the response that we would give, a standard
 9 response we would give to grievances.
 10 Q. Who was at that supervisors' meeting?
 11 A. I couldn't tell you. It was passed on to all
 12 supervisors.
 13 Q. And all supervisors are all sergeants,
 14 lieutenants, first sergeants and the sheriff?
 15 A. All the sergeants and the undersheriff and the
 16 sheriff, yes.
 17 Q. Why did you forward Exhibit 16?
 18 A. Why did I forward it?
 19 Q. Yeah.
 20 A. I just answered that, that all my e-mails are
 21 forwarded to my Blackberry.
 22 Q. This e-mail you forwarded to Sarah Hanson and
 23 Cynthia --
 24 A. Oh, that's our county attorneys.
 25 Q. Cynthia is an attorney?

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1 A. She works with our attorney's office, one of
 2 them. I think Sarah's the attorney and
 3 Cynthia's her clerk, I believe.
 4 Q. And why did you forward that?
 5 A. Because I was asked to forward it to the county
 6 counsel.
 7 Q. By whom?
 8 A. Undersheriff Moyer.
 9 (Exhibit 17 marked for identification.)
 10 Q. BY MS. CHAMBERLAIN: Sergeant, do you recognize
 11 Exhibit 17?
 12 A. Yes.
 13 Q. Who's Sophie?
 14 A. She is Deputy Frazier.
 15 Q. What shift does she work?
 16 A. Currently she's on day shift.
 17 Q. And what is Exhibit 17?
 18 A. 17 is what we call a pass-down from each, at the
 19 end of each shift we conduct, we type out a
 20 pass-down so we can pass down any needed
 21 information to the next shift.
 22 Q. When you say pass down information, what do you
 23 mean?
 24 A. Pass it on from one shift to the next.
 25 Q. And what type of information is supposed to be

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1 passed down?
 2 A. Events that happen throughout your shift that
 3 the other shift should be aware of.
 4 Q. And how is a corrections staff supposed to
 5 determine what events should be passed down?
 6 A. Whatever they feel that needs to be passed on to
 7 the next shift.
 8 Q. Is there policy on that?
 9 A. No.
 10 Q. What's at the top, USM?
 11 A. United States Marshals.
 12 Q. 82, what does that mean?
 13 A. 82 inmates.
 14 Q. 82 inmates are from the U.S. Marshal Service?
 15 A. Yes.
 16 Q. ICE, zero. So zero ICE inmates?
 17 A. Yes.
 18 Q. And a total population 146?
 19 A. Yes.
 20 Q. So the U.S. Marshal Service 82, does that mean
 21 federal inmates?
 22 A. Means 82 marshal inmates, yes, in marshal
 23 custody.
 24 Q. I see about two-thirds of the way down this
 25 e-mail says, "Baier," B A I E R, "is worked up

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1 again, upset he got a mail violation due to
 2 receiving a letter in an envelope." Do you see
 3 that?
 4 A. Yes.
 5 Q. Did you read this e-mail when you received it?
 6 A. Yes.
 7 Q. Okay. What do you understand Sophie to be
 8 communicating to corrections staff there?
 9 A. That Inmate Baier was upset because he didn't
 10 get a letter.
 11 Q. Do you know why he didn't get a letter?
 12 A. Because it was in an envelope.
 13 Q. So it was rejected?
 14 A. Yes.
 15 Q. Do you know how this was responded to?
 16 A. I have no idea.
 17 Q. Do you know how this inmate exhibited his being
 18 upset?
 19 A. I have no idea.
 20 Q. Are communications from inmates to corrections
 21 staff about censorship of mail something that
 22 corrections staff are supposed to pass down to
 23 the next shift?
 24 A. They do pass that down if they felt the next
 25 shift needed to know that. Yes.

38 (Pages 146 to 149)

Beovich Walter & Friend

WING DECL; Exhibit II; Page 22 of 28

<p style="text-align: right;">Page 182</p> <p>1 Q. And why is that?</p> <p>2 A. Because that's what's in the policy.</p> <p>3 Q. Do you know what the basis for that policy is?</p> <p>4 A. I do not.</p> <p>5 Q. Has that always been the policy of the jail as far as you've been there?</p> <p>6 A. Yes.</p> <p>7 Q. And who was the mail handler that wrote this notice?</p> <p>8 A. I don't recognize the signature.</p> <p>9 Q. In this pile of exhibits, have you seen a postcard. Is Exhibit 4 a copy of the postcard used by the Columbia County Jail distributed to inmates?</p> <p>10 A. Yes.</p> <p>11 Q. And has the Columbia County Jail ever used any other postcards, that is made available any postcards other than Exhibit 4 to inmates?</p> <p>12 A. Not to my knowledge.</p> <p>13 (Exhibit 29 marked for identification.)</p> <p>14 Q. BY MS. CHAMBERLAIN: Sergeant, do you recognize Exhibit 29?</p> <p>15 A. Yes.</p> <p>16 Q. What is it?</p> <p>17 A. It's Columbia County Jail inmate request form.</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. If this request had been forwarded to you, would you have responded approximately the same way?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Prior to the postcard-only policy, what was the indigent policy regarding mail materials, writing materials?</p> <p>4 A. Same as I stated earlier, two envelopes and four pieces of paper.</p> <p>5 Q. Per week?</p> <p>6 A. Yes.</p> <p>7 Q. And how often is the indigent kit with the two postcards available?</p> <p>8 A. Once a week.</p> <p>9 Q. What day of the week?</p> <p>10 A. It depends on when the earmarked staff has the availability to do them.</p> <p>11 Q. Has the what?</p> <p>12 A. Availability to do them.</p> <p>13 Q. And does the inmate get a indigent kit immediately upon their first day in the jail as well?</p> <p>14 A. Yes.</p> <p>15 (Exhibit 30 marked for identification.)</p> <p>16 Q. BY MS. CHAMBERLAIN: Sergeant, you have Exhibit 30?</p>
<p style="text-align: right;">Page 183</p> <p>1 Q. Have you seen this particular form before?</p> <p>2 A. No.</p> <p>3 Q. Written in big handwritten letters, first half of the page, it appears to say "Attention Sergeant Cutright." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Was this inmate request form forwarded to you?</p> <p>6 A. No.</p> <p>7 Q. If an inmate writes a request form specifically directed to you, do you expect a corrections staff to actually guard it to you?</p> <p>8 A. It depends on if it's something they can answer or not.</p> <p>9 Q. If it's something they can answer?</p> <p>10 A. If it's a specific question that has to be answered by me, then they forward it to me. If it's a question that's answered in general, then it's answered by a deputy or a sergeant or whoever picks up the kyte.</p> <p>11 Q. Take a moment to read the request and answer to yourself.</p> <p>12 A. Okay.</p> <p>13 Q. Did you have a chance to read to yourself the request and the response?</p> <p>14 A. Yes.</p>	<p style="text-align: right;">Page 185</p> <p>1 A. Yes.</p> <p>2 Q. Is this inmate request form that you responded to?</p> <p>3 A. Yes.</p> <p>4 Q. What was the issue raised by the inmate?</p> <p>5 A. Wanted somebody to mail in an address book or have somebody bring it in.</p> <p>6 Q. And he also had mail at home about his legal case that he wanted to be sent in; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And you responded by saying "Just have your family get it to the attorney and they can mail it to you"?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And if the inmate's family had mailed in his legal materials directly to the inmate, would those have been permitted?</p> <p>11 A. No. The envelope would have been returned to sender.</p> <p>12 Q. Why?</p> <p>13 A. Because it was in an envelope, not a postcard.</p> <p>14 Q. Do you know what happened after this?</p> <p>15 A. In this case?</p> <p>16 Q. Yeah.</p>

<p style="text-align: right;">Page 190</p> <p>1 Q. Okay. So what was the inmate requesting?</p> <p>2 A. He was requesting to have more than two</p> <p>3 postcards because he is an indigent inmate, per</p> <p>4 week. And it's a financial burden on him and</p> <p>5 his family to have to send postcards in.</p> <p>6 Q. Okay. And he explained the financial burden and</p> <p>7 that his family needs to use more stamps to send</p> <p>8 in communications by postcard and that otherwise</p> <p>9 could have sent in one letter; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. And did you have any discussions with anyone at</p> <p>12 the jail about the concern raised by this</p> <p>13 indigent inmate?</p> <p>14 A. No.</p> <p>15 Q. Do you agree that a postcard-only policy makes</p> <p>16 it more expensive for inmates to send and</p> <p>17 receive mail?</p> <p>18 A. No.</p> <p>19 Q. You don't?</p> <p>20 A. No.</p> <p>21 Q. You disagree with what's stated here by this</p> <p>22 inmate?</p> <p>23 A. If they want to send in more than, I mean, if</p> <p>24 they send in a postcard, they can send in a</p> <p>25 postcard. How much they write on it, that's not</p>	<p style="text-align: right;">Page 192</p> <p>1 15 pieces of mail are legal mail." Where did</p> <p>2 you get those numbers?</p> <p>3 A. Off the legal mail and official mail that I</p> <p>4 counted for those two days.</p> <p>5 Q. Then you state, "The rest of the mail is</p> <p>6 primarily personal mail from an inmate's family</p> <p>7 or friends." Is that based on your review of</p> <p>8 mail for two days?</p> <p>9 A. Yes.</p> <p>10 Q. The last page of that -- Excuse me. Strike</p> <p>11 that.</p> <p>12 On the last sentence of that paragraph 2 you</p> <p>13 state, "I estimate that inmates send about 40</p> <p>14 pieces of mail per day to whomever they wish."</p> <p>15 Where did you get that number?</p> <p>16 A. Same thing, after counting the mail for a little</p> <p>17 over 40 pieces each day for those couple days.</p> <p>18 Q. How did you count the mail?</p> <p>19 A. One piece at a time.</p> <p>20 Q. You hand count?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, your declaration was signed on</p> <p>23 February 20th, 2012. Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And so which days did you count the mail?</p>
<p style="text-align: right;">Page 191</p> <p>1 my decision. Still going to send one postcard.</p> <p>2 Q. Would you agree that a family member who could</p> <p>3 previously send in a four-page letter using one</p> <p>4 stamp and had to send in multiple postcards,</p> <p>5 since letters are no longer allowed, will spend</p> <p>6 more money on stamps than they would otherwise?</p> <p>7 A. If they sent more than one postcard, they would.</p> <p>8 MR. KRAEMER: Take a break.</p> <p>9 MS. CHAMBERLAIN: Sure.</p> <p>10 (Break taken from 4:04 to 4:14.)</p> <p>11 (Exhibit 34 marked for identification.)</p> <p>12 Q. BY MS. CHAMBERLAIN: Back on the record.</p> <p>13 Sergeant, handing you Exhibit 34. Handing</p> <p>14 you Exhibit 34, is this your declaration?</p> <p>15 A. Yes.</p> <p>16 Q. And in exhibit, excuse me, in this Exhibit 34,</p> <p>17 your declaration, paragraph 2 you state, "I</p> <p>18 estimate that we receive about 50 pieces of mail</p> <p>19 per day addressed to inmates." Where did you</p> <p>20 get that number from?</p> <p>21 A. From the two days in a row that I counted over</p> <p>22 50 pieces of mail.</p> <p>23 Q. When were those two days?</p> <p>24 A. Sometime right around this declaration.</p> <p>25 Q. And you then state, "Approximately 10 to</p>	<p style="text-align: right;">Page 193</p> <p>1 A. If I had to guess, I don't know. It would be</p> <p>2 sometime in February.</p> <p>3 Q. But am I correct that the last time that you</p> <p>4 processed or supervised the processing of mail</p> <p>5 was in December 2011?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So can you explain how it was that you</p> <p>8 ended up counting mail in February 2012?</p> <p>9 A. Because I was asked to estimate how much mail we</p> <p>10 receive and send out per day.</p> <p>11 Q. So what time of day did you do the counting?</p> <p>12 A. I was on swing shift. So sometime between</p> <p>13 4:00 p.m. and midnight.</p> <p>14 Q. So did you process the mail those days?</p> <p>15 A. No.</p> <p>16 Q. Did someone else?</p> <p>17 A. Yes.</p> <p>18 Q. Who was that?</p> <p>19 A. I have no idea. Somebody on graveyard. I was</p> <p>20 on swing shift.</p> <p>21 Q. And so did you count the mail before or after it</p> <p>22 was processed?</p> <p>23 A. I counted the mail that came in and then I</p> <p>24 counted the mail that was picked up. So before</p> <p>25 it was processed.</p>

<p style="text-align: right;">Page 194</p> <p>1 Q. I am going to go through some e-mails and my 2 primary question for most of these is going to 3 be whether you received these. I am first going 4 to hand you what we are marking as Exhibit 33. 5 (Exhibit 33 marked for identification.) 6 Q. BY MS. CHAMBERLAIN: Did you receive Exhibit 33? 7 A. Yes. 8 Q. And then did you then forward Exhibit 33, the 9 text of it to your Hotmail account? 10 A. I don't know. Did I? I can't see a Hotmail 11 account there. I have no idea. It says my 12 Blackberry account. 13 Q. Can I see your Exhibit 33, make sure we are 14 looking at the same page. I want to check and 15 make sure I handed you the right one too, Steve. 16 MR. KRAEMER: Sure. 17 Q. BY MS. CHAMBERLAIN: I did not. Just a minute. 18 Okay. I am going to remark Exhibit 33. For the 19 record, Exhibit 33 is Bates stamped 1312, 1313 20 and 1314. Now handing Exhibit 33 back to you. 21 Am I correct that Exhibit 13 contains multiple 22 copies of the same e-mail? 23 A. Yes. 24 Q. One of which the last one you forwarded to 25 yourself at the Hotmail address?</p>	<p style="text-align: right;">Page 196</p> <p>1 (Exhibit 37 marked for identification.) 2 Q. BY MS. CHAMBERLAIN: Handing you Exhibit 37. 3 This is two-page document, 1341 and 1340. Are 4 these e-mails you received? 5 A. Yes. 6 MR. KRAEMER: That's 37? 7 THE WITNESS: Yes. 8 MR. KRAEMER: Which was 36? I'm missing 9 something. Oh, I see what happened. Thanks. 10 (Exhibit 38 marked for identification.) 11 Q. BY MS. CHAMBERLAIN: Exhibit 38, it's a 12 multi-page document Bates CC 1344 through 1349. 13 Are these e-mails you received? 14 A. Yes. 15 Q. Was there a business meeting on April 3rd, 2012? 16 A. I have no idea. 17 Q. You did not attend one? 18 A. No. 19 (Exhibit 39 marked for identification.) 20 Q. BY MS. CHAMBERLAIN: There's 39. This is 1335 21 through CC 1355. It's an e-mail you received? 22 A. Yes. 23 Q. Who's Michelle? 24 A. Deputy Ritchie. 25 Q. In the, these are pass-down notes; correct?</p>
<p style="text-align: right;">Page 195</p> <p>1 A. Yes. 2 Q. Why was it that you forwarded that to yourself? 3 A. Because I had been forwarding all my e-mails 4 from work to both my home e-mail address and my 5 work e-mail address. 6 Q. So everything was automatically forwarded -- 7 A. Automatic. 8 Q. -- everything was automatically forwarded? 9 Okay. I am now handing you Exhibit 35, 10 which is Bates stamped 1336 through CC 1339. 11 (Exhibit 35 marked for identification.) 12 Q. BY MS. CHAMBERLAIN: And did you receive this 13 e-mail? 14 A. Yes. 15 Q. Who is Rachel Reyna? 16 A. I don't know her personally, but reading this, 17 she's a jail manager of Malheur County. 18 Q. It's on the east side of the state; right? 19 A. Yes. 20 (Exhibit 36 marked for identification.) 21 Q. BY MS. CHAMBERLAIN: Exhibit 36, CC 1334 through 22 13, it's a little bit out of order. We have got 23 1334, 1335, 1332 and 1333. Are these e-mails 24 that you received? 25 A. Yes.</p>	<p style="text-align: right;">Page 197</p> <p>1 A. Yes. 2 Q. February 10, 2012? 3 A. Yes. 4 Q. The last pass-down note is, "We need a memo 5 explaining law library so control is not getting 6 bombarded with questions." Had you seen that 7 before? 8 A. Yes. 9 Q. Okay. And do you know what Michelle is talking 10 about? 11 A. Yes. 12 Q. What is she talking about? 13 A. She's referring to the fact that we switched our 14 law library from the, where we have our library 15 books to a cart and they're down in the booking 16 area. 17 Q. So where did the law library books used to be 18 before they got put on the cart? 19 A. They were in our library. 20 Q. In the library with the novels? 21 A. Yes. 22 Q. And why did that change? Why was that change 23 made? 24 A. Convenience for staff, lack of staffing. 25 They're supervised. You can put them in a spot.</p>

