

EXHIBIT VI

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.

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17
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19
20 DEPOSITION OF JEFFREY MANSHEIM

21 Taken in behalf of Plaintiff

22 July 6, 2012

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. Anything else?</p> <p>2 A. A working computer.</p> <p>3 Q. Fair enough. If you wanted to find out who</p> <p>4 entered the text that is Exhibit 12, we're going</p> <p>5 to use your, the website or Joomla or some kind</p> <p>6 of log on the computer to find that out. How</p> <p>7 would you go about finding that out?</p> <p>8 A. I don't know.</p> <p>9 Q. What is your background or training or education</p> <p>10 in software or computers?</p> <p>11 A. I have a computer science degree from Portland</p> <p>12 Community College and a bachelor in information</p> <p>13 technology from the University of Massachusetts.</p> <p>14 I've had, since 1985, so about approximately</p> <p>15 16 years I have IT experience.</p> <p>16 Q. You were employed at Nike; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. What do you do at Nike?</p> <p>19 A. I'm in the information technology department.</p> <p>20 Currently I work on websites.</p> <p>21 Q. Okay. Let's look for a minute at Exhibit 95.</p> <p>22 Would you take a minute and tell me whether you</p> <p>23 recognize these as the e-mails that you provided</p> <p>24 to Mr. Roberson or his firm in response to our</p> <p>25 request for documents?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Correct.</p> <p>2 Q. Thank you. You've worked with Sergeant Cutright</p> <p>3 throughout that time period, I mean on and off?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. When did you start doing work on the</p> <p>6 website for the Columbia County Sheriff's</p> <p>7 Office?</p> <p>8 A. Approximately end of -- I don't know.</p> <p>9 Q. Approximately?</p> <p>10 A. It was at the time Sheriff Dickerson came into</p> <p>11 office and I don't recall. I think that was</p> <p>12 2008 or 2009.</p> <p>13 Q. Okay. I think the information we have is that</p> <p>14 he started in January 2009.</p> <p>15 A. Yes.</p> <p>16 Q. Does that sound about right to you?</p> <p>17 A. Yes, it does.</p> <p>18 Q. Okay. Is it the sheriff himself who asked you</p> <p>19 to work on the website?</p> <p>20 A. Yes.</p> <p>21 Q. And you agreed?</p> <p>22 A. Yes.</p> <p>23 Q. And did he or anyone else tell you who would</p> <p>24 have the authority to ask you to post something</p> <p>25 on the website?</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I do recognize those.</p> <p>2 Q. Those are all documents that you printed off</p> <p>3 from your computer?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And they're all documents that relate to</p> <p>6 your reserve deputy work for Columbia County</p> <p>7 Sheriff's Office?</p> <p>8 A. Yes.</p> <p>9 Q. Who is Sergeant Cutright?</p> <p>10 A. Sergeant Cutright is a sergeant in the Columbia</p> <p>11 County Jail.</p> <p>12 Q. You have been a reserve deputy with the Columbia</p> <p>13 County Jail now for approximately 13 years;</p> <p>14 right?</p> <p>15 A. Correct.</p> <p>16 Q. So you've worked with Sergeant Cutright</p> <p>17 throughout that time period; is that right?</p> <p>18 A. Can you restate the previous question about how</p> <p>19 long I've been a reserve deputy with, what</p> <p>20 division did you say?</p> <p>21 Q. I'm sorry. I have written this down correctly.</p> <p>22 When did you say you started with the Columbia</p> <p>23 County Sheriff's Office?</p> <p>24 A. Approximately 1997, June.</p> <p>25 Q. So close to 15 years?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I don't remember.</p> <p>2 Q. What is your understanding of who has the</p> <p>3 authority to ask you to post something on the</p> <p>4 website, if you know?</p> <p>5 A. I don't know.</p> <p>6 Q. Who has asked you to post things on the website?</p> <p>7 A. Sheriff Dickerson, Deputy McDowall, Sergeant</p> <p>8 Cutright, Deputy Rush, and Dorothea Jirka.</p> <p>9 Q. And who is she, please?</p> <p>10 A. She is a civil, she's our civil records clerk at</p> <p>11 the sheriff's office.</p> <p>12 Q. Okay. Now, the first page of Exhibit 95 is an</p> <p>13 e-mail to you from yourself forwarding a message</p> <p>14 from Sergeant Cutright; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. You can't really tell from this when Sergeant</p> <p>17 Cutright sent it to you. Can you tell?</p> <p>18 A. No.</p> <p>19 Q. Is it your impression that it would have been</p> <p>20 about the same date as the message you forwarded</p> <p>21 to yourself?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And he asked you to add information to</p> <p>24 the, it says "the jail side of the SO website."</p> <p>25 What does that mean?</p>