<p style="text-align: right;">Page 210</p> <p>1 A. Enough to get 100, that one was 100. No. That</p> <p>2 one is 60 because it's semester instead of</p> <p>3 quarter.</p> <p>4 Q. Were any of those courses related to your job?</p> <p>5 A. In the, those were supervisory ones, yes. And</p> <p>6 the criminal justice obviously.</p> <p>7 Q. So the general studies was a supervisory course?</p> <p>8 A. No. PCC is supervisory management.</p> <p>9 Q. So the general studies courses that you took,</p> <p>10 did any of those relate to your work?</p> <p>11 A. Not particularly.</p> <p>12 Q. Prior to getting hired at the sheriff's</p> <p>13 department what was your highest level of, your</p> <p>14 highest grade completed?</p> <p>15 A. 12th.</p> <p>16 Q. Where was that?</p> <p>17 A. Vernonia High School.</p> <p>18 Q. Where is that?</p> <p>19 A. Vernonia, Oregon.</p> <p>20 Q. What's the jail's current policy on inmate</p> <p>21 outgoing phone calls?</p> <p>22 A. Inmate what?</p> <p>23 Q. Outgoing phone calls.</p> <p>24 MR. KRAEMER: Object to form. Are you</p> <p>25 asking him that as a designated representative</p>	<p style="text-align: right;">Page 212</p> <p>1 for some reason their phone privilege is</p> <p>2 revoked.</p> <p>3 Q. Is the phone free?</p> <p>4 A. No.</p> <p>5 Q. Is it free for local calls?</p> <p>6 A. No.</p> <p>7 Q. What does it cost?</p> <p>8 A. What's that?</p> <p>9 Q. What does it cost?</p> <p>10 A. I believe it's \$2.35.</p> <p>11 Q. For one call?</p> <p>12 A. For one 15-minute phone call.</p> <p>13 Q. \$2.35?</p> <p>14 A. Yes.</p> <p>15 Q. Is that for a local call?</p> <p>16 A. That's for a local call.</p> <p>17 Q. Do you know what it costs for long distance</p> <p>18 calls?</p> <p>19 A. I have no idea.</p> <p>20 Q. What about incoming calls, how does that work?</p> <p>21 A. Inmates can't receive incoming phone calls.</p> <p>22 Q. Are there any exceptions?</p> <p>23 A. If an attorney calls and needs to get ahold of</p> <p>24 them, there's a death in the family, things of</p> <p>25 that nature.</p>
<p style="text-align: right;">Page 211</p> <p>1 or just as a sergeant? I didn't see that in the</p> <p>2 declaration, but I missed a lot of things.</p> <p>3 MS. CHAMBERLAIN: It certainly talks about</p> <p>4 this in his --</p> <p>5 MR. KRAEMER: My only question is are you</p> <p>6 asking him this as his capacity as a 3(b)</p> <p>7 representative or as a sergeant?</p> <p>8 Q. BY MS. CHAMBERLAIN: I will just ask you as a</p> <p>9 sergeant?</p> <p>10 MR. KRAEMER: I am still going to object to</p> <p>11 the form.</p> <p>12 But you can answer if you understand.</p> <p>13 Q. BY MS. CHAMBERLAIN: Sergeant, are you familiar</p> <p>14 with the jail's policy on inmate calls?</p> <p>15 A. Yes.</p> <p>16 Q. What is it?</p> <p>17 A. They're allowed to use the phone and make calls.</p> <p>18 Q. Anytime they want?</p> <p>19 A. As long as they're out of their cell.</p> <p>20 Q. What do you mean as long as they're out of their</p> <p>21 cell?</p> <p>22 A. At certain times of the day inmates are locked</p> <p>23 in their cells. Other times when they come out</p> <p>24 in the day area, there's phones in there.</p> <p>25 They're privileged of using the phones, unless</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. What about visitation, are you familiar with the</p> <p>2 rule on in-person visitation?</p> <p>3 A. In-person visitation? Define "in-person."</p> <p>4 Q. Are inmates permitted to receive visitors?</p> <p>5 A. Yes.</p> <p>6 Q. When?</p> <p>7 A. Each pod has a different visiting date. They</p> <p>8 have a schedule set per their pods.</p> <p>9 Q. So for each particular pod, how many days of the</p> <p>10 week are they allowed to receive visitors?</p> <p>11 A. Twice.</p> <p>12 Q. Twice a week?</p> <p>13 A. Yes.</p> <p>14 Q. And is there hour or time limitations?</p> <p>15 A. Two 30-minute visits a week.</p> <p>16 Q. Do you have any information about your current</p> <p>17 inmate population and where their primary place</p> <p>18 of residence is in the state?</p> <p>19 A. I have no idea.</p> <p>20 Q. How many visitor rooms -- Or strike that.</p> <p>21 Where do the inmates visit with outsiders?</p> <p>22 A. In the visiting area.</p> <p>23 Q. Okay. Is there, can they have contact with each</p> <p>24 other, physical contact?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 214</p> <p>1 Q. Is there glass between them?</p> <p>2 A. Yes.</p> <p>3 Q. And how many people can fit in the visiting</p> <p>4 area?</p> <p>5 A. There's seven booths. Six or seven. I'm not</p> <p>6 sure.</p> <p>7 Q. So does that mean approximately six or seven</p> <p>8 inmates at one time? There's one per booth;</p> <p>9 correct?</p> <p>10 A. Right.</p> <p>11 Q. And one external visitor per booth?</p> <p>12 A. They can have up to three on the outside.</p> <p>13 Q. Is there ever a problem with too many visitors</p> <p>14 coming and the jail not being able to</p> <p>15 accommodate all of those visits?</p> <p>16 A. No.</p> <p>17 Q. That's never been a problem?</p> <p>18 A. No.</p> <p>19 Q. Are you a colleague or a supervisor of Sergeant</p> <p>20 Miller?</p> <p>21 A. Colleague.</p> <p>22 Q. Is she as experienced as you or less</p> <p>23 experienced?</p> <p>24 A. She's been there 10 years or so.</p> <p>25 Q. Do you consider her a pretty experienced</p>	<p style="text-align: right;">Page 216</p> <p>1 is Exhibit 46.</p> <p>2 MR. KRAEMER: So are you asking a question</p> <p>3 as we go along? You just want him to say they</p> <p>4 are what --</p> <p>5 Q. BY MS. CHAMBERLAIN: So for now I'm just handing</p> <p>6 them to you. Yeah.</p> <p>7 (Exhibits 47 through 50 marked for</p> <p>8 identification.)</p> <p>9 MR. KRAEMER: So we have a loose page on</p> <p>10 this one; is that --</p> <p>11 MS. CHAMBERLAIN: Yeah. It needs to be put</p> <p>12 in there. Yeah.</p> <p>13 THE WITNESS: This one is already in this</p> <p>14 one.</p> <p>15 Q. BY MS. CHAMBERLAIN: Okay. I hand you the wrong</p> <p>16 one here. Sergeant Cutright, we've handed you</p> <p>17 Exhibits 46 through 50. And my question for you</p> <p>18 is I'd like you to go through each, starting</p> <p>19 with 46, and let me know if that is a Columbia</p> <p>20 County Sheriff's Department inmate manual and</p> <p>21 the effective date of the inmate manual if you</p> <p>22 know.</p> <p>23 A. It is a Columbia County inmate manual.</p> <p>24 Q. 46 is?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 215</p> <p>1 sergeant?</p> <p>2 A. Yes.</p> <p>3 Q. And she knows what she's doing when it comes to</p> <p>4 processing the mail?</p> <p>5 MR. KRAEMER: Object to form.</p> <p>6 THE WITNESS: I have no idea. I don't talk</p> <p>7 to her about it.</p> <p>8 Q. BY MS. CHAMBERLAIN: You've never spoken to</p> <p>9 Sergeant Miller about processing the mail?</p> <p>10 A. No.</p> <p>11 Q. Have you ever supervised her processing the</p> <p>12 mail?</p> <p>13 A. No.</p> <p>14 Q. Ever consulted with her regarding anything with</p> <p>15 the mail?</p> <p>16 A. Not that I can think of.</p> <p>17 MS. CHAMBERLAIN: I think we're almost done.</p> <p>18 I'm just going to look at my notes here. We are</p> <p>19 going to be off the record for a few minutes.</p> <p>20 (Break taken from 4:48 to 4:58.)</p> <p>21 (Exhibit 46 marked for identification.)</p> <p>22 Q. BY MS. CHAMBERLAIN: Okay. I'm going to hand</p> <p>23 you some inmate manuals, Sergeant, and just have</p> <p>24 you take a look at them. I am just going to ask</p> <p>25 you if these are what they appear to be. This</p>	<p style="text-align: right;">Page 217</p> <p>1 Q. And what's the date that was effective?</p> <p>2 A. It's not approved. There's nothing on here, so</p> <p>3 I have no idea. I would assume that it's, I</p> <p>4 mean, it's --</p> <p>5 MR. KRAEMER: I object to you assuming.</p> <p>6 THE WITNESS: No assuming. It's 2009.</p> <p>7 That's what's typed in there. So I have no idea</p> <p>8 what the actual date is.</p> <p>9 Q. BY MS. CHAMBERLAIN: So you're unsure of the</p> <p>10 actual date, but you can confirm that 46 is a</p> <p>11 Columbia County Sheriff's Department inmate</p> <p>12 manual?</p> <p>13 A. Yes.</p> <p>14 Q. And 47, is this a Columbia County Sheriff's</p> <p>15 Department inmate manual?</p> <p>16 A. Yes.</p> <p>17 Q. And is that the 2010 manual?</p> <p>18 A. It is a 2010 inmate manual. It appears to be a</p> <p>19 draft manual.</p> <p>20 Q. Okay. If you flip into the middle of that</p> <p>21 Exhibit 47, for example, if you look at, well,</p> <p>22 just a few pages in, page 134, CC 134, at the</p> <p>23 bottom it says July 8, 2010; is that right?</p> <p>24 A. That's what it says.</p> <p>25 Q. Okay. So does that mean that this was effective</p>

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that BRYAN CUTRIGHT personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 224, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 8th day of June, 2012.



Aleshia K. Macom

CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT III

TO

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

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4
5 PRISON LEGAL NEWS, a project

6 of the HUMAN RIGHTS DEFENSE

7 CENTER,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; COLUMBIA

11 COUNTY SHERIFF'S OFFICE; JEFF

12 DICKERSON, individually and

13 in his capacity as Columbia

14 County Sheriff,

15 Defendants.

16
17
18
19
20 30(b)(6) VIDEOTAPED DEPOSITION OF RAQUEL MILLER

21 Taken in behalf of Plaintiff

22 May 9, 2012

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<p>1 to be needing somebody to count the money, maybe</p> <p>2 I'll call it the money room, come do the camera,</p> <p>3 the back booking office.</p> <p>4 Q. So it serves a lot of functions?</p> <p>5 A. Right.</p> <p>6 Q. Okay. All right. Did you review any documents</p> <p>7 related to this lawsuit in preparation for</p> <p>8 today, tonight's deposition?</p> <p>9 A. The one that you just handed me.</p> <p>10 Q. So you have seen the deposition notice before?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Exhibit 1?</p> <p>13 A. Yes. Which is right here.</p> <p>14 Q. Did you review any other documents in</p> <p>15 preparation for this deposition?</p> <p>16 A. I did review an e-mail.</p> <p>17 Q. Okay. And who was that e-mail from?</p> <p>18 A. From my sheriff.</p> <p>19 Q. And what was the nature of that e-mail?</p> <p>20 A. It just said the exact thing that this said,</p> <p>21 what rooms would be seen.</p> <p>22 Q. Okay. So that had to do with the inspection?</p> <p>23 A. Yes. Yeah.</p> <p>24 Q. Okay. And you showed us around earlier.</p> <p>25 A. Yes.</p>	<p>1 two minutes. Okay. I think I'm going to bring</p> <p>2 it in here next time.</p> <p>3 Q. Okay. Can you explain what that is?</p> <p>4 A. The timer I'll be getting up for is a check of</p> <p>5 someone who is in a suicide watch.</p> <p>6 Q. I see. And how frequently --</p> <p>7 A. 15 minutes.</p> <p>8 Q. Okay. And how frequently would you say on</p> <p>9 average you have a suicide watch here?</p> <p>10 MR. KRAEMER: Well, wait a minute. That's</p> <p>11 far beyond the scope of why she's here.</p> <p>12 MR. WING: Well, I'll explain.</p> <p>13 MR. KRAEMER: So we're not going there</p> <p>14 unless you have some very good reason for what</p> <p>15 that has to do with the mail policy.</p> <p>16 MR. WING: Well, I do.</p> <p>17 Q. BY MR. WING: If you were not doing the mail,</p> <p>18 what would you be doing?</p> <p>19 A. Well, I would be booking and I would be sitting</p> <p>20 there. When I'm not doing the mail, I would be</p> <p>21 out there --</p> <p>22 Q. So there's --</p> <p>23 A. -- doing booking stuff. There's a whole bunch</p> <p>24 of other stuff to do.</p> <p>25 Q. There's a booking area right outside this</p>
Page 11	Page 13
<p>1 Q. Okay. I'm going to have some questions about</p> <p>2 that, but we can do the inspection of the mail</p> <p>3 first.</p> <p>4 Now, have you read a declaration that was</p> <p>5 submitted in this lawsuit by anybody?</p> <p>6 A. A declaration?</p> <p>7 Q. Statement under oath.</p> <p>8 A. No.</p> <p>9 Q. Have you seen any statement under oath by</p> <p>10 Sergeant Cutright?</p> <p>11 A. No.</p> <p>12 Q. Have you seen a statement under oath by the</p> <p>13 sheriff?</p> <p>14 A. No.</p> <p>15 Q. Okay. And do you know what, if anything, either</p> <p>16 of those declarations say?</p> <p>17 A. No.</p> <p>18 Q. Okay. You indicated that a timer would go</p> <p>19 off --</p> <p>20 A. Yes.</p> <p>21 Q. -- and you had to do something else?</p> <p>22 A. I hear it beeping. I kind of want to go check</p> <p>23 it.</p> <p>24 Q. That's fine.</p> <p>25 A. It's not beeping normal. Oh, I have</p>	<p>1 office?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And when you're doing the mail, typically</p> <p>4 are you interrupted to do other things?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And that's where the question comes about</p> <p>7 the suicide watch. Is that a common</p> <p>8 interruption or is this infrequent?</p> <p>9 A. It's an interruption at this time. But it could</p> <p>10 be various things. It could be a fight, floor</p> <p>11 workers dressing, booking, release.</p> <p>12 Q. And do those kind of activities frequently</p> <p>13 happen?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So in a typical night when you're doing</p> <p>16 the mail, you are frequently interrupted?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. All right. Let's proceed. Can you</p> <p>19 explain, there's a basket of mail; is that</p> <p>20 right?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Can you say yes or no or --</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Thank you. And then there's some what</p> <p>25 looks like postcards in front of them. Is that</p>

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<p style="text-align: right;">Page 14</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And combined, is that the mail, the</p> <p>4 incoming mail that came into the Columbia County</p> <p>5 Jail today?</p> <p>6 A. No.</p> <p>7 Q. Okay. Please explain what you have in front of</p> <p>8 you.</p> <p>9 A. This is the incoming mail. This is the outgoing</p> <p>10 mail.</p> <p>11 Q. I see. And for the court reporter, what's in</p> <p>12 the basket is the incoming mail and the stack of</p> <p>13 postcards that are in front of that are outgoing</p> <p>14 mail?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And for what period of time is this mail</p> <p>17 that's in front of you? Just today's mail or is</p> <p>18 it more than one day's mail?</p> <p>19 A. It's today's mail this time.</p> <p>20 Q. Thank you. Do you need to --</p> <p>21 A. Yes, I do.</p> <p>22 Sorry about that.</p> <p>23 Q. That's quite all right. Okay. Thank you. Do</p> <p>24 you know how many pieces of incoming mail you</p> <p>25 received today at the jail?</p>	<p style="text-align: right;">Page 16</p> <p>1 normally handle the mail.</p> <p>2 THE WITNESS: Okay. Thank you.</p> <p>3 Q. BY MR. WING: Can you describe what you're</p> <p>4 doing?</p> <p>5 A. I am pulling an alphabetical head count.</p> <p>6 Q. Can you tell me what that will inform you of?</p> <p>7 A. It will allow me to scan the barcodes of the</p> <p>8 people who get the mail.</p> <p>9 Q. Okay. This is the Golden Eagle program on the</p> <p>10 computer?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you are accessing that right now?</p> <p>13 A. Yes. It won't let me do that here.</p> <p>14 Q. Sergeant, if we see an e-mail from Rocky Miller,</p> <p>15 is that you?</p> <p>16 A. Yes. You see an e-mail?</p> <p>17 Q. If I see an e-mail. I notice Rocky Miller was</p> <p>18 listed on the computer there.</p> <p>19 A. Oh. Do you need this back?</p> <p>20 Q. That becomes the court reporter's.</p> <p>21 A. Oh. Can I change it up because I don't, I like</p> <p>22 to do the outbound first.</p> <p>23 Q. Certainly.</p> <p>24 A. Okay.</p> <p>25 Q. We can move this out of the way for you. What</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Everything that's in the basket. I don't know</p> <p>2 specifically.</p> <p>3 Q. Okay. I will ask you either to count it now or</p> <p>4 as you're going or when we're done.</p> <p>5 A. Okay. I'll count it, I guess I would need to</p> <p>6 know what the purpose of counting it is because</p> <p>7 at this point I could count it but it hasn't</p> <p>8 been sorted yet. Some of the mail may not be</p> <p>9 inmate mail.</p> <p>10 Q. Okay.</p> <p>11 A. Some of it may be directed toward medical.</p> <p>12 Q. Okay.</p> <p>13 A. And some of it --</p> <p>14 Q. So as you sort, it will go into different piles?</p> <p>15 A. It's going to go to different piles based on</p> <p>16 where it is and where it's going.</p> <p>17 Q. Okay.</p> <p>18 A. So to count it at this point wouldn't be...</p> <p>19 Q. Okay. So once you've sorted it, I'll ask you to</p> <p>20 describe how many in each pile.</p> <p>21 A. Okay. Okay.</p> <p>22 Q. Please proceed.</p> <p>23 A. Okay.</p> <p>24 MR. KRAEMER: Wait a minute. How do you</p> <p>25 normally do it? Proceed with the way you</p>	<p style="text-align: right;">Page 17</p> <p>1 are you doing right now, please?</p> <p>2 A. I'm just getting everything facing the same way.</p> <p>3 Q. And you're doing the postcards first; is that</p> <p>4 right?</p> <p>5 A. I'm doing the outgoing mail, yeah. So I have</p> <p>6 separated everything right now.</p> <p>7 Q. Okay. Have you now sorted everything so it is</p> <p>8 facing the same way?</p> <p>9 A. Yes.</p> <p>10 Q. Can you explain to me what you're looking at</p> <p>11 now?</p> <p>12 A. The alphabetical head count.</p> <p>13 Q. You are looking at several sheets of paper with</p> <p>14 names of prisoners on it?</p> <p>15 A. Yes.</p> <p>16 Q. I hope you're not waiting for me.</p> <p>17 A. Okay. I was.</p> <p>18 Q. I will ask you if there's --</p> <p>19 A. You just stood up.</p> <p>20 Q. I just want to see what you're doing.</p> <p>21 A. I am just putting marks by their names.</p> <p>22 Q. Okay. There were three what might be called</p> <p>23 letters that were in the outgoing mail; is that</p> <p>24 right?</p> <p>25 A. Right.</p>

5 (Pages 14 to 17)