Mansheim, Jeffrey

July 6, 2012

<p style="text-align: right;">Page 18</p> <p>1 A. I don't know. 2 Q. Did you do that? 3 A. I don't remember. 4 Q. If you didn't, would there be some record of 5 what you did instead? 6 A. I don't know. 7 Q. So do you ever remember being asked to post 8 something on the website that you did not do? 9 A. Yes. 10 Q. What was that? 11 A. There was a request to add a page for auction 12 notices and that request is not, I've not 13 fulfilled that request. 14 Q. Why? 15 A. Matter of getting time in the schedule to do it. 16 Q. Did you tell somebody that you were not getting 17 to it? 18 A. I don't remember. 19 Q. Okay. Do you remember what, if anything, you 20 did in response to Sergeant Cutright's request 21 in or about March 17, 2010? 22 A. I don't know. 23 Q. Did you compare what Sergeant Cutright asked you 24 to do here in writing with the web print or shot 25 print that was attached to Exhibit 94?</p>	<p style="text-align: right;">Page 20</p> <p>1 post something yourself, that is, to choose, I'm 2 going to put this up on the website? 3 A. I have the technical ability. 4 Q. I understand. I'm talking about the authority. 5 That's my question. 6 A. I don't know. 7 Q. Have you ever done that? 8 A. I don't remember. 9 Q. Okay. Let's go ahead and number these pages. 10 Okay. 11 A. Sure. 12 Q. Do you need a pen? If you would, please. 13 MR. ROBERSON: Do you mind if I number them? 14 MR. WING: Sounds fine if you do it. 15 Thanks. 16 Q. BY MR. WING: Mr. Mansheim, it may have been 17 explained to you, but we are expecting a call 18 from The Court in this case at 9:30. And it's 19 nearly then, so we may be interrupted. Okay? 20 A. Okay. 21 Q. Thank you for making yourself available today. 22 A. You're welcome. 23 MR. ROBERSON: I have numbered Exhibit 95, 1 24 through 20. 25 MR. WING: Thank you.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I'm sorry. Can you restate that again, please? 2 Q. Visually, I'll show you. I'm asking you whether 3 you compared, not asking you to do it now, just 4 asking you whether you did already compare the 5 web printout that we provided in Exhibit 94 with 6 the text that Sergeant Cutright asked you to put 7 on the website that's second and third page of 8 Exhibit 95? 9 A. Are you asking me if I've compared this to the 10 actual exhibit? 11 Q. Yes. 12 A. No. 13 Q. Okay. When you are given instructions to post 14 something like Sergeant Cutright asked you in 15 the second and third page of Exhibit 95, do you 16 enter it word for word or do you tinker? 17 A. Typically word for word. 18 Q. And if you were to tinker, would you show it to 19 somebody, say, you know, I've reworded this 20 because I think it will read better or it's more 21 clear or you missed a word? When you've done 22 that, have you taken it to somebody and said, is 23 this fine, or do you just post it? 24 A. I would typically run it by somebody. 25 Q. Do you have the authority, to your knowledge, to</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. BY MR. WING: Mr. Mansheim, if you would look at 2 page 4. Does this refresh your recollection 3 about whether you did what Sergeant Cutright 4 asked in his, on page 1 of Exhibit 95? 5 A. Based on the timestamps, it does appear that, 6 yes, that's what I did. 7 Q. You did, you posted the information contained in 8 Mr., in Sergeant Cutright's request that are the 9 second and third page of Exhibit 95; is that 10 what you did? 11 A. Yes. 12 Q. Did you review these e-mails before producing 13 them to Mr. Roberson? 14 A. Briefly. 15 Q. Okay. And when did you do that? 16 A. Within the last week. 17 Q. Did you do anything else to prepare for your 18 deposition today? 19 A. I looked at the inmate mail page on the website 20 to find the current status. 21 Q. Okay. Anything else? 22 A. I reviewed the last time my friend logged into 23 the website, who helped build the website with 24 me. 25 Q. So you built the, you and this friend built the</p>

6 (Pages 18 to 21)

Beovich Walter & Friend

WING DECL; Exhibit VI; Page 4 of 5

C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that JEFFREY MANSHEIM 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 54, 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

EXHIBIT VII
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

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11 COUNTY SHERIFF'S OFFICE; JEFF