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<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And those are in envelopes?</p> <p>2 A. Right. I'm going to look at those in a minute.</p> <p>3 Because they say "privileged," but that's not</p> <p>4 attorneys, from what I see. Oh, but they're</p> <p>5 actually good because they were signed and</p> <p>6 sealed by a deputy.</p> <p>7 Q. That's what those marks are on the back?</p> <p>8 A. Yes. Yeah.</p> <p>9 Q. So those are two letters and then there's</p> <p>10 another document. Okay.</p> <p>11 (Brief interruption.)</p> <p>12 Q. BY MR. WING: You've just received some</p> <p>13 additional, three, four postcards from</p> <p>14 prisoners; is that correct?</p> <p>15 A. Yes.</p> <p>16 Will you hand me one of those labels?</p> <p>17 DEPUTY MOORE: Sure.</p> <p>18 (Discussion held off the record.)</p> <p>19 THE WITNESS: I set this one over here</p> <p>20 because it needs a sticker. It doesn't say</p> <p>21 Washington County Jail on it.</p> <p>22 Q. BY MR. WING: I see. So you are now putting a</p> <p>23 sticker on the --</p> <p>24 A. Yes.</p> <p>25 Q. -- postcard?</p>	<p style="text-align: right;">Page 20</p> <p>1 prisoners or are those cards specially sold by</p> <p>2 the prisoners?</p> <p>3 A. They're by the prisoners.</p> <p>4 Q. And those are allowed?</p> <p>5 A. Yes.</p> <p>6 Q. How many cards did you set aside?</p> <p>7 A. Four.</p> <p>8 Q. Can you tell me generally why you set them</p> <p>9 aside?</p> <p>10 A. Because they're in Spanish.</p> <p>11 Q. All four of them?</p> <p>12 A. Yes.</p> <p>13 Q. What are you doing now, please?</p> <p>14 A. I'm double-checking for no known contacts.</p> <p>15 Q. To look for the conflicts, is that what you</p> <p>16 said?</p> <p>17 A. Yes.</p> <p>18 Q. No contact?</p> <p>19 A. Right.</p> <p>20 Q. Where do you look? Is it the to, the addressee</p> <p>21 and the --</p> <p>22 A. Right.</p> <p>23 Q. -- addressor?</p> <p>24 A. Right.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yes.</p> <p>2 Q. Some of the photos of the first sheriff are</p> <p>3 smaller than others. There are two different</p> <p>4 types of postcards that you provide to the</p> <p>5 prisoners?</p> <p>6 A. It's probably a different shipment. We order</p> <p>7 the same size.</p> <p>8 Q. The postcard is the same size; right?</p> <p>9 A. Yeah.</p> <p>10 Q. Just the photo is a different size; is that</p> <p>11 right?</p> <p>12 A. I imagine. I didn't really notice. Oh, yeah.</p> <p>13 Q. Have you now checked off all of the prisoners'</p> <p>14 names for the outgoing mail?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Okay. What are you about to do now?</p> <p>17 A. I'm going to add this person's booking number.</p> <p>18 Q. To the postcard?</p> <p>19 A. Yes.</p> <p>20 Q. Explain what you're doing now.</p> <p>21 A. I'm scanning.</p> <p>22 Q. So kind of briefly reading the postcards?</p> <p>23 A. Right. And I'm separating again.</p> <p>24 Q. Okay. There are some Mother's Day pictures or</p> <p>25 insignias, drawings. Are those drawings by</p>	<p style="text-align: right;">Page 21</p> <p>1 A. And this one I'm going to double-check on real</p> <p>2 quick.</p> <p>3 Q. You took one postcard out?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Have you just returned from checking?</p> <p>6 A. Yes.</p> <p>7 MR. WING: The sergeant has just left the</p> <p>8 room to respond to a beeping sound.</p> <p>9 Q. BY MR. WING: Okay. Sergeant is back.</p> <p>10 So you just checked the no contact for one</p> <p>11 of the prisoners?</p> <p>12 A. It actually wasn't a no contact. It's just that</p> <p>13 they try to contact. So I want to make sure</p> <p>14 there wasn't anything that said they couldn't</p> <p>15 write each other.</p> <p>16 Q. Okay. What are you going to do next?</p> <p>17 A. Next I'm going to put these out here and put</p> <p>18 these out here as well.</p> <p>19 Q. Okay. Could you say, you've got the stack of</p> <p>20 Spanish cards?</p> <p>21 A. Right.</p> <p>22 Q. And I need you to count these, please, first,</p> <p>23 before you do this.</p> <p>24 A. There were four of these.</p> <p>25 Q. Four Spanish. Right. And then the rest of</p>

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<p>1 Q. From the U.S. Postal Service?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And do these have anything to do with</p> <p>4 inmate mail?</p> <p>5 A. Yes. It's an inmate who sent it out. He's</p> <p>6 requesting his certified receipt back.</p> <p>7 Q. I see. There's two of those; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. You also had a business card that you were, can</p> <p>10 you explain what that is?</p> <p>11 A. Yes. An attorney dropped it off for his client.</p> <p>12 He just wants her to have it.</p> <p>13 Q. I see. So it's not even mail really --</p> <p>14 A. No.</p> <p>15 Q. Is that correct?</p> <p>16 A. Yes. But we will...</p> <p>17 Q. You've created kind of a different pile. Can</p> <p>18 you explain --</p> <p>19 A. Well, I'm trying to go by pod. And then this is</p> <p>20 interpretation. Actually this, I'll have to</p> <p>21 investigate that one.</p> <p>22 Q. Okay. As you organize the mail, you're writing</p> <p>23 the pod letter?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. How many different pods are there?</p>	<p>1 from the prison?</p> <p>2 A. It was actually sent from us and returned to her</p> <p>3 because it's not authorized for her to write</p> <p>4 him. They denied him.</p> <p>5 Q. Okay. I'm sorry. Could you explain that again.</p> <p>6 A. It looks like it's no inmate to inmate. They're</p> <p>7 not authorized to or she's not authorized to</p> <p>8 write him.</p> <p>9 Q. So this was from somebody in this jail to</p> <p>10 somebody else in this jail?</p> <p>11 A. Yes. No. To somebody somewhere else.</p> <p>12 Q. I see. So it's return mail?</p> <p>13 A. Yes.</p> <p>14 Q. And what are you going to do with that?</p> <p>15 A. With what?</p> <p>16 Q. With that piece of mail that's returned.</p> <p>17 A. I am going to give it to the sender.</p> <p>18 Q. Who is a prisoner here?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. I'm going to go set this over here because it's</p> <p>22 not --</p> <p>23 Q. So that's not prisoner mail?</p> <p>24 A. No. This is library. Goes to the library.</p> <p>25 Q. Okay. And the things that you were taking to</p>
Page 27	Page 29
<p>1 A. Ten.</p> <p>2 Q. Explain what you just did.</p> <p>3 A. She's not here, so I stamped it.</p> <p>4 Q. Okay. And what are you going to do with that?</p> <p>5 A. I'm going to put it back in the outgoing mail to</p> <p>6 be returned to sender.</p> <p>7 Q. That's a postcard?</p> <p>8 A. Yes.</p> <p>9 Q. And you have a big stamp, trying to think of a</p> <p>10 rubber -- What do you call that, that you put on</p> <p>11 the mail, then you check a box or check a line;</p> <p>12 is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. You just used your big stamp again.</p> <p>15 A. Yes. He's also not here.</p> <p>16 Q. Okay. Hard to find a place to put that stamp.</p> <p>17 So there's a prisoner who's no longer here?</p> <p>18 A. It's the same person.</p> <p>19 Q. I see.</p> <p>20 A. I just wanted...</p> <p>21 Q. And does that mean you don't even have to look</p> <p>22 at that mail, those three postcards?</p> <p>23 A. Right.</p> <p>24 Q. Is that it? Can you explain what you just</p> <p>25 handled. It's a postcard that's typically sent</p>	<p>1 the library was five documents?</p> <p>2 A. I didn't take them to the library though. I put</p> <p>3 them over here.</p> <p>4 Q. Okay. But there were five of them?</p> <p>5 A. I believe.</p> <p>6 Q. Okay.</p> <p>7 A. I'll count them again.</p> <p>8 Q. Okay. The sergeant has left the room to go deal</p> <p>9 with the beeper.</p> <p>10 A. Excuse me. I forgot something.</p> <p>11 Q. Sure.</p> <p>12 Okay. Have you now completed the sorting of</p> <p>13 the incoming mail?</p> <p>14 A. Yes.</p> <p>15 Q. And you've sorted it by pods?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. What are you going to do next?</p> <p>18 A. Next I'm going to, well, I kind of usually do it</p> <p>19 a multi-tasking way, but I'll go ahead and pull</p> <p>20 each pod and scan it and mark them.</p> <p>21 Q. How would you normally do it?</p> <p>22 A. I would normally scan it, mark them and put them</p> <p>23 in the files.</p> <p>24 Q. Oh. And can you explain what you mean by "the</p> <p>25 files"?</p>

8 (Pages 26 to 29)

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Miller, Raquel

May 9, 2012

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<p>1 A. Yeah. These files are the outgoing mail. 2 Actually I'll just do it the way I usually do 3 it. And this is how the day shift people will, 4 you know, it's already sorted. The mail's ready 5 to go out. 6 Q. So there is a manila folder for each pod? 7 A. Yes. 8 Q. And you'll put the mail that goes to that pod in 9 that particular folder? 10 A. Yes. 11 Q. Okay. Before you put them in, would you please 12 tell us how many? 13 A. How many per pod? 14 Q. Yes. 15 A. Okay. 16 Q. And you can do it as you're working. 17 A. I will tell you after I scan them because some 18 may be rejected for some reason. 19 Q. Okay. So there were three for pod A? 20 A. Yes. 21 Q. Three postcards. Is that correct? They're all 22 postcards? 23 A. Oh, I'm sorry. Yes. I thought you were making 24 a statement. Actually there's only two. I put 25 him in the wrong pod.</p>	<p>1 A. Because it's a, probably something they printed 2 at home. 3 Q. So are address labels prohibited? 4 A. Yes. 5 Q. Okay. 6 A. I am just going to take it off. 7 Q. So you're using your fingernail to pull off the 8 address label? 9 A. Right. Otherwise you can use something too 10 destructive. This way I can kind of get a feel 11 for it. 12 Q. And is there something that you believe you're 13 taking the address label off to prevent from 14 getting into the prison, to the jail? 15 A. Yes. 16 Q. What is that? 17 A. It could be a drug or something hidden 18 underneath here. 19 Q. Do you see anything that causes you to believe 20 that there is something? 21 A. No. No. 22 Q. Do you think you'd be able to tell? 23 A. No. 24 Q. Have you now completed taking off the address 25 label?</p>
Page 31	Page 33
<p>1 Q. Okay. And those are smaller than the postcards 2 that you sell here; is that right? 3 A. Right. 4 Q. Both of those? 5 A. Yeah. Those were pretty small. 6 Q. Okay. Now you are rescanning the cards -- 7 A. I'm scanning them the first time, yeah. I 8 thought you said rescanning. I'm scanning them 9 for the first time. 10 Q. I'm sorry. For pod B now? 11 A. Yes. 12 Q. You've completed pod A? 13 A. Yes. 14 Q. And what are you doing now, please? 15 A. The stamp was not all the way on there, so just 16 making sure there's nothing hidden underneath. 17 I did the rest of that. 18 Q. What are you doing now, please? 19 A. I'm taking off... 20 Q. Is that an address label? 21 A. Yes. I'm going to write it on there. 22 Q. I'm sorry. You're going to write -- 23 A. I'm going to write the address on here, probably 24 before I break it. 25 Q. Why are you going to do that?</p>	<p>1 A. Yes. This guy's not here. 2 Q. You're now opening up an envelope; is that 3 right? 4 A. Uh-huh. 5 Q. Is that for somebody who's here or not? 6 A. He's here. 7 Q. Okay. What is the purpose of opening up the 8 envelope? 9 A. It's just to see what's inside. 10 Q. Okay. 11 A. I need to go get something. 12 Q. Sergeant's leaving the room. 13 What you are getting, please? 14 A. Staple remover. 15 Q. For what purpose? 16 A. Take staples out. 17 Q. What did the prisoner receive that you take the 18 staples out of? 19 A. He received Daily Bread. 20 Q. Is that like a pamphlet? 21 A. It is a pamphlet, religious. 22 Q. And you just completed the staples, taking them 23 out for one of them? 24 A. Yes. 25 Q. And there's another pamphlet?</p>

9 (Pages 30 to 33)

Beovich Walter & Friend

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<p style="text-align: right;">Page 34</p> <p>1 A. Yes.</p> <p>2 Q. Okay. You are putting them back in the</p> <p>3 envelope?</p> <p>4 A. Yes.</p> <p>5 Q. And what will you do with those?</p> <p>6 A. Put those in the file to go back to him.</p> <p>7 Q. Okay. So he's allowed to get those?</p> <p>8 A. Yes.</p> <p>9 Q. I'm sorry. Could you count the number for us,</p> <p>10 please?</p> <p>11 A. Oh, there were four.</p> <p>12 Q. So there was --</p> <p>13 A. Three postcards and one of those.</p> <p>14 Q. And "one of those" being the envelope with the</p> <p>15 two religious pamphlets in them?</p> <p>16 A. Yes.</p> <p>17 Q. And the postcards again were smaller than the</p> <p>18 ones you sell here?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And that's everything in pod B?</p> <p>21 A. Yes.</p> <p>22 Q. Please continue.</p> <p>23 A. I left my timer out there.</p> <p>24 Q. You're now on pod C?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 36</p> <p>1 two other envelopes?</p> <p>2 A. There are two legal papers. Two legal --</p> <p>3 Q. Two legal mail, two envelopes?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you're not opening those up; correct?</p> <p>6 A. No.</p> <p>7 Q. Those remain sealed?</p> <p>8 A. Yes.</p> <p>9 Q. And that's everything for pod C?</p> <p>10 A. Yes.</p> <p>11 Q. You're done with pod C?</p> <p>12 A. Yes. Kind of got me distracted. I need to</p> <p>13 double-check and make sure I marked to make</p> <p>14 sure.</p> <p>15 Q. You are now starting on pod D?</p> <p>16 A. Yes.</p> <p>17 Q. And what are you doing there, please?</p> <p>18 A. There was just part of a stamp lifted. So I was</p> <p>19 just seeing if there was something underneath</p> <p>20 it.</p> <p>21 Q. On a postcard?</p> <p>22 A. Yes.</p> <p>23 Q. And did you find anything underneath it?</p> <p>24 A. No.</p> <p>25 Q. And you're scanning --</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. And there's another envelope with the two</p> <p>2 religious pamphlets, the same as you just</p> <p>3 finished for someone in pod B?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you are taking out the staples?</p> <p>6 A. Yes.</p> <p>7 Q. And why do you take out the staples?</p> <p>8 A. Could be used as a weapon.</p> <p>9 Q. And are they prohibited contraband?</p> <p>10 A. Yes, unless -- Yes.</p> <p>11 Q. Unless what?</p> <p>12 A. I was going to say except that the big staples</p> <p>13 that, that we have that, not from something that</p> <p>14 comes in like that, no. We take it out.</p> <p>15 Q. I'm sorry. Could you explain that again. When</p> <p>16 do you leave in the staples, when do you leave</p> <p>17 them out?</p> <p>18 A. Like in an inmate manual, something we give</p> <p>19 them. We just don't want them to have a bunch</p> <p>20 of extra staples that we know about. We're</p> <p>21 going to have those.</p> <p>22 Q. You just handled all the mail for pod C?</p> <p>23 A. I'm sorry. Yes.</p> <p>24 Q. Please explain what there is besides the</p> <p>25 religious pamphlets in one envelope, there are</p>	<p style="text-align: right;">Page 37</p> <p>1 A. Yes.</p> <p>2 Q. -- as you go?</p> <p>3 A. Yes. Want me to keep that separate?</p> <p>4 Q. Yes, please. How many postcards did you just</p> <p>5 scan, please?</p> <p>6 A. Well, I didn't mark them. So let me just go</p> <p>7 ahead and do this while I do that.</p> <p>8 Q. Can you just take a minute and tell me how many</p> <p>9 you scanned.</p> <p>10 A. Ten.</p> <p>11 Q. Ten postcards?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. That's for pod D?</p> <p>14 A. Yes.</p> <p>15 Q. And now you're marking them alphabetical?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And you just included a letter; is that</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. Is that a privileged letter?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So for pod D there were ten postcards and</p> <p>23 one privileged letter?</p> <p>24 A. Yes.</p> <p>25 Q. Thank you.</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Two minutes. 2 Q. Until your beeper. Okay. 3 A. Continue? 4 Q. Please. 5 A. Okay. 6 Q. You are now starting on pod E? 7 A. Yes. 8 Q. And you're scanning the postcards? 9 A. Yes. There's only one postcard, two certified 10 mails. 11 Q. Okay. Are you done scanning? 12 A. Yes. 13 Q. You're marking on the alphabetical? 14 A. Yes. 15 Q. And now done with pod E? 16 A. Yes. 17 Q. Are you starting on pod G? 18 A. Yes. 19 Q. What happened to pod F? 20 A. They didn't have any mail. 21 Q. Okay. Please continue. You are starting to 22 scan? 23 A. Yes. 24 Q. Okay. One postcard and one manila envelope -- 25 A. Yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Yes. 2 Q. Okay. 3 A. We actually, when they want pictures of their 4 family, we tell them this is a good way to do 5 it. 6 Q. And are all those photos for the same prisoner? 7 A. These ones are, yes. 8 Q. There's three of them? 9 A. Yes. 10 Q. Is that a fourth postcard with a picture for the 11 same prisoner? 12 A. Yes. 13 Q. The sergeant is stepping out to deal with the 14 beeper. 15 Okay. You're back. 16 A. Yes. 17 Q. Okay. And you are continuing to scan the 18 postcards for pod J? 19 A. Yes. 20 Q. You set aside one postcard. Why? 21 A. Because it has a smudge, some kind of foreign 22 material on it. 23 Q. Okay. What will you do with that? 24 A. I'm going to have to send it back to the sender 25 with the prohibited mail slip explaining to them</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. -- for pod G? 2 A. This is legal mail. 3 Q. So you're not going to open that; is that right? 4 A. Right. 5 Q. Are you done with pod G? 6 A. Yes. 7 Q. What's next? 8 A. Nobody for I. 9 Q. Okay. What about H? 10 A. We don't have H. 11 Q. There's no H? 12 A. No. 13 Q. Okay. And you said there was no mail for pod I? 14 A. No. 15 Q. Is that correct? 16 A. Yes. 17 Q. And you are now on pod J? 18 A. Uh-huh. 19 Q. Could you say yes or no? 20 A. Yes. Sorry. 21 Q. All right. You are looking at looked like 22 postcards with photographs on the back; is that 23 right? 24 A. Yes. 25 Q. Is that allowed?</p>	<p style="text-align: right;">Page 41</p> <p>1 what's on it. 2 Q. Okay. And before you put those in there, please 3 tell me how many there are. 4 A. There's one periodical. 5 Q. Okay. 6 A. Ten. 7 Q. So ten -- Please wait one second. So there are 8 ten postcards that you're sending in to J pod 9 for delivery. One that you are sending back to 10 the sender -- 11 A. Yes. 12 Q. -- because it has a smudge? 13 A. Yes. 14 Q. Plus one periodical? 15 A. Yes. 16 Q. Can you tell what that periodical is? 17 A. It is a, yeah. Actually it's Mr. Malamon. 18 Q. It's what, please? 19 A. I can just see who it's for. But -- 20 Q. It's in a foreign language, isn't it? 21 A. Yeah. I just noticed that. I'll just set that 22 aside just to see if he's got one already and we 23 know what it is. I can type it up online real 24 quick. 25 Q. And there are --</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Ten.</p> <p>2 Q. Before you put those away. Yes. And then there</p> <p>3 are several photographed postcards from, are</p> <p>4 they from the same person --</p> <p>5 A. Yes.</p> <p>6 Q. -- to the same prisoner?</p> <p>7 A. Yes.</p> <p>8 Q. How many of those, please?</p> <p>9 A. There are six.</p> <p>10 Q. Okay. Thank you.</p> <p>11 A. You're welcome.</p> <p>12 Q. Have you completed pod J's mail?</p> <p>13 A. Yes.</p> <p>14 (Brief interruption.)</p> <p>15 MR. WING: Sergeant has just left the room.</p> <p>16 Now is a good time. Why don't we, we're going</p> <p>17 to change a tape. So go off the record.</p> <p>18 (Break taken from 1:58 to 1:59.)</p> <p>19 THE WITNESS: A was two postcards, B was</p> <p>20 three postcards and one Bible envelope. I don't</p> <p>21 know how you want to call that.</p> <p>22 Q. BY MR. WING: That was the two periodicals?</p> <p>23 A. Yes. And pod C was the two legal and the</p> <p>24 ministry ones again, two.</p> <p>25 Q. There were two of those?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Okay. When you say "this," you mean the</p> <p>2 postcard that you're returning?</p> <p>3 A. I'm sorry. Yes.</p> <p>4 Q. Could you just hold up the postcard so we could</p> <p>5 see. There's a little -- The camera's over</p> <p>6 there. There's a little smudge. Can you point</p> <p>7 to that? Is that it right there?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. It's just a little brown, is that what it</p> <p>10 is?</p> <p>11 A. It's brown and it doesn't look the same as the</p> <p>12 postcard.</p> <p>13 Q. Okay. Thank you.</p> <p>14 A. You're welcome.</p> <p>15 Q. And then there are two more copies of the</p> <p>16 prohibited mail slip?</p> <p>17 A. Yes.</p> <p>18 Q. What are you going to do with those? Oh,</p> <p>19 there's three more.</p> <p>20 A. This is the next one.</p> <p>21 Q. Oh, I see.</p> <p>22 A. So the yellow one goes to the inmate file and</p> <p>23 the pink one goes to the inmate. So this one</p> <p>24 will go in here.</p> <p>25 Q. To the, in the pod folder?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. Yes.</p> <p>2 Q. Thank you.</p> <p>3 A. You're welcome.</p> <p>4 Q. So, Sergeant, have you finished all of the</p> <p>5 incoming mail sorting?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And what are you about to do now?</p> <p>8 A. I'm contemplating that actually. I'm going to</p> <p>9 go ahead and do a prohibited mail -- I just</p> <p>10 wasn't sure which one to do first. I am going</p> <p>11 to do a prohibited mail slip for this, have them</p> <p>12 send it back. And just because of that foreign</p> <p>13 substance, we don't know what that is.</p> <p>14 Q. Okay.</p> <p>15 A. And I'll mark on here that it contains a foreign</p> <p>16 substance, prohibited material, don't know what</p> <p>17 it is.</p> <p>18 Q. Okay.</p> <p>19 A. 5th 11th Street.</p> <p>20 Q. Have you just completed filling out the</p> <p>21 prohibited mail notice?</p> <p>22 A. Yes, although sloppy.</p> <p>23 Q. And what are you going to do with it?</p> <p>24 A. I'm going to put this one, the white one with</p> <p>25 this and send it back to the sender.</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes. In the mail.</p> <p>2 Q. Now, on the prohibited mail notice, is there any</p> <p>3 indication to the prisoner as to what it was</p> <p>4 that was being returned, the one that you just</p> <p>5 wrote?</p> <p>6 A. The one that I just wrote?</p> <p>7 Q. Yes.</p> <p>8 A. What do you mean "what it was"?</p> <p>9 Q. Well, a letter, a postcard, a publication, is</p> <p>10 there any indication on there what it is that's</p> <p>11 being returned?</p> <p>12 A. There's no indication, no.</p> <p>13 Q. Okay. Is there a reason not, why you didn't</p> <p>14 indicate what it is that's being returned?</p> <p>15 A. No.</p> <p>16 Q. Do you typically identify whether something,</p> <p>17 what the item is that's being returned?</p> <p>18 A. No.</p> <p>19 Q. Why not?</p> <p>20 A. Because my guess is he's going to see that and</p> <p>21 he's going to give her a call right away and</p> <p>22 find out what it was. And she's going to tell</p> <p>23 him what it was. And he's going to say, oh,</p> <p>24 okay, that makes sense or whatever they, their</p> <p>25 conversation goes.</p>

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1 it differently. So you have to look, takes a
 2 little bit of time looking at the policy and --
 3 Q. Okay. Now, I note that there are some binders
 4 in the office that say "Columbia County
 5 Sheriff's Office Policies and Procedures."
 6 There's a couple of binders behind me that say
 7 that. Do you see those?
 8 A. Uh-huh.
 9 Q. Is that a yes?
 10 A. Yes.
 11 Q. Okay. Do you refer to those for the mail
 12 policy?
 13 A. I do not.
 14 Q. Did you in the past?
 15 A. Not those.
 16 Q. Not those binders?
 17 A. No.
 18 Q. Before the most recent mail policy was adopted,
 19 where did you go to look for the mail policy
 20 when you needed it?
 21 A. The S drive.
 22 Q. Is that on the computer?
 23 A. Yes.
 24 Q. Okay. And has that been true since you've been
 25 here, you looked on the computer when you needed

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1 to look at the mail policy?
 2 A. Since I've been here for, what do you mean "been
 3 here"?
 4 Q. Well, when did you first --
 5 A. Because things have changed in 11 years.
 6 MR. KRAEMER: Wait a second. Where does it
 7 say in here that she's going to be questioned
 8 about where deputies go to look at policies? I
 9 thought she was handling A. I'm just reading it
 10 wrong because I don't see it. So show me where
 11 I'm mistaken.
 12 MR. WING: Well, during the course of
 13 performing her job I'm asking her if she has
 14 questions where does she go to look for them.
 15 MR. KRAEMER: She's answered that.
 16 MR. WING: Well, right now. And I'm asking
 17 before the current policy where did she look.
 18 MR. KRAEMER: She answered that.
 19 MR. WING: Well, not --
 20 THE WITNESS: The S drive.
 21 MR. KRAEMER: She did answer that. She told
 22 you where she went. She went back on the
 23 computer.
 24 Q. BY MR. WING: And when did you start looking at
 25 the computer to see the mail policy? When did

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1 that begin?
 2 A. It began with this, with the new Sheriff
 3 Dickerson.
 4 Q. Okay. And before Sheriff Dickerson started in
 5 January 2009, does that sound right?
 6 A. Sounds right.
 7 Q. Approximately. Where would you look to the mail
 8 policy?
 9 A. Then we had, you know, hard copy binders.
 10 Q. Binders?
 11 A. Yeah.
 12 Q. Okay. Thank you.
 13 A. In centrally located places.
 14 Q. One of the things that you did was you used this
 15 big stamp. And I ask if you could please stamp
 16 this on this white piece of paper. Is that an
 17 accurate reflection of the stamp that you put on
 18 some of the postcards --
 19 A. Yes.
 20 Q. -- when you were going to return them?
 21 A. Uh-huh.
 22 Q. Is that a yes?
 23 A. Yes.
 24 Q. We're going to mark that Exhibit 2. Okay. And
 25 you said Exhibit 2 is an accurate rendition of

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1 the stamp --
 2 A. Yes.
 3 Q. -- is that right?
 4 Okay. Was the amount of mail that you
 5 received, that the jail received and you
 6 processed tonight typical?
 7 A. Yes.
 8 Q. Okay.
 9 A. Average. Let's say average.
 10 Q. Average. Okay. And how long has that been
 11 true?
 12 A. Forever.
 13 Q. This is average forever?
 14 A. Yeah.
 15 Q. Okay. And when you say "forever" --
 16 A. As long as I've been here.
 17 Q. Which is 11 years?
 18 A. Yeah.
 19 Q. Okay. And do you have the same number of
 20 prisoners now as you did when you started,
 21 approximately?
 22 A. Probably, yes.
 23 Q. I had understood, perhaps mistakenly, that there
 24 are fewer prisoners now because of budget cuts?
 25 A. That's why I said probably, because I don't

15 (Pages 54 to 57)

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1 on. You know, this is going to your mom or
 2 whoever. Just cover it up.
 3 Q. This notice, Exhibit H to --
 4 A. This is a new notice, too, by the way.
 5 Q. That's what I was going to say. Before you had
 6 that notice, what did you use?
 7 A. We had another form, but it wasn't as nice as
 8 this.
 9 Q. Did it only have like four options on it?
 10 A. Sounds familiar.
 11 Q. Okay. Maybe kind of half a page?
 12 A. Yeah.
 13 Q. Okay. That was the --
 14 A. But I, I would fill in the blanks and tell them,
 15 so thank you for clarifying. I meant in the
 16 whole duration of my being here. So you're
 17 talking about this particular notice, and I'm
 18 sorry I didn't catch that when I first answered
 19 it.
 20 Q. Okay. So before this current mail notice which
 21 is new as of January or February of this year;
 22 right?
 23 A. February.
 24 Q. Okay. The previous one was this like half-page
 25 document which had maybe four different

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1 things --
 2 A. I believe so.
 3 Q. -- to check off? And that's the only other one
 4 you've had since you've been here; right?
 5 A. That's the only one I remember.
 6 Q. Okay. Tonight you did not reject any mail based
 7 on the fact that it was not a postcard; is that
 8 right?
 9 A. Right.
 10 Q. Is that typical?
 11 A. Yeah.
 12 Q. And how long has that been typical?
 13 A. That we haven't rejected it because it's not a
 14 postcard?
 15 Q. Yes.
 16 A. I guess I don't understand the question.
 17 Q. Well, there was a time when you got more items
 18 that were, you had to reject them because they
 19 weren't on a postcard. At least when you had
 20 the policy, postcard-only policy was new; right?
 21 A. Uh-huh.
 22 Q. Is that true?
 23 A. Right.
 24 Q. Okay. How long did that transition period last?
 25 A. I'm not a good judge of that.

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1 Q. But it's been quite some time?
 2 A. Yeah.
 3 Q. So you typically do not receive letters coming
 4 into the jail now unless --
 5 A. Typically not.
 6 Q. -- unless they're legal mail; is that right?
 7 A. Right.
 8 MS. CHAMBERLAIN: For the record, we're just
 9 about out of tape.
 10 MR. WING: That's okay. I don't think we
 11 need the tape to finish this up.
 12 Q. BY MR. WING: You do not do not typically take
 13 stamps off of the mail that comes in; is that
 14 correct?
 15 A. Uh-huh.
 16 Q. Is that true?
 17 A. Yes.
 18 Q. Was there a time that you did take stamps off?
 19 A. Yes. When it was envelopes.
 20 Q. Why?
 21 A. That was just how we did at the time.
 22 Q. What were you instructed was the reason?
 23 A. Could be something hidden underneath it.
 24 Q. Wouldn't that be true on --
 25 A. Yeah.

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1 Q. -- postcards, too?
 2 A. Yes.
 3 Q. So what have you been told about why that
 4 process has changed and you no longer take the
 5 stamps off?
 6 A. Nothing.
 7 Q. And did that happen when you, did you no longer
 8 take the stamps off once they were just
 9 postcards?
 10 A. Yes.
 11 Q. When prisoners were allowed to receive
 12 letters --
 13 A. Because, frankly, a lot of times they're getting
 14 photographs and we're not really going to cut
 15 off the corner of a photograph or we're not
 16 going to mangle it unless it looks like there
 17 may be a reason to.
 18 Q. Before the postcard-only policy was in place,
 19 did you take the stamps off of both letters and
 20 postcards?
 21 A. I believe it was just letters at the time, too.
 22 Q. So the postcards could have stamps on them and
 23 you would not take them off when letters were
 24 allowed also, is that your recollection?
 25 A. I don't really have a recollection of anything

24 (Pages 90 to 93)

Miller, Raquel

May 9, 2012

<p style="text-align: right;">Page 98</p> <p>1 Eagle if you thought somebody was violating the 2 law?</p> <p>3 A. No. If, if somebody was violating the law and I 4 had questions, I would double-check with my 5 supervisor and then I would go ahead and say, 6 okay, yeah, it sounds like they might be. If -- 7 Let me back up a little bit.</p> <p>8 Q. Okay.</p> <p>9 A. If I thought they were violating the law, I 10 would write a report in Golden Eagle and then I 11 would refer it to the DA. And then they could 12 make that call. If it was a blatant, you know, 13 we test-stripped it and it was, you know, heroin 14 or something on incoming mail, then that would 15 go into evidence and you could take the same 16 process.</p> <p>17 Q. Okay.</p> <p>18 A. Sorry.</p> <p>19 Q. It's okay. We're just about done here. 20 So you would also write an incident report 21 if somebody committed a crime here?</p> <p>22 A. Yes.</p> <p>23 Q. An assault on somebody?</p> <p>24 A. It would be in a different section of the 25 computer.</p>	<p style="text-align: right;">Page 100</p> <p>1 A. Well, we have two guys who are the Golden Eagle 2 experts.</p> <p>3 Q. And who are they?</p> <p>4 A. Sergeant Cutright and Deputy McDowall. So there 5 is a way to pull up type. Here we go. The 6 mail.</p> <p>7 Q. Okay.</p> <p>8 A. That would be it.</p> <p>9 Q. And so if you click that, what happens?</p> <p>10 A. Well, that's not going to show me anything 11 there. So I'd have to come out here.</p> <p>12 Q. And did you click something that indicates this 13 is all having to do with mail?</p> <p>14 A. Yes. But it looks like a couple of them are 15 possibly something else.</p> <p>16 Q. So some of them are just --</p> <p>17 A. And some of them are just requesting permission. 18 Some of them they're writing them and we're not 19 sure they're in trouble. Some of them were 20 disrespectful. So there's so many different 21 things here.</p> <p>22 Q. Okay. And all those, you know what period of 23 time?</p> <p>24 A. And it's not in order. Looks like 2009 was the, 25 oh, you know what? Now we're just going up.</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. So you have a section of the computer that's 2 dedicated just to mail violations --</p> <p>3 A. No.</p> <p>4 Q. -- violations of the law?</p> <p>5 A. No. Just to any behavioral, well, any general 6 incident. But if it's a known violation and 7 we're going to be pressing charges because 8 they've destroyed a cell or we've got videotape 9 of them assaulting another inmate, then we're 10 going to put it under case files.</p> <p>11 Q. Okay. So you have incident reports and then 12 somewhere else you have case files?</p> <p>13 A. Right.</p> <p>14 Q. And do you know whether you have any incidents 15 regarding prisoners misusing the mail?</p> <p>16 A. I'd have to see if we had a code for it. We've 17 changed the codes a couple times.</p> <p>18 Q. Okay. So you think there might be a specific 19 code for that?</p> <p>20 A. There could be.</p> <p>21 Q. Can you check, please?</p> <p>22 A. Again, this isn't my level of expertise, so 23 somebody might know a better way to pull it up. 24 But I will try to find it for you here.</p> <p>25 Q. Is there somebody here who has that expertise?</p>	<p style="text-align: right;">Page 101</p> <p>1 These are all different things. These aren't 2 even mail anymore.</p> <p>3 Q. Okay. All right. I think during the inspection 4 we looked at some places where there was 5 information about mail. One of them was the day 6 room; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And do you know what was in the day room 9 regarding mail?</p> <p>10 A. Yeah. The inmate mail guide.</p> <p>11 Q. Okay. And besides that, is there an inmate 12 manual?</p> <p>13 A. There is, and it's being revised at this time --</p> <p>14 Q. When was the last time --</p> <p>15 A. -- to reflect that.</p> <p>16 Q. -- it was revised?</p> <p>17 A. I would have to look at the inmate manual to see 18 that.</p> <p>19 Q. And where is one kept?</p> <p>20 A. In the property room. There might be one 21 actually sitting out. November 18th, 2010, was 22 the last revision.</p> <p>23 Q. And do inmates receive copies of these?</p> <p>24 A. Yes.</p> <p>25 Q. When?</p>

26 (Pages 98 to 101)