12 DICKERSON, individually and

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14 County Sheriff,

15 Defendants.

16
17
18
19 VOLUME II

20 DEPOSITION OF ANDREW MOYER

21 Taken in behalf of Plaintiff

22 August 28, 2012

<p style="text-align: right;">Page 258</p> <p>1 A. It's an e-mail.</p> <p>2 Q. The bottom half is an e-mail from Bryan Cutright</p> <p>3 to you on July 11, 2011; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And you were the jail commander; right?</p> <p>6 A. Yes.</p> <p>7 Q. And in this document Mr. Cutright is asking you</p> <p>8 to get a stamp created for the mail and the form</p> <p>9 of the stamp is in the e-mail to you; right?</p> <p>10 A. Yes.</p> <p>11 Q. That's an e-mail -- Strike that.</p> <p>12 Did you get this stamp created?</p> <p>13 A. A stamp was created.</p> <p>14 Q. At your instruction; right?</p> <p>15 A. Yes.</p> <p>16 Q. And is either the same language that's in</p> <p>17 Exhibit 129 or very similar; is that correct?</p> <p>18 A. That I don't know.</p> <p>19 Q. And the stamp you had created was then used by</p> <p>20 the mail staff to censor mail; is that right?</p> <p>21 A. I don't know.</p> <p>22 Q. And at your last deposition you were asked</p> <p>23 questions about your involvement and knowledge</p> <p>24 in the mail process and the censorship of the</p> <p>25 mail. Do you remember that?</p>	<p style="text-align: right;">Page 260</p> <p>1 Q. Well, in your last deposition we talked about</p> <p>2 due process. Do you remember that?</p> <p>3 A. Yes.</p> <p>4 Q. And do you remember we went over Exhibit 23 and</p> <p>5 some other exhibits showing the censorship of</p> <p>6 Prison Legal News mail?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Before approving, instructing the</p> <p>9 creation of a stamp like the one that Bryan</p> <p>10 Cutright asked you to in Exhibit 129, did you</p> <p>11 look into what the requirements were for due</p> <p>12 process notice?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. I don't know.</p> <p>16 Q. From what you know now, was the stamp that</p> <p>17 Sergeant Cutright asked you to create sufficient</p> <p>18 to provide due process notice?</p> <p>19 MR. KRAEMER: Object to form.</p> <p>20 Q. BY MR. WING: That's my question.</p> <p>21 A. I'm sorry. Could you rephrase that?</p> <p>22 MR. WING: Could you restate the question</p> <p>23 for me. Just repeat it, please.</p> <p>24 (Record read as follows:</p> <p>25 "Q From what you know now, was the stamp</p>
<p style="text-align: right;">Page 259</p> <p>1 A. No.</p> <p>2 Q. Do you remember being asked what you knew about</p> <p>3 the process of the mail staff marking, censoring</p> <p>4 mail and you said you were not involved in that?</p> <p>5 You had no idea. Do you remember that?</p> <p>6 A. Not exactly, no.</p> <p>7 Q. Do you remember what your involvement was?</p> <p>8 A. I have never sorted mail.</p> <p>9 Q. Let me show you what's previously been marked as</p> <p>10 Exhibit 23. It was a piece of mail that was</p> <p>11 censored by Columbia County Jail. Do you see</p> <p>12 the stamp on the front of that page?</p> <p>13 A. (No audible response.)</p> <p>14 Q. You are nodding your head. Could you answer</p> <p>15 verbally?</p> <p>16 A. I'm sorry. Yes.</p> <p>17 Q. Okay. Does that seem similar to the one that is</p> <p>18 Mr. Cutright, Sergeant Cutright is asking you to</p> <p>19 create in Exhibit 129?</p> <p>20 A. Yes.</p> <p>21 Q. At the time that you authorized or instructed</p> <p>22 the creation of this stamp, did you look into</p> <p>23 what was required to comport with due process</p> <p>24 under the 14th Amendment of the Constitution?</p> <p>25 A. Could you repeat that question?</p>	<p style="text-align: right;">Page 261</p> <p>1 that Sergeant Cutright asked you to create</p> <p>2 sufficient to provide due process</p> <p>3 notice?")</p> <p>4 THE WITNESS: I don't know.</p> <p>5 Q. BY MR. WING: So even though this lawsuit has</p> <p>6 been going on since January, you don't know</p> <p>7 whether this satisfies due process?</p> <p>8 A. I guess I don't understand your question.</p> <p>9 Q. What don't you understand about it?</p> <