Beovich Walter & Friend

WING DECL; Exhibit III; Page 13 of 15

<p style="text-align: right;">Page 102</p> <p>1 A. When they come in. We give them to them in 2 their tote and it's the inmate rules. 3 Q. Okay. And this particular one, what, what's it 4 serving its purpose where you found it? 5 A. I think somebody just got released and I left 6 it. 7 Q. Okay. So you got this back? 8 A. Yes. 9 Q. So an inmate who was arrested today -- 10 A. Uh-huh. 11 Q. -- would that inmate have received this inmate 12 manual? 13 A. Yes. 14 Q. Okay. 15 A. We're making several changes, dress codes and 16 whatnot. 17 Q. Okay. 18 A. Some people need us to be more specific. 19 Q. Okay. I'd like that to get marked as Exhibit 5. 20 A. Would you like a clean one? 21 Q. Do you have a clean one? 22 A. Yeah. 23 Q. That would be fine. Okay. So you are handing 24 me a clean copy of what, the inmate manual that 25 prisoners are given today, yesterday, last week;</p>	<p style="text-align: right;">Page 104</p> <p>1 things. To ask us, we'll help you. Well, for 2 silly things, to ask for a postcard, just ask 3 one of us to get you a postcard instead of 4 putting it on writing that you need a postcard. 5 That is just another step and takes longer to 6 get your postcard. 7 Q. I think the word she said was kyte. 8 A. Kyte. 9 Q. Okay. Apart from you as being a resource and 10 the inmate guide that's found in the day room, 11 is there any other, and the inmate manual that 12 they get when they come into the jail, is there 13 any other written resource for prisoners about 14 what the mail policy is? 15 A. No. 16 Q. Okay. And the staff who need to look at the 17 mail policy look on the computer? 18 A. Yes. 19 Q. Okay. Anywhere else that they look at? 20 A. They can print one out like I did if it's easier 21 to read that way. 22 Q. And if the public -- What's available to the 23 public? 24 A. Right now it's under construction in the 25 website. That's not the word that's used.</p>
<p style="text-align: right;">Page 103</p> <p>1 is that correct? 2 A. Yes. 3 Q. Okay. We will mark that as Exhibit 5. 4 (Exhibit 5 marked for identification.) 5 THE WITNESS: There's a Spanish version. 6 Q. BY MR. WING: Okay. And do you know whether 7 it's the same? 8 A. Yes. 9 Q. It is the same? 10 A. Yeah. We had it translated. 11 Q. Okay. And I don't know if you already answered 12 this question, but in the day room it's the 13 inmate mail guide. 14 A. Yes. 15 Q. Is there anything else in the day room regarding 16 the mail that you know of? 17 A. No. 18 Q. Is there anywhere else in the jail that anything 19 regarding the mail policies is posted or made 20 available to staff or prisoners? 21 A. Us. We come around constantly. They can ask us 22 questions. 23 Q. Okay. 24 A. We're a good resource for all their questions. 25 And we tell them don't write kytes for silly</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. Okay. And so if the public asks what the mail 2 policy is, what does the jail tell them? 3 A. Well, we tell them to, well, we tell them that 4 it's under, that it's in the process of being 5 changed. Is that what you mean? 6 Q. I'm asking if somebody calls up and says, I need 7 to know what the mail policy is so I can comply 8 with it, what does the jail tell the member of 9 the public? 10 A. Oh, I just tell them just send in a postcard of 11 any, any kind. Make sure that there's no 12 stickers or glitter, no glue, no, you know, 13 shiny pens and no lipstick, no perfume. 14 Q. And this is all oral; is that right? 15 A. Yeah. 16 Q. Okay. So you don't provide them with pamphlet 17 or a copy of the mail policy or the inmate 18 manuals -- 19 A. We're in the jail, so we don't see the public. 20 I mean, it's only over the phone. So -- 21 Q. Is there a recording ever of what the mail 22 policy is, telephone recording? 23 A. I'm not aware of one, but there could be. 24 Q. If you would for clarification, this is the last 25 thing, could you just tell us where you took us</p>

Miller, Raquel

May 9, 2012

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that RAQUEL MILLER personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 107, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 5th day of June, 2012.



Aleshia K. Macom
Aleshia K. Macom
CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT IV
TO
DECLARATION OF JESSE WING
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4
5 PRISON LEGAL NEWS, a project

6 of the Human Rights Defense

7 Center,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; COLUMBIA

11 COUNTY SHERIFF'S OFFICE; JEFF

12 DICKERSON, individually and

13 in his capacity as Columbia

14 County Sheriff,

15 Defendants.

16
17
18
19
20 DEPOSITION OF JIM CARPENTER

21 Taken in behalf of Plaintiff

22 July 5, 2012

Carpenter, Jim

July 5, 2012

<p style="text-align: right;">Page 6</p> <p>1 proceeding regarding the Columbia County Jail's</p> <p>2 mail practices?</p> <p>3 A. No.</p> <p>4 Q. What about censorship of mail at Columbia County</p> <p>5 Jail?</p> <p>6 A. No.</p> <p>7 Q. In preparation for your deposition did you speak</p> <p>8 with the sheriff?</p> <p>9 A. No.</p> <p>10 Q. In preparation for your deposition did you speak</p> <p>11 with Sergeant Carpenter?</p> <p>12 A. That's me.</p> <p>13 Q. You're right. In preparation for your</p> <p>14 deposition did you speak with Sergeant Cutright?</p> <p>15 A. No.</p> <p>16 Q. What about Undersheriff Moyer?</p> <p>17 A. No.</p> <p>18 MR. KRAEMER: Well, wait a minute. I met</p> <p>19 with him and Undersheriff Moyer. And I'm</p> <p>20 assuming you're not asking for attorney-client</p> <p>21 privileged information.</p> <p>22 MS. CHAMBERLAIN: I am not asking for</p> <p>23 attorney-client privileged information.</p> <p>24 Q. BY MS. CHAMBERLAIN: Outside -- Is Mr. Kraemer</p> <p>25 your attorney?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Between five and 10 hours a week.</p> <p>2 Q. When did you first start working for the</p> <p>3 Columbia County Sheriff's Office?</p> <p>4 A. I believe it was, well, it was 22 years ago.</p> <p>5 Q. Okay.</p> <p>6 A. I know it was in December.</p> <p>7 Q. It was in the '80s or the '90s?</p> <p>8 A. It was in the '80s, I believe.</p> <p>9 Q. Okay. Have you been consistently employed by</p> <p>10 the Columbia County Sheriff's Office since you</p> <p>11 first started working there 22 years ago?</p> <p>12 A. No. I retired in June of, June 30th of a year</p> <p>13 ago.</p> <p>14 Q. 2011?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So between the time that you started</p> <p>17 working for the Columbia County Sheriff's Office</p> <p>18 and when you retired in June 2011 did you</p> <p>19 consistently work there?</p> <p>20 A. Yes.</p> <p>21 Q. Can you briefly describe for me your career</p> <p>22 before you started working for the Columbia</p> <p>23 County Sheriff's Office?</p> <p>24 A. Before?</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And outside, other than any meetings you</p> <p>3 had with your lawyer, did you speak with the</p> <p>4 sheriff --</p> <p>5 A. No.</p> <p>6 Q. -- in preparation for your deposition?</p> <p>7 A. No.</p> <p>8 Q. Did you speak with Sergeant Cutright in</p> <p>9 preparation?</p> <p>10 A. No.</p> <p>11 Q. Did you speak with Undersheriff Moyer?</p> <p>12 A. No.</p> <p>13 Q. Did you speak with anyone in preparation for</p> <p>14 your deposition other than your lawyer?</p> <p>15 A. Other than my lawyer, no.</p> <p>16 Q. Did you look at any documents in preparation for</p> <p>17 your deposition?</p> <p>18 A. No.</p> <p>19 Q. Who is your current employer?</p> <p>20 A. Pardon me?</p> <p>21 Q. Who's your current employer?</p> <p>22 A. Well, I have a current part-time employer.</p> <p>23 Q. Who's that?</p> <p>24 A. Would be Columbia County Sheriff's Office.</p> <p>25 Q. How part time are you?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I worked in the restaurant business. I worked</p> <p>2 in the exhaust business and I, I think that's</p> <p>3 about it.</p> <p>4 Q. What about your career in law enforcement, did</p> <p>5 that begin at the Columbia County Sheriff's</p> <p>6 Office?</p> <p>7 A. Yes.</p> <p>8 Q. So when did you go to the academy?</p> <p>9 A. Shortly after I started the sheriff's office</p> <p>10 full time.</p> <p>11 Q. And when did you become the Columbia County</p> <p>12 Sheriff's Office jail commander?</p> <p>13 A. About two years before I retired.</p> <p>14 Q. So in 2009?</p> <p>15 A. Yeah.</p> <p>16 Q. Okay. I believe the sheriff, Sheriff Dickerson</p> <p>17 took office in January 2009?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Was it sometime after that?</p> <p>20 A. Sometime after that, yes.</p> <p>21 Q. Would you please briefly describe for me your</p> <p>22 career at the Columbia County Sheriff's Office</p> <p>23 prior to becoming jail commander in 2009.</p> <p>24 A. Wow. I started off as a deputy. I worked as a</p> <p>25 deputy for many years. When we, when we built a</p>

3 (Pages 6 to 9)

Beovich Walter & Friend

WING DECL; Exhibit IV; Page 3 of 6

<p style="text-align: right;">Page 26</p> <p>1 Q. What about when you were sergeant?</p> <p>2 A. I don't remember.</p> <p>3 Q. Can you tell me whether you inspected the mail</p> <p>4 in the last five years?</p> <p>5 A. No.</p> <p>6 Q. You have not?</p> <p>7 A. No.</p> <p>8 Q. Okay. So I was asking you about when you first</p> <p>9 learned of a jail adopting a postcard-only</p> <p>10 policy in Arizona and asked you what you thought</p> <p>11 about that. And you said you thought it might</p> <p>12 be a safe thing to do because of the anthrax</p> <p>13 scare in 2002.</p> <p>14 A. Just because of the safety and security of the</p> <p>15 jail.</p> <p>16 Q. Tell me about that.</p> <p>17 A. Well, I guess, let me see. Over the years</p> <p>18 there's always been discussion about what could</p> <p>19 come into the jail in mail. That's why we</p> <p>20 inspect it. And so the discussion about</p> <p>21 postcards was a discussion about less chance of</p> <p>22 contraband coming into the jail.</p> <p>23 Q. During your 22 years with Columbia County</p> <p>24 Sheriff's Office, was there ever a problem with</p> <p>25 contraband coming in through the mail?</p>	<p style="text-align: right;">Page 28</p> <p>1 it if it was on the glue part of the envelope,</p> <p>2 but on the stamp, we at the time tore the stamps</p> <p>3 off of all the envelopes before we gave them to</p> <p>4 the inmate.</p> <p>5 Q. And then did the jail do any testing of any</p> <p>6 residue that was left under the stamp?</p> <p>7 A. No.</p> <p>8 Q. Okay. You mentioned this one instance where</p> <p>9 there was talk about drugs coming in. Do you</p> <p>10 know whether there was any investigation or</p> <p>11 conclusion?</p> <p>12 A. I don't know.</p> <p>13 Q. You don't know whether drugs actually came in?</p> <p>14 A. No.</p> <p>15 Q. Other than that one instance, can you think of</p> <p>16 any other instances where contraband came in</p> <p>17 through the mail or alleged contraband came in</p> <p>18 through the mail?</p> <p>19 A. No.</p> <p>20 Q. So why did you think that a postcard-only policy</p> <p>21 would be -- Strike that. Why did you think a</p> <p>22 postcard-only policy would help with safety and</p> <p>23 security of the jail?</p> <p>24 A. Because we felt that or I felt that if a person</p> <p>25 doesn't have a place to hide a contraband, it</p>
<p style="text-align: right;">Page 27</p> <p>1 A. There was talk about drugs coming in once.</p> <p>2 Q. What do you know about that?</p> <p>3 A. Just that the talk was it came under a stamp.</p> <p>4 Q. What kind of drugs?</p> <p>5 A. I don't remember.</p> <p>6 Q. When was that?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. When you say there was talk about drugs,</p> <p>9 what do you mean by that?</p> <p>10 A. Well, when we had, when we had training with our</p> <p>11 employees, we would always talk about the</p> <p>12 possibility of contraband coming into the jail.</p> <p>13 And through that conversation there was talk</p> <p>14 about illegal drug coming in underneath the</p> <p>15 stamp or on the glue part of an envelope. And</p> <p>16 so we always told, we were always told and we</p> <p>17 passed that along to people that we trained that</p> <p>18 that was always a possibility. You had to be</p> <p>19 very cognizant of that.</p> <p>20 Q. So when you trained the jail staff that</p> <p>21 processed the mail, how did you train them to</p> <p>22 look out for or discover drugs that might be</p> <p>23 under a stamp or in the sealed part of an</p> <p>24 envelope?</p> <p>25 A. There really wasn't any good way of discovering</p>	<p style="text-align: right;">Page 29</p> <p>1 makes it less likely that it would come into the</p> <p>2 jail through the mail.</p> <p>3 Q. So can you describe for me, how is using</p> <p>4 postcards and not envelopes, how was there less</p> <p>5 place to hide contraband?</p> <p>6 A. Well, a postcard is flat and doesn't have any</p> <p>7 seams or anyplace to hide contraband.</p> <p>8 Q. Stamps were also used to send postcards; is that</p> <p>9 right?</p> <p>10 A. To send postcards, when I was a jail commander</p> <p>11 we took the postcards without stamps and the,</p> <p>12 our mail person at the courthouse ran them</p> <p>13 through a machine. So there were no stamps on</p> <p>14 them.</p> <p>15 Q. Do you mean the outgoing postcards?</p> <p>16 A. Yes. That's what you asked me, I think.</p> <p>17 Q. Assuming the postcards that the jail made</p> <p>18 available for purchase by the --</p> <p>19 A. Correct.</p> <p>20 Q. -- inmates?</p> <p>21 A. Correct.</p> <p>22 Q. What about incoming postcards, did those have</p> <p>23 stamps?</p> <p>24 A. Some did. Some were prestamped.</p> <p>25 Q. So the jail staff would process the mail, they</p>

Carpenter, Jim

July 5, 2012

<p style="text-align: right;">Page 74</p> <p>1 this is one that you reviewed?</p> <p>2 A. I can't.</p> <p>3 Q. I'll just note on the first page, CC82 is in the</p> <p>4 bottom right corner there. In the bottom left</p> <p>5 it says 2009.</p> <p>6 A. Uh-huh.</p> <p>7 Q. You were the jail commander in 2009; is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And does identifying that year refresh</p> <p>11 your recollection about whether or not this is</p> <p>12 an inmate manual that you reviewed?</p> <p>13 A. Yes.</p> <p>14 Q. It is?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. I'd like to direct your attention to</p> <p>17 page 11. The page numbers are in the bottom</p> <p>18 left corner.</p> <p>19 A. Okay.</p> <p>20 Q. So you previously testified that the mail policy</p> <p>21 is something you reviewed in the manual; is that</p> <p>22 right?</p> <p>23 A. I'm sorry. What?</p> <p>24 Q. The mail policy is something you reviewed in the</p> <p>25 manual; is that correct?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. And you were hired in approximately 1989, is</p> <p>2 that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. Okay. So do you mean that between 1989 and</p> <p>5 2009, the date on this inmate manual, the jail</p> <p>6 had never accepted magazines?</p> <p>7 MR. KRAEMER: Object to form.</p> <p>8 THE WITNESS: Pardon me?</p> <p>9 MR. KRAEMER: I'm just making an objection</p> <p>10 to the form of the question.</p> <p>11 THE WITNESS: Oh. As far as I know. As far</p> <p>12 as I can remember.</p> <p>13 Q. BY MS. CHAMBERLAIN: Had you ever seen a</p> <p>14 magazine in the jail?</p> <p>15 A. I remember a specific magazine in the old jail</p> <p>16 when I first started that was a motorcycle</p> <p>17 magazine and it had sexually explicit material</p> <p>18 in it and we didn't accept it. It's the only</p> <p>19 one I can remember.</p> <p>20 Q. Do you mean you saw it coming in through the</p> <p>21 mail?</p> <p>22 A. Yes.</p> <p>23 Q. And it got rejected?</p> <p>24 A. Yes.</p> <p>25 Q. And other than that, you never saw a magazine in</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes.</p> <p>2 Q. And here we're looking at the part of the inmate</p> <p>3 manual that addresses the mail; is that correct?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Yes?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, I see towards the bottom of the</p> <p>8 page, do you see where it says "publications" in</p> <p>9 bold?</p> <p>10 A. Yes.</p> <p>11 Q. It says, "we do not accept magazines" right</p> <p>12 under --</p> <p>13 A. Yes.</p> <p>14 Q. Was that the policy of the Columbia County Jail</p> <p>15 when you were jail commander?</p> <p>16 A. It was the procedure. I don't know that it was</p> <p>17 the policy.</p> <p>18 Q. What do you mean it was the procedure?</p> <p>19 A. As long as I worked at the jail, that I can</p> <p>20 remember, we never accepted magazines.</p> <p>21 Q. Why is that?</p> <p>22 A. Because, well, one of the reasons was because we</p> <p>23 didn't accept sexually explicit material and I</p> <p>24 think at the old jail it was because we didn't</p> <p>25 accept staples in magazines.</p>	<p style="text-align: right;">Page 77</p> <p>1 the jail?</p> <p>2 A. No.</p> <p>3 Q. Okay. Is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. We had a double negative there.</p> <p>6 A. Yes. That's correct.</p> <p>7 Q. Okay. And when you say it was your procedure,</p> <p>8 you don't know if it was your practice, what do</p> <p>9 you mean, you don't know --</p> <p>10 A. It was our practice.</p> <p>11 Q. Excuse me. Strike that. I think you testified</p> <p>12 it was your procedure, you don't know if it was</p> <p>13 your policy?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. What do you mean by that?</p> <p>16 A. Well, I don't remember if it was in our policy</p> <p>17 or not. I do remember that that was our</p> <p>18 procedure.</p> <p>19 Q. Okay.</p> <p>20 A. That we didn't accept them.</p> <p>21 Q. And did you ever get questions from inmates</p> <p>22 about whether or not they could receive</p> <p>23 magazines in the jail?</p> <p>24 A. Did I get a request from? Not that I can</p> <p>25 remember.</p>

20 (Pages 74 to 77)

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Carpenter, Jim

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C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that JIM CARPENTER personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 143, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 18th day of July, 2012.



Aleshia K. Macom

CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT V
TO
DECLARATION OF JESSE WING
IN SUPPORT OF PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT ON CLAIMS FOR
DECLARATORY AND INJUNCTIVE RELIEF

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF OREGON

3 PORTLAND DIVISION

4
5 PRISON LEGAL NEWS, a project

6 of the Human Rights Defense

7 Center,

No. 3:12-CV-71-SI

8 Plaintiff,

9 v.

10 COLUMBIA COUNTY; COLUMBIA

11 COUNTY SHERIFF'S OFFICE; JEFF

12 DICKERSON, individually and

13 in his capacity as Columbia

14 County Sheriff,

15 Defendants.

16
17
18
19
20 DEPOSITION OF ANDREW MOYER

21 Taken in behalf of Plaintiff

22 July 6, 2012

Moyer, Andrew

July 6, 2012

<p style="text-align: right;">Page 38</p> <p>1 legislation of, for example, the crime of DUI, 2 if they want to add something or take something 3 out of a statute, they would maybe ask us to do 4 some research on that. 5 Q. Okay. What other command councils have you sat 6 on? 7 A. I don't serve on any other boards; however, I 8 attend meetings on the search and rescue 9 advisory council and the jail command council. 10 Q. When did you start attending meetings of the 11 command council on the jail? 12 A. Sometime after July of 2011. I'm not sure when 13 I attended the first one. There are three or 14 four a year. I believe probably December of 15 2011. 16 Q. What caused you to start attending those command 17 councils regarding the jail? 18 A. Being that we lost our jail commander position 19 due to budget. 20 Q. Did you assume the responsibilities of the jail 21 commander once you lost that position? 22 A. Some of them, yes. 23 Q. Which ones? 24 A. I would say most of the administrative. 25 Q. Could you explain what those are.</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Not the day-to-day duties of a deputy, but the 2 administrative duties. 3 Q. Okay. So Captain Carpenter retired. 4 A. Yes. 5 Q. About a year ago? 6 A. It was June 30th of 2010. No. 2011. 7 Q. Just about a year ago; right? 8 A. Yes. 9 Q. You assumed the administrative responsibilities 10 of his job at that point? 11 A. Yeah. Some of them were split up. Some of the 12 financial stuff were given to Millie. Some of 13 the duties we passed along to the sergeants and 14 then I took on a lot of them. And the reason 15 why it was split up is because I'm still 16 overseeing a lot of the enforcement duties and 17 search and rescue. So I didn't necessarily take 18 on all of his assigned duties. 19 Q. So who took on the responsibility of supervising 20 the sergeants? 21 A. I did. 22 Q. Okay. And you started that when captain 23 Carpenter retired? 24 A. Yes. 25 Q. Okay. How did you, since that time how did you</p>
<p style="text-align: right;">Page 39</p> <p>1 A. Well, I guess maybe the hiring meetings, like 2 meeting with a medical contractor, the food 3 contractor, assisting and ordering and 4 purchasing type stuff. 5 Q. And at some point did you assume other duties 6 besides those administrative tasks? 7 A. I guess I'm not sure what you're... 8 Q. Okay. Was there ever -- 9 A. I'm always assuming more duties. So I don't 10 know what you mean by that. 11 Q. All right. Did the jail commander position ever 12 have a written job description? 13 A. Yes. I believe so. 14 Q. And where would that be kept? 15 A. I assume with our, with the county's HR. I'm 16 sure the sheriff has a copy. 17 Q. Have you ever read it? 18 A. I don't recall. 19 Q. Do you know what responsibilities the jail 20 commander had when you had one? 21 A. In general. 22 Q. What would you say those were? 23 A. To supervise the sergeants and perform the 24 administrative duties to run the jail. 25 Q. Two basic --</p>	<p style="text-align: right;">Page 41</p> <p>1 go about adding that responsibility to your -- 2 adding that responsibility to your weekly and 3 daily duties? 4 A. Of, of my duties as jail commander or specific 5 to supervising the sergeants? 6 Q. Well, if I understood you, there are two 7 overarching components of the jail commander 8 position at the time you took it over and one is 9 supervising the sergeants and the other is the 10 relatively high-level administrative 11 responsibilities. Is that a fair summary? 12 A. Yes. 13 Q. Okay. We've talked about how you took over some 14 of the administrative responsibilities and how 15 others were given to other people; right? 16 A. (No audible response.) 17 Q. Is that correct? 18 A. Yes. 19 Q. And the other major component was supervising 20 the sergeants, which you solely took over; 21 right? 22 A. Yes. 23 Q. I want to know how you went about supervising 24 the sergeants -- 25 A. Okay.</p>

11 (Pages 38 to 41)

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<p>1 Q. -- since, you know, you took over that 2 responsibility. 3 A. I would communicate with them. I would have 4 meetings with them. 5 Q. How did that work out? 6 A. I think fairly well. 7 Q. All of them have lost their job; right? 8 A. Yes. 9 Q. Was the fact that they all lost their job within 10 a year not a reflection on the fact that the way 11 that system was set up was not working very 12 well? 13 A. No. The reason they were laid off was a 14 budgetary reason. 15 Q. So if the budget had not changed, they would 16 still all be employed? 17 A. Yes. We cut over \$700,000 from our budget. 18 Q. Okay. When you said you communicated with them, 19 please explain the kinds of communications that 20 you had with them that constituted supervision. 21 A. E-mail, phone, in person, in meetings. I would, 22 I would spend more time back in the jail. I 23 would do rounds with them and the deputies. I 24 would observe formal inmate counts and rounds. 25 I would observe serving meals. I would observe</p>	<p>1 traveled upon. It was just done in the booking 2 office. So I just didn't, I didn't spend a lot 3 of time in the booking office. I would go, stay 4 mobile in the jail and move around. 5 Q. Was it a component of your responsibility to 6 make sure that the mail policies were being 7 complied with by your staff? 8 A. Indirectly, yes. 9 Q. And who directly had that responsibility? 10 A. The sergeants. 11 Q. Did you in the past year issue performance 12 evaluations to the sergeants in the jail? 13 A. Sergeant Cutright. 14 Q. And why only him? 15 A. Timing, both -- Some of them were not up for 16 their evaluation yet and timing as far as my 17 schedule goes. 18 Q. And what kind of evaluation did you give 19 Sergeant Cutright? 20 A. Just a, I guess you would -- 21 MR. ROBERSON: Without getting into the 22 details of the evaluation. 23 THE WITNESS: Just a performance evaluation. 24 Q. BY MR. WING: I guess I should be more specific. 25 Was it a good performance evaluation? A</p>
Page 43	Page 45
<p>1 shakedown, pod shakedowns. 2 Q. Pot shakedowns? 3 A. Pod. 4 Q. Oh, pod, P O D? 5 A. Yes. 6 Q. Any other activities that you would observe that 7 were conducted in the jail? 8 A. I would observe people being booked in. I 9 observed the kitchen workers, I performed jail 10 tours with or without a sergeant. So observing 11 the sergeants do that. 12 Q. Tours for whom? 13 A. Grand jury tours, public tours, people from the 14 public. 15 Q. Okay. 16 A. And partnering, our partners as far as other 17 agencies, elected officials, that type of stuff. 18 Q. Okay. Any other activities that you observed in 19 the jail? 20 A. Probably. I'm trying to think. There's a lot 21 of activities. I did not, to my knowledge, 22 observe people sorting mail. 23 Q. Why not? 24 A. I did not observe deputies sorting mail mainly 25 because it wasn't a duty that was, you know,</p>	<p>1 negative performance evaluation? 2 MR. ROBERSON: Object. I instruct you not 3 to answer. I'm reminding you or reminding 4 myself actually that we've given you several 5 state statutes before in response to your 6 request for production. I assume the same 7 would, the same with your deposition questioning 8 that make disciplinary and personnel matters, 9 which I include evaluations under confidential 10 and privileged. I'm instructing Undersheriff 11 Moyer not to answer on that basis. 12 Further, I'll withdraw my earlier objection 13 that the question is not reasonably calculated 14 to lead to the discovery of admissible evidence. 15 MR. WING: So just to restate, it's your 16 position that a state public records act 17 provision prevents us from inquiring under 18 federal discovery rules? So despite the 19 supremacy clause, that's your position? 20 MR. ROBERSON: We've cited three state 21 statutes, two of them I believe are in the 22 public records. The third one is I believe more 23 of a personnel statute. And yes, we are relying 24 on those. 25 Q. BY MR. WING: Okay. Okay. Did you evaluate</p>

12 (Pages 42 to 45)

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<p>1 Sergeant Cutright at all? Not asking you for 2 what you decided about him. I'm asking you 3 whether your performance evaluation included at 4 all your view of his supervising the mail 5 process? Is that a component? 6 MR. ROBERSON: Object. I'll instruct you 7 not to answer. Same objections. 8 MR. WING: You're going to tell him not to 9 tell us whether Sergeant Cutright was evaluated 10 on his responsibility over the mail process? 11 MR. ROBERSON: Correct. 12 Q. BY MR. WING: Have you ever evaluated any 13 employee based on their handling of the mail 14 process in the jail? 15 MR. ROBERSON: Object. Same objections. 16 Q. BY MR. WING: Have you personally ever conducted 17 the mail sorting, the mail processing? 18 A. No. 19 Q. And as you sit here, you've never observed it; 20 is that correct? 21 A. Yes. 22 Q. Do you have any knowledge about how the mail 23 process has changed over time since you became 24 the undersheriff? 25 A. Yes.</p>	<p>1 is. 2 A. Yeah. Incorrect. I do recall having a 3 discussion. 4 Q. With whom? 5 A. Prior to that. I am not exactly sure. I just 6 remember having a discussion. I believe it was 7 with Sheriff Dickerson and my guess is it would 8 be Captain Carpenter in regards to going to 9 postcards for personal mail. 10 Q. Why do you use the term "for personal mail"? 11 A. Because I believe that was what the policy was, 12 the change was for. 13 Q. And what is your understanding of what personal 14 mail as used in that context was at the time? 15 A. Personal mail between inmates and their friends 16 and family. 17 Q. As opposed to inmates and -- 18 A. Their attorneys. 19 Q. Okay. So you just mean nonlegal mail? 20 A. Or official mail. 21 Q. And how would you define official mail? 22 A. I believe it's, without looking at a policy, 23 which might be a better idea to refresh my 24 memory. 25 Q. That's fine. I guess I want to distinguish</p>
Page 47	Page 49
<p>1 Q. And what is the basis of your knowledge? 2 A. Well, since late January, early February of this 3 year we've changed our policy several times. 4 Q. Did you participate in changing the policy? 5 A. Yes. 6 Q. In what way? 7 A. Discussion. 8 Q. With whom? 9 A. County counsel Sarah Hanson and Sheriff 10 Dickerson, the jail sergeants. 11 Q. Is that all together or separate? 12 A. Separate. Some of those might have been 13 together as well. I mean, we've had lots of 14 talks, obviously, and possibly would have 15 included deputies on some of those discussions. 16 Q. Were you involved in any way in the mail policy 17 before January of 2012? 18 A. No. 19 Q. Never participated in discussions about changing 20 the policy? 21 A. No. 22 Q. Is that correct? 23 A. Oh, incorrect. 24 Q. Okay. Also I'm trying to avoid the double 25 negative so that we're clear on what your answer</p>	<p>1 between legal mail, which is with attorneys, and 2 official mail, I think you're suggesting might 3 be with other government officials -- 4 A. Yes. 5 Q. -- as opposed to let's say businesses? 6 A. Yes. 7 Q. Do you include businesses in personal mail or in 8 official mail, as you understood it? 9 A. I don't know. 10 Q. You don't remember? 11 A. And I didn't have, I didn't get that depth of 12 conversation in regards to that policy. I 13 wasn't overseeing the jail then. 14 Q. Okay. At the time that you had a discussion, 15 you believe, with Sheriff Dickerson and Captain 16 Carpenter, did you have a position on whether 17 the jail should adopt a postcard-only policy for 18 personal mail? 19 A. I don't recall if I said yea or nay, to be 20 honest. 21 Q. Did you at any time participate in evaluating 22 the pros and cons of adopting a postcard-only 23 policy for personal mail? 24 A. I don't remember. 25 Q. You, at some point, learned that Sheriff</p>

13 (Pages 46 to 49)

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<p style="text-align: right;">Page 50</p> <p>1 Dickerson had decided to go to a postcard-only 2 policy; right? 3 A. Yes. 4 Q. Did he tell you? 5 A. I don't remember who told me. 6 Q. Did he show you the policy? 7 A. I don't think he did. 8 Q. Had you ever read the mail policy before January 9 of 2012? 10 A. No. 11 Q. You are familiar with the concept of an inmate 12 manual; is that right? 13 A. Yes. 14 Q. Have you ever read that? 15 A. Not word for word. I've read sections. 16 Q. Which sections have you read? 17 A. I couldn't tell you off the top of my head. 18 Q. What causes you to think that you've read any of 19 them? 20 A. When I have, have had dealings with inmates 21 since being back in the jail more often, I have 22 reviewed certain sections when they have said I 23 didn't violate this because or the inmate manual 24 doesn't say this or then I'd go back and read 25 it.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I don't remember. 2 Q. Within the past month or six weeks; is that 3 right? 4 A. Probably longer than that. 5 Q. The inmate manual that was in existence in 2011 6 continued to be in existence until late May, 7 isn't that right, 2012? 8 A. I don't remember the exact date. I would say 9 sometime in May. I don't know -- 10 Q. Of 2012? 11 A. Yes. I'm not sure it was late May. 12 Q. Okay. Do you have knowledge of whether the jail 13 staff are expected to remove stamps from mail 14 when it comes in? 15 A. Are you asking prior -- 16 Q. Has it changed? 17 A. Without looking at a policy, I don't know if I 18 can answer that. 19 Q. Well, just for now I'd like you to tell me what 20 you know. 21 MR. ROBERSON: And you can answer if you 22 don't know. 23 THE WITNESS: I don't know. 24 Q. BY MR. WING: Okay. What time of day or night 25 is the mail processed, incoming mail?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Were any of those portions regarding inmate 2 mail? 3 A. No. 4 Q. I think you said the phrase "back in the jail." 5 Was there a time that you used to be in the 6 jail? 7 A. No. I meant, we call it "back there" because 8 most of our offices we call, I guess we say "out 9 front." 10 Q. Okay. 11 A. And so when we go back in the jail, I would 12 tell, you know, someone I'm going back in the 13 jail. That's what I meant. 14 Q. Okay. 15 A. Sorry. 16 Q. That's all right. So as you sit here today, 17 you've never read the inmate mail portion of the 18 inmate manual; is that correct? 19 A. I believe I've read newer versions of the mail 20 part but not, not in the manual itself, you 21 know, just those versions. 22 Q. Somebody's given you a draft? 23 A. Yes. 24 Q. And when do you think the first time is that you 25 read a newer version?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Now? 2 Q. Yes. 3 A. On our night shift. 4 Q. When was it before? 5 A. Before when? 6 Q. Before now. 7 A. Before January? Well, we've had several 8 policies. So prior, to my knowledge, prior to 9 our new policy, which took effect in, our old 10 new policy which took effect late January, early 11 February of 2012, prior to that I believe it was 12 day shift. 13 Q. Okay. So if I understand you, before late 14 January 2012, the mail was processed during day 15 shift? 16 A. I believe so. 17 Q. Okay. And what was the purpose for the change 18 in time? 19 A. After, after talking with Sergeant Cutright and 20 Sergeant Rigdon, the three of us believed that 21 it would, it would best be done by night shift 22 who had less responsibilities so they could 23 spend more time making sure that they fill out 24 the proper notices and reviewing the policy as 25 they sort it out, if necessary.</p>

14 (Pages 50 to 53)

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Page 54	Page 56
<p>1 Q. And by "proper notice," you're talking about due 2 process notice for somebody whose mail is 3 censored? 4 A. Yes. The prohibited mail notice. 5 Q. And so this change from day to night was a, it 6 was a response to PLN's lawsuit; isn't that 7 right? 8 A. I wouldn't say that it was a direct response to 9 the Prison Legal News lawsuit. 10 Q. The policy that was implemented in January 2012 11 was a response to PLN's lawsuit; right? 12 A. I think indirectly I would say yes. 13 Q. Would it have happened without PLN's lawsuit? 14 A. It could have. 15 Q. I understand it could have. But what makes you 16 think it would have? 17 A. I guess if, if I became aware that we were 18 having those violations, then it would have been 19 changed. 20 Q. Okay. Which violations? 21 A. The, not allowing junk mail. 22 Q. What is junk mail? 23 A. Well, I'd like to refer to the policy to refresh 24 my memory. 25 Q. I'd just like to ask your best understanding</p>	<p>1 understand it. 2 Q. Sorry. Can you explain? 3 A. Based upon our old policy and conversations with 4 our attorney. 5 Q. Can you explain to me what you mean by "based 6 upon our old policy"? 7 A. Well, our attorney said based upon our old 8 policy we have those violations. 9 Q. Okay. Have you ever seen a Prison Legal News 10 publication? 11 A. Yes. 12 Q. Where? 13 A. In an inmate's cell. 14 Q. And when was that? 15 A. I couldn't tell you the time. Prior to January 16 of 2012. 17 Q. And how -- 18 A. And post January of 2012 as well. 19 Q. Okay. And how was it that you came to see those 20 PLN publications? 21 A. Doing rounds with deputies as well as 22 shakedowns. 23 Q. Okay. Have you ever read or looked through PLN 24 publication? 25 A. I've thumbed through it.</p>
Page 55	Page 57
<p>1 when you say "not allowing junk mail," what you 2 mean. 3 A. Well, my personal opinion of junk mail is mail 4 that I receive that I don't want. 5 Q. Okay. And is that how you think the term is 6 used when you said violations? 7 A. I don't know without looking at the policy. I 8 don't know how we define the junk mail in the 9 policy. 10 Q. Okay. So any other violations of the law 11 besides not allowing junk mail that you are 12 referring to? 13 A. Due process to the sender. 14 Q. Any others? 15 A. I can't recall. 16 Q. Okay. What is your understanding, if any, of 17 what PLN sent to the jail that was censored? 18 A. I don't know. 19 Q. Have you ever looked at it? 20 A. Of what was censored? 21 Q. Yes. 22 A. No. I'm not aware of what was censored. 23 Q. So what causes you to think that there were 24 violations? 25 A. Based upon our old policy is what, how I</p>	<p>1 Q. What did you see? 2 A. I have never read it. Just the, just that it 3 looks like a pamphlet, pamphlet-style magazine. 4 I think it's gray with a blue heading. 5 Q. Can you explain what you mean by pamphlet style? 6 A. Well, it's not, you know, it doesn't have the 7 binder of a thick magazine. It's basically 8 folded paper. 9 Q. Does the jail have a policy regarding taking 10 staples out of magazines? 11 A. I don't know. 12 Q. Okay. Is there, to your knowledge, a reason to 13 do so? 14 A. Yeah. I've sat in on a class before where it 15 was described that that's how they can create a 16 heat source, by sticking a staple into a pencil 17 eraser and sticking it into a light circuit or 18 a, I'm sorry, not a light circuit, an electrical 19 outlet. 20 Q. What kind of class did you sit in on? Who was 21 offering this? 22 A. That was a, a class that was given to a group of 23 volunteers. I believe the title of the class 24 was Things That Inmates Do. 25 Q. And do you know who offered this class?</p>

15 (Pages 54 to 57)

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<p style="text-align: right;">Page 66</p> <p>1 loud? Is that how it went?</p> <p>2 A. I think you're right. I believe so.</p> <p>3 Q. Okay. And then people were asked if they had</p> <p>4 any questions?</p> <p>5 A. Yes.</p> <p>6 Q. And what questions did you get?</p> <p>7 A. I don't recall.</p> <p>8 Q. Were people asked for feedback on whether there</p> <p>9 should be any changes to the policies?</p> <p>10 A. I believe we've -- I don't know in that setting</p> <p>11 or not. I know we have asked that several</p> <p>12 times.</p> <p>13 Q. And --</p> <p>14 A. I don't know if, if at that particular training</p> <p>15 if that was actually said or not. I don't</p> <p>16 remember.</p> <p>17 Q. You were given a draft of the January policy</p> <p>18 before it went into effect; right?</p> <p>19 A. I believe so.</p> <p>20 Q. And asked for your feedback; right?</p> <p>21 A. Yeah. I want to make clear I'm not sure,</p> <p>22 because I helped my attorney, Sarah Hanson,</p> <p>23 provided a, me a draft copy that she had made,</p> <p>24 in which I gave some feedback on to the sheriff,</p> <p>25 who made the final change. I'm not sure I saw</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And you proposed changes --</p> <p>2 A. Yeah.</p> <p>3 Q. -- for that?</p> <p>4 A. That kind of stuff that was changes basically</p> <p>5 for that.</p> <p>6 Q. Where are your suggestions?</p> <p>7 A. I gave those suggestions, what happened is when</p> <p>8 I received that copy from my attorney, I went,</p> <p>9 it was a, I don't know what day it was, but it</p> <p>10 was late, it was after 4:00 p.m. because</p> <p>11 Sergeant Rigdon and Sergeant Cutright were on</p> <p>12 swing shift at the time. And they came on duty</p> <p>13 at 4:00 p.m. So it was sometime after 4:00 p.m.</p> <p>14 And we wanted to get the policy in effect right</p> <p>15 away. And I wasn't going to be around the next</p> <p>16 day at all, in the office at all, I believe.</p> <p>17 And so I went back in the jail and we went</p> <p>18 through that draft policy from our county</p> <p>19 counsel with myself, Sergeant Rigdon and</p> <p>20 Sergeant Cutright, and made those changes of how</p> <p>21 it would differ from Columbia County versus</p> <p>22 Washington County.</p> <p>23 Q. You did it kind of as a committee, the three of</p> <p>24 you?</p> <p>25 A. Yes. Yes. And I gave those, after we were</p>
<p style="text-align: right;">Page 67</p> <p>1 that final draft that he made before it went</p> <p>2 into effect.</p> <p>3 Q. What suggestions did you make --</p> <p>4 A. They were suggestions that changed titles of</p> <p>5 forms because it came from the Washington County</p> <p>6 Sheriff's Office to our, my attorney. And my</p> <p>7 attorney made changes to that and then sent it</p> <p>8 to us. But my attorney requested that I look</p> <p>9 for things that were specific to Columbia County</p> <p>10 versus Washington County. So a lot of those</p> <p>11 changes were that because they, one example</p> <p>12 would be they have a security threat group, I</p> <p>13 believe is what they call that. Don't quote me</p> <p>14 on the exact term. And we might call it a</p> <p>15 deputy because we don't have the staff that they</p> <p>16 do. So we rely on one person for that where</p> <p>17 they have a team for that.</p> <p>18 So it would be changed in our policy versus,</p> <p>19 of mail coming in with gang-related activity.</p> <p>20 They would send to a team to review. We would</p> <p>21 send it to a gang, our gang deputy, basically a</p> <p>22 deputy who's received some gang training. So</p> <p>23 that kind of -- Also they didn't call the</p> <p>24 prohibited mail notice a prohibited mail notice.</p> <p>25 They called it something else.</p>	<p style="text-align: right;">Page 69</p> <p>1 done, I went back out and gave those to the</p> <p>2 sheriff so he could insert them and get that</p> <p>3 policy into effect while --</p> <p>4 Q. So you made those --</p> <p>5 A. -- while I was gone.</p> <p>6 Q. Sorry to interrupt you. Did you give a hard</p> <p>7 copy with your handwritten notations on it to</p> <p>8 the sheriff?</p> <p>9 A. Yes.</p> <p>10 Q. Have you seen that again?</p> <p>11 A. No.</p> <p>12 Q. Do you know what happened to it?</p> <p>13 A. I believe the sheriff discarded that.</p> <p>14 Q. Did he tell you why?</p> <p>15 A. Just because he thought he was, didn't need it.</p> <p>16 Q. Did he acknowledge to you that it was a mistake</p> <p>17 to tell you that?</p> <p>18 A. I don't believe he said that it was a mistake.</p> <p>19 Q. Do you believe it was a mistake?</p> <p>20 MR. ROBERSON: Objection. This witness is</p> <p>21 not a expert in the rules of discovery.</p> <p>22 You can answer to your understanding.</p> <p>23 THE WITNESS: I wish he would have still had</p> <p>24 it.</p> <p>25 Q. BY MR. WING: Okay. You are, I don't know if</p>

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<p style="text-align: right;">Page 74</p> <p>1 A. Nothing that I haven't passed on to the 2 attorneys. 3 Q. Well, do you remember seeing such a thing that 4 you passed on to the attorneys? 5 A. I don't remember. 6 Q. Okay. You have, since January 2012, since this 7 lawsuit was filed, become much more actively 8 involved in the adoption of and changes to the 9 mail policies; is that right? 10 A. Much more active than prior to January? 11 Q. Yes. 12 A. Yes. 13 Q. Okay. And did you play any role in what was 14 posted on the website about the inmate mail 15 policy, the sheriff of Columbia County's 16 website? 17 A. What's on our website currently? 18 Q. From January -- 19 A. Prior. 20 Q. After we filed our lawsuit, do you know what 21 happened to the text that was on the sheriff's 22 website? 23 A. At some point in time we removed it. 24 Q. And did you participate in that decision to 25 remove it?</p>	<p style="text-align: right;">Page 76</p> <p>1 of the jail cells? 2 A. Yes. 3 Q. And -- 4 A. Not me personally. 5 Q. Who did? 6 A. Don't know. It was assigned to down, I believe 7 it might have even been deputies or sergeants. 8 Q. And this, do you recall that Ms. Chamberlain and 9 I came to do an inspection of the jail? 10 A. I know you did. I was not there. 11 Q. I understand. But you knew we were going to be 12 coming; right? 13 A. Yes. 14 Q. Okay. And do you recollect that at 15 approximately the night of May 8th, going into 16 May 9th, we were going to be showing up at your 17 jail? 18 A. I don't recall what the date was. 19 Q. But does that sound about right? 20 A. To be honest, I don't remember. 21 Q. Okay. And did you instruct one of the deputies 22 to put this in the dayroom shortly before we 23 came to the jail? 24 A. I don't know when I did in relation to your 25 inspection.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. No. 2 Q. How did you find out it was being removed? 3 A. I don't recall. 4 Q. Did you participate at any point in what was 5 later posted on the website? 6 A. Indirectly, yes. Not as a discussion of what 7 will go on the website, but on the discussion 8 about our general mail guide, yes. 9 Q. Okay. When you say "mail guide," what do you 10 mean? 11 (Exhibit 101 marked for identification.) 12 Q. BY MR. WING: You're waiting for me to hand you 13 a document. 14 A. Yeah. 15 Q. I have handed you what's been marked as 16 Exhibit 101. Is this the document you're 17 familiar with? 18 A. I'm not sure that this was ever put on our 19 website. 20 Q. Okay. 21 A. I don't believe so. 22 Q. Was this -- 23 A. This was what I was referring to by inmate mail 24 guide, but there is a newer version of this. 25 Q. Is this a document that you put in the dayroom</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. Was something new regarding the inmate mail 2 placed in the dayrooms shortly before we came 3 for our inspection? 4 A. I don't know how, as far as relation to when you 5 came, I can't recall when it was. 6 Q. Well, forget about the time -- 7 A. I believe it was before and not after. 8 Q. Okay. Then shortly before, right, like the same 9 day or the day before that? 10 A. I don't recall it being the same day or -- I 11 don't recall exactly when. 12 Q. Shortly before we came -- 13 MR. ROBERSON: Object. Asked and answered. 14 THE WITNESS: It was before. I don't know 15 if it was a week before, two weeks before. I 16 don't remember. 17 Q. BY MR. WING: And what was in the dayroom before 18 you instructed the deputy to put Exhibit 101 in 19 the dayrooms? 20 A. As far as inmate mail? 21 Q. As far as inmate mail. 22 A. There was an old memo. 23 (Exhibit 102 marked for identification.) 24 Q. BY MR. WING: I hand you Exhibit 102. Is that 25 the memo that was in the dayroom before</p>

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<p style="text-align: right;">Page 78</p> <p>1 Exhibit 101 was in the dayroom?</p> <p>2 A. Yes.</p> <p>3 Q. And did this memo correctly identify the mail</p> <p>4 policy of the sheriff's department as of</p> <p>5 May 2012 when it was still in there?</p> <p>6 A. No.</p> <p>7 Q. What was wrong with this memo in, that did not</p> <p>8 accurately reflect the policy?</p> <p>9 A. Give me some time here.</p> <p>10 Q. Sure.</p> <p>11 A. I would say the part that says "magazines are</p> <p>12 not allowed inside the facility."</p> <p>13 Q. Okay. What is the purpose of having this memo</p> <p>14 in the dayrooms?</p> <p>15 A. I don't know.</p> <p>16 Q. Was it to tell the prisoners what the policies</p> <p>17 are, right, so they would know what's allowed</p> <p>18 and what's not; isn't that correct?</p> <p>19 A. Well, I would be assuming. So I'm going to say</p> <p>20 I don't know. I didn't put it in there or</p> <p>21 instruct anybody to put it in there.</p> <p>22 Q. There are other pieces of paper that's --</p> <p>23 A. I know why I instructed this piece to be put in</p> <p>24 there and I can talk to that.</p> <p>25 Q. Okay. That's Exhibit 101?</p>	<p style="text-align: right;">Page 80</p> <p>1 A. No.</p> <p>2 Q. Why not?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you think that placing that in the dayroom</p> <p>5 was an effective way to communicate the</p> <p>6 sheriff's new policy?</p> <p>7 A. Yes.</p> <p>8 Q. Why?</p> <p>9 A. Well, it was just one way of communicating with</p> <p>10 inmates.</p> <p>11 Q. Well, you hesitated quite a long time after I</p> <p>12 asked my question; right?</p> <p>13 A. Yes.</p> <p>14 Q. Why, if you thought it was effective, why isn't</p> <p>15 your answer "of course"?</p> <p>16 A. Because I was trying to think of, if there was</p> <p>17 any way why it would be ineffective. I can't</p> <p>18 think of one.</p> <p>19 Q. So if there are 15 or 20 other pieces of paper</p> <p>20 and it's just one in a pile, might that be one</p> <p>21 reason that it's not effective, somebody would</p> <p>22 have to go find it?</p> <p>23 A. It might be. I don't know.</p> <p>24 Q. If you came home from work one day and your</p> <p>25 spouse had a stack of paper on the table, would</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Yes.</p> <p>2 Q. Okay. I'll ask you about that in a minute.</p> <p>3 A. Okay.</p> <p>4 Q. There are other pieces of paper that are</p> <p>5 laminated that sit in the dayroom; right?</p> <p>6 A. I don't, I know there are, but I don't know what</p> <p>7 they are.</p> <p>8 Q. Or why they're there?</p> <p>9 A. No.</p> <p>10 Q. Do you have any idea what they are?</p> <p>11 A. No.</p> <p>12 Q. Okay. Why did you instruct someone in your</p> <p>13 staff to put Exhibit 101 in the dayroom?</p> <p>14 A. So that inmates would know about our new inmate</p> <p>15 mail policy.</p> <p>16 Q. And you thought that that was a place that they</p> <p>17 would find out about it?</p> <p>18 A. Yes.</p> <p>19 Q. And did you have any idea how many different</p> <p>20 pieces of paper that are laminated sit in that</p> <p>21 pile?</p> <p>22 A. No, I did not.</p> <p>23 Q. Okay. Did you make any effort to try to figure</p> <p>24 out how likely it was the prisoners would</p> <p>25 discover this new inmate mail guide?</p>	<p style="text-align: right;">Page 81</p> <p>1 that be an effective way to communicate</p> <p>2 something important to you that you had to go</p> <p>3 and find out that there's a stack of paper and</p> <p>4 something in there might be of use to you?</p> <p>5 A. It would be one way.</p> <p>6 Q. Would it be an effective way?</p> <p>7 A. Yes.</p> <p>8 Q. Why?</p> <p>9 A. Because I would look through it.</p> <p>10 Q. Just as a matter of course, even though that</p> <p>11 stack had been there every day, you'd wonder if</p> <p>12 there's something new in there?</p> <p>13 A. Well, if, in this instance if someone told me</p> <p>14 that there was something new in there.</p> <p>15 Q. Tell me about that. Did that happen?</p> <p>16 A. That would, that was instructed to happen.</p> <p>17 Q. What did you say to somebody on your staff to</p> <p>18 communicate to the prisoners about Exhibit 101?</p> <p>19 A. I believe it was something similar to what you</p> <p>20 just said. I instructed the sergeants to make</p> <p>21 sure that it gets communicated that our mail</p> <p>22 policy has changed.</p> <p>23 Q. Did you tell them in what form to make that</p> <p>24 communication?</p> <p>25 A. No.</p>

21 (Pages 78 to 81)

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<p style="text-align: right;">Page 94</p> <p>1 A. Well, I guess my understanding of your question 2 was, was there anything noted in his evaluation 3 in regards to inmate mail? And there was not. 4 Q. Okay. Let me make clear what I'm trying to do, 5 which is one of his functions was to oversee the 6 processing of the mail, is that right, or was it 7 not? 8 A. At times I'm sure it was, depending upon which 9 shift. 10 Q. Okay. And you didn't only evaluate somebody for 11 the absence of known errors; right? You were 12 trying to decide whether somebody had done a 13 good job or a job that needed correction; is 14 that true? 15 A. Yes. 16 Q. So, in essence, you did not evaluate him on the 17 mail process because you had no information 18 about whether he was doing a good job overseeing 19 the mail process; is that true? 20 A. Yeah. I had no information whether he was doing 21 a good or bad job. 22 Q. Have you evaluated other sergeants during your 23 tenure? 24 A. I assisted in the evaluations of the enforcement 25 sergeants.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yes. 2 Q. And what do you intend to do about that? 3 A. We've conducted training and changed our 4 procedures and policies. 5 Q. Okay. But what about those staff members who 6 didn't follow policy, is there no consequences 7 to them? 8 A. No. 9 Q. Then it's correct there are no consequences? 10 A. There are no consequences for them. 11 Q. If you would, please describe the steps that you 12 have been involved in taking to correct those 13 violations that you believe existed when you 14 were notified of PLN's lawsuit. So since you 15 got notice of the lawsuit in January, what steps 16 have you been involved in taking to correct the 17 violations? And if I may, I'm sorry to, if you 18 could try to go chronologically, that would be 19 helpful. 20 A. Okay. Steps that I've taken since the PLN 21 lawsuit to correct the violations. 22 Q. Yes. You recognize that there were violations; 23 right? 24 A. Yes. I've been involved in some of the policy 25 changes, not writing final versions of policy,</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And who did the primary writing of the 2 evaluation? 3 A. Sheriff Dickerson. 4 Q. Okay. So you've essentially not done, had the 5 primary responsibility for writing the 6 evaluation of anybody else except sheriff 7 Cutright once; is that true? 8 A. That's correct. And as far as actually doing 9 one, being in charge of and responsibilities of, 10 yes, just didn't get to it until now they are no 11 longer are employed. 12 Q. Okay. Have you -- You have had the 13 responsibility though of reviewing evaluations 14 written of other staff and signing off on them; 15 is that right? 16 A. That is correct. 17 Q. Have you ever seen any comment in any 18 performance evaluation since you have been in 19 the sheriff's office about handling inmate 20 mail -- 21 A. Not that I can recall. 22 Q. -- following policies? 23 And do you now have knowledge that you 24 believe your staff did not follow the sheriff's 25 mail policies?</p>	<p style="text-align: right;">Page 97</p> <p>1 that's the sheriff. But I've been involved in 2 that. I did write the draft prohibited mail 3 notice. 4 Q. Where did you get -- You borrowed a lot of 5 that -- 6 A. Yeah. I wrote that off of a Washington County 7 Sheriff's Office version. 8 Q. When did you do that? 9 A. I don't recall. Sometime after the PLN lawsuit. 10 It was part of our first new policy update in 11 late January, early February. So it would be 12 prior to that. It's an attachment to that 13 policy. 14 Q. Between the filing of PLN's lawsuit and the 15 January 26th new policy? 16 A. If that's the date, yes. 17 Q. Okay. Thank you. Okay. What else? 18 A. I assisted and attended the training, I believe, 19 in early February of the new policy. I have 20 directed staff to inform inmates of change of 21 policy. 22 Q. And that was either second half of April or 23 early May? 24 A. That's been ongoing. 25 Q. Starting?</p>

25 (Pages 94 to 97)

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<p style="text-align: right;">Page 146</p> <p>1 Q. So where is it in the pod?</p> <p>2 A. It's, well, were you one of the ones that did</p> <p>3 the inspections?</p> <p>4 Q. Yes.</p> <p>5 A. So there's the mailbox, we call it the mailbox.</p> <p>6 It's where they put the outgoing mail, kytes,</p> <p>7 grievances and there's a little table on top</p> <p>8 where there's a pencil sharpener. That's where</p> <p>9 it's put. Now, it could move around by the</p> <p>10 inmates because there's other tables in there.</p> <p>11 So, but it's in the day area.</p> <p>12 Q. And there are several other pieces of paper that</p> <p>13 are in clear plastic along with this post, this</p> <p>14 policy; right?</p> <p>15 A. Yes.</p> <p>16 Q. Excuse me. This guide?</p> <p>17 A. Yeah. Not connected to it, but yes.</p> <p>18 Q. Okay.</p> <p>19 A. There's other documents.</p> <p>20 Q. You have a Spanish version of the inmate manual;</p> <p>21 is that true?</p> <p>22 A. Yes.</p> <p>23 Q. When did you find that out?</p> <p>24 A. I've known that. I don't know. Prior to the</p> <p>25 lawsuit I've known that. I don't remember when</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. But, I mean, there are other ways to give</p> <p>2 them the mail policy; right? You could give it</p> <p>3 to them in paper. You could put that in the</p> <p>4 plastic folder; right?</p> <p>5 A. Yeah, we could.</p> <p>6 Q. And you could attach it to their inmate manual;</p> <p>7 right?</p> <p>8 A. We pretty much did.</p> <p>9 Q. That's what the new inmate manual looks like?</p> <p>10 A. Pretty much. There's a couple things maybe that</p> <p>11 aren't in there. But for the most part. It's</p> <p>12 not 100 percent, the policy, but --</p> <p>13 Q. Yeah.</p> <p>14 A. I think it's like 15 pages of it.</p> <p>15 Q. And is there a reason why they didn't get the</p> <p>16 whole policy before the most recent inmate</p> <p>17 manual weeks ago?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. Were there problems that you experienced</p> <p>20 implementing the February policy?</p> <p>21 A. Were there problems?</p> <p>22 Q. Yeah.</p> <p>23 A. Yeah. I'd say yes to that.</p> <p>24 Q. What problems do you recall?</p> <p>25 A. Well, there were several changes to the old</p>
<p style="text-align: right;">Page 147</p> <p>1 I found that out.</p> <p>2 Q. When did the inmate mail guide that was given to</p> <p>3 prisoners to notify them of the change in mail</p> <p>4 policy, when was that first translated into</p> <p>5 Spanish?</p> <p>6 A. The mail guide?</p> <p>7 Q. Yes.</p> <p>8 A. It has not been, to my knowledge.</p> <p>9 Q. Do you have any idea how many Spanish-speaking</p> <p>10 prisoners you have who need things in Spanish?</p> <p>11 A. No.</p> <p>12 Q. What has access to the policy itself, the mail</p> <p>13 policy?</p> <p>14 A. Our entire staff, for one.</p> <p>15 Q. Where, where would they go?</p> <p>16 A. Where? It's on what we call our S drive, which</p> <p>17 is a drive on our network. So it's not attached</p> <p>18 to individual computers but it's on a drive that</p> <p>19 you can look up no matter what computer you are</p> <p>20 at the office logging on to. And everybody has</p> <p>21 access to that, I believe.</p> <p>22 Q. Is there a reason that prisoners don't have</p> <p>23 access to the mail policy?</p> <p>24 A. They don't have access to computers. It's on</p> <p>25 the website.</p>	<p style="text-align: right;">Page 149</p> <p>1 policy, also changes to the deputies' practices.</p> <p>2 And in a jail type setting where you have, and I</p> <p>3 believe on that time we were on five eight-hour,</p> <p>4 five eights, which means we had three shifts</p> <p>5 going, it's hard to get everybody on the same</p> <p>6 page without bringing everybody into a meeting</p> <p>7 and then you got vacations and sick times and --</p> <p>8 Q. But I thought you had a training.</p> <p>9 A. -- it's hard. We did.</p> <p>10 Q. And that didn't solve the problem?</p> <p>11 A. I think that solved a lot of the problems.</p> <p>12 Q. What problems --</p> <p>13 A. Was there mistakes afterwards? I'm sure there</p> <p>14 was.</p> <p>15 Q. What problems did you see?</p> <p>16 A. I can't recall any specific problems. I guess</p> <p>17 one of the problems I saw was that the, it's one</p> <p>18 of your exhibits here. This one. Exhibit 102</p> <p>19 was never pulled out of the pods. That was a</p> <p>20 problem.</p> <p>21 (Exhibit 107 marked for identification.)</p> <p>22 Q. BY MR. WING: Okay. I'm handing you</p> <p>23 Exhibit 107. About three-quarters of the way</p> <p>24 down the first page there's an e-mail from you</p> <p>25 that says, "Yes. If it gets delivered by the</p>

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Beovich Walter & Friend

<p style="text-align: right;">Page 174</p> <p>1 Q. Okay. When you became the undersheriff, there</p> <p>2 weren't very many policies that the department</p> <p>3 has; is that correct?</p> <p>4 A. Correct.</p> <p>5 Q. And you borrowed a great number of them from</p> <p>6 Washington County; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Tweaked them to make them your own?</p> <p>9 A. Yes.</p> <p>10 Q. But that's where you got a lot of them; right?</p> <p>11 A. Yes. And I want to make a distinction. There's</p> <p>12 two policy manuals. There's a general sheriff's</p> <p>13 office policy and then there's a jail</p> <p>14 operational policy. And what I'm referring to</p> <p>15 in answering your question is our general</p> <p>16 policy, not the jail operational policy.</p> <p>17 Q. Could you explain the difference, please.</p> <p>18 A. The difference is that there was somewhat of a,</p> <p>19 I'm not too familiar again because when I came</p> <p>20 over I didn't oversee the jail, but there was,</p> <p>21 there was somewhat of a jail operational policy</p> <p>22 manual. But there was a very, very small amount</p> <p>23 of general policies. And so we created a policy</p> <p>24 manual to oversee all of our personnel and also</p> <p>25 a lot of enforcement type stuff because the main</p>	<p style="text-align: right;">Page 176</p> <p>1 A. Well, it takes time. You can't implement a new</p> <p>2 policy immediately. We didn't have all the</p> <p>3 preposted envelopes and a system in place to</p> <p>4 effect that immediately. So it takes time to do</p> <p>5 that. We have to order it, put it on</p> <p>6 commissary, get it in our indigent kits, create</p> <p>7 a system for our deputies reviewing that.</p> <p>8 I mean, some of our deputies may or may not</p> <p>9 have been hired before or after the</p> <p>10 postcard-only policy went into place. We have</p> <p>11 deputies on all different shifts. We can't just</p> <p>12 communicate it instantaneously. Inmate mail is</p> <p>13 not the only thing we deal with at the sheriff's</p> <p>14 office. So we have other things going on. So</p> <p>15 it's not any type of policy cannot take effect</p> <p>16 instantaneously.</p> <p>17 Q. If The Court did not order the department to get</p> <p>18 rid of its postcard-only policy, would you favor</p> <p>19 keeping it?</p> <p>20 A. I have no intentions and in my conversation with</p> <p>21 the sheriff we have no intentions of going back</p> <p>22 to a postcard-only policy --</p> <p>23 Q. Why?</p> <p>24 A. -- with or without, whatever the result is of</p> <p>25 this lawsuit.</p>
<p style="text-align: right;">Page 175</p> <p>1 policy was only for jail operations. And so I'm</p> <p>2 not sure. I wasn't involved in any changes or</p> <p>3 additions to that jail operational policy</p> <p>4 manual.</p> <p>5 (Exhibit 112 marked for identification.)</p> <p>6 Q. BY MR. WING: Okay. Handing you Exhibit 112.</p> <p>7 Did you receive this on or about June 11, 2012?</p> <p>8 A. Yes.</p> <p>9 Q. In this e-mail the sheriff acknowledges the</p> <p>10 preliminary injunction; right?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Is that a yes?</p> <p>13 A. Yes. Sorry.</p> <p>14 Q. It's okay. He says, "Although the ruling does</p> <p>15 not take effect until the end of the month, we</p> <p>16 will immediately begin accepting envelopes for</p> <p>17 incoming mail." Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. But then he says in parentheses "Outgoing mail</p> <p>20 will be addressed with the new inmate mail</p> <p>21 policy that will come out. And until that time,</p> <p>22 we will continue to provide only postcards for</p> <p>23 outgoing mail."</p> <p>24 A. Yes.</p> <p>25 Q. Why is that the case?</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Why?</p> <p>2 A. I think my personal opinion is I want to err on</p> <p>3 the side of caution as far as violating</p> <p>4 someone's rights. My personal opinion is this:</p> <p>5 The postcard-only policy does not violate any</p> <p>6 constitutional rights, but I want to err on the</p> <p>7 side of caution. And we've already made this</p> <p>8 policy. I don't think there's a reason to</p> <p>9 change that unless we have to for some reason</p> <p>10 change it again because of a judge's order or</p> <p>11 something. But I don't think we need to go back</p> <p>12 to -- I mean, part of the problem with our staff</p> <p>13 is the constant changes. So that's, you</p> <p>14 mentioned problems before is the constantly</p> <p>15 changing it is going to make it harder for them</p> <p>16 to remember. So I don't see any reason to go</p> <p>17 back to postcard-only policy.</p> <p>18 Q. I think you said it creates more of a safety</p> <p>19 risk for your employees, didn't you?</p> <p>20 A. I did. And we will deal with it.</p> <p>21 Q. But why would you not want to go back if you</p> <p>22 think that it would reduce the --</p> <p>23 A. I think I just explained all those reasons.</p> <p>24 Q. Just a second. I need for you to wait for me to</p> <p>25 finish.</p>

<p style="text-align: right;">Page 178</p> <p>1 You don't think the postcard-only policy 2 violates someone's rights and you think it 3 creates more of a safety risk for your 4 employees, but you're saying you wouldn't want 5 to go back to the postcard-only policy; is that 6 correct? 7 A. Yes. 8 Q. Does the sheriff agree with you? 9 A. In my conversations with the sheriff, both of us 10 have absolutely no intention of going back to a 11 postcard-only policy. 12 Q. And the sheriff also agrees with you that he 13 thinks the postcard-only policy does not violate 14 rights? 15 A. That I can't answer. 16 Q. You've not talked about that with him? 17 A. I don't know if I've had that exact conversation 18 of do you think this is constitutional or not. 19 Q. Did you tell him that you think that it's 20 constitutional? 21 A. I may have. I don't know. I don't remember 22 specifically saying that to him, no. 23 Q. Did you have conversations with him about not 24 changing the postcard-only policy before the 25 judge issued the preliminary injunction?</p>	<p style="text-align: right;">Page 180</p> <p>1 (Record read as follows: 2 "Q So the only reason why you wouldn't 3 go back to a postcard-only policy is 4 because the judge has told you to change 5 it and you have now changed it; is that 6 correct?") 7 THE WITNESS: That's incorrect. 8 Q. BY MR. WING: Well, you've made a lot of 9 changes, right, in the past six months? 10 A. Yes. 11 Q. And you said one of the downsides is that people 12 get confused by this; right? 13 A. Yes. 14 Q. It's hard to transition. Okay. You've now made 15 a change because you were ordered to; right? 16 A. Yes. 17 Q. Okay. You're saying you'd stick with that 18 change even if the judge says I'm not going to 19 tell you that you got to stick with that change; 20 right? 21 A. Yes. 22 Q. Your testimony is you wouldn't go back because, 23 gee, we've already done it? 24 A. I said that was one of the reasons. I think I 25 in my earlier testimony explained a few</p>
<p style="text-align: right;">Page 179</p> <p>1 A. About -- 2 Q. We're not going to change the policy. That's 3 what you guys decided; right? 4 A. About not -- Okay. 5 Q. Until the judge issued the order. 6 A. I'm trying to get your question right. You are 7 asking if we had a conversation about not going 8 from envelopes to postcard only? 9 Q. No. I'm sorry. Let me rephrase my question. 10 Before the judge issued a preliminary 11 injunction, sheriff's department decided not to 12 give up its postcard-only policy; right? 13 A. Yes. 14 Q. Okay. Why? 15 A. I think for safety and security reasons and 16 didn't believe we were violating anybody's 17 constitutional rights by keeping that part. 18 Q. So the only reason why you wouldn't go back to a 19 postcard-only policy is because the judge has 20 told you to change it and you have now changed 21 it; is that correct? 22 A. I'm sorry. Is the question, is the question 23 whether the judge said change it and we changed 24 it? 25 MR. WING: Can you read my question back.</p>	<p style="text-align: right;">Page 181</p> <p>1 different reasons. 2 Q. Well, you said you wanted to err on the side of 3 not violating somebody's rights, but your belief 4 is that it doesn't violate somebody's rights; 5 right? 6 A. That's my personal opinion. Yes. 7 Q. Okay. 8 A. But I'm going to err on the side of any future 9 legal opinions. 10 Q. Sorry. I don't quite understand what you just 11 said. Err on the side of -- 12 A. Well, there's been court rulings around this 13 country that have upheld postcard-only policies 14 in some fashion or the other. I'm not a legal 15 expert. I haven't reviewed all those. But we 16 have a newer opinion and a lot closer to home, 17 and it's not a legal opinion but it's a, I 18 believe he used the words in his ruling that it 19 may or it is likely to. I can't remember the 20 exact words. And so there's no reason for us to 21 go there again. 22 Q. Suppose this case continues and a judge says, 23 well, I said it was likely to but at the end of 24 the day I don't think it does. 25 A. I think I answered that by saying we won't go</p>

<p style="text-align: right;">Page 190</p> <p>1 didn't make any changes or adjustments to any of</p> <p>2 the drafts or insert any new opinions into the,</p> <p>3 any of the versions of the inmate manual.</p> <p>4 Q. Okay. What, to your knowledge, is the</p> <p>5 difference between the May 25th mail policy and</p> <p>6 the June 18th mail policy?</p> <p>7 A. The main difference?</p> <p>8 Q. Whatever you --</p> <p>9 A. I believe the main difference is one allows</p> <p>10 envelopes and one doesn't. That's the main</p> <p>11 difference. The other probably main difference</p> <p>12 would be the sexually explicit definition.</p> <p>13 Although that may be in the May 25th policy.</p> <p>14 I'd have to sit and compare the policies.</p> <p>15 Q. Okay. Could you please turn to Exhibit 65.</p> <p>16 Please take a look at that. And there's a</p> <p>17 second page.</p> <p>18 A. Oh.</p> <p>19 Q. It's an envelope that contained that.</p> <p>20 A. Okay.</p> <p>21 Q. Would you take a look at what that is, please.</p> <p>22 Second page of Exhibit 65. Have you had an</p> <p>23 opportunity to look at that?</p> <p>24 A. Yes.</p> <p>25 Q. If this letter, an envelope with that content,</p>	<p style="text-align: right;">Page 192</p> <p>1 publication?</p> <p>2 A. Yeah. I would consider that a publication.</p> <p>3 Q. And where do publications have to come from?</p> <p>4 A. If you're referring to the definition in our</p> <p>5 policy, I'd like to refer to that.</p> <p>6 Q. Sure. You take your pick.</p> <p>7 A. Yeah. Which one? I don't think you have the,</p> <p>8 it in an exhibit, but you have that e-mail I saw</p> <p>9 which has it attached.</p> <p>10 MR. ROBERSON: Exhibit 110.</p> <p>11 THE WITNESS: Yes. That is considered a,</p> <p>12 publications are considered periodicals and</p> <p>13 books and periodicals of a magazine, newspaper,</p> <p>14 newsletter or other publication formed of</p> <p>15 printed sheets that is issued at regular,</p> <p>16 specified intervals by a publisher. So I could</p> <p>17 consider this a newsletter and probably also a</p> <p>18 publication under that definition.</p> <p>19 Q. BY MR. WING: Okay. I'm not trying to talk you</p> <p>20 out of your statement that it will be delivered,</p> <p>21 but I want to make sure that we're on the same</p> <p>22 page about this. Do you see who it was sent by?</p> <p>23 A. I didn't. No.</p> <p>24 Q. Okay.</p> <p>25 A. As far as I, a person, I saw that it was a</p>
<p style="text-align: right;">Page 191</p> <p>1 news article, was mailed to the jail tomorrow,</p> <p>2 what is your understanding of what the mail</p> <p>3 policy at the jail would dictate? Would it be</p> <p>4 delivered?</p> <p>5 A. If this envelope, so this is an envelope with</p> <p>6 this inside of it, would it be delivered</p> <p>7 tomorrow?</p> <p>8 Q. Exhibit 65.</p> <p>9 A. Absolutely.</p> <p>10 Q. And why is that?</p> <p>11 A. Because that's what our policy says. And I have</p> <p>12 confidence our policy is being followed at this</p> <p>13 time.</p> <p>14 Q. You said that with a smile.</p> <p>15 A. Yes.</p> <p>16 MR. WING: Why don't we take a short break.</p> <p>17 I want to see if, I might be fairly close here</p> <p>18 and I want to just gather my thoughts together.</p> <p>19 (Break taken from 4:11 to 4:24.)</p> <p>20 Q. BY MR. WING: Just before the break we were</p> <p>21 looking at Exhibit 65 and you said you thought</p> <p>22 definitely this would be delivered in the jail;</p> <p>23 is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Is the second page of Exhibit 65 a</p>	<p style="text-align: right;">Page 193</p> <p>1 person, yes.</p> <p>2 Q. Okay. And so if a publication is sent by a</p> <p>3 person, is that acceptable under your policy?</p> <p>4 A. I believe a printed-out internet message is.</p> <p>5 Q. You are reviewing your current policy; is that</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. I would, I would say that this also falls under</p> <p>10 regular inmate mail.</p> <p>11 Q. Okay. So you're just --</p> <p>12 A. If it came from a personal person, it would be</p> <p>13 regular inmate mail from the envelope. So we</p> <p>14 would open it. It doesn't violate any other</p> <p>15 policy.</p> <p>16 Q. Okay. So having considered Exhibit 65, this</p> <p>17 print-off of a PLN news article from the</p> <p>18 internet, sent by an individual, would be</p> <p>19 admitted under your current policy?</p> <p>20 A. Yeah. I believe it's just like any</p> <p>21 correspondence.</p> <p>22 Q. Okay. While I understand that the sheriff could</p> <p>23 overrule you, as things currently stand, you are</p> <p>24 the final arbiter of what does and does not</p> <p>25 violate the policy in the ordinary course;</p>

C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that ANDREW MOYER personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 1 to 238, both inclusive, constitutes a full, true and accurate record of said examination of and testimony given by said witness, and of all other proceedings had during the taking of said deposition, and of the whole thereof, to the best of my ability.

Witness my hand at Portland, Oregon, this 18th day of July, 2012.



Aleshia K. Macom

CSR No. 94-0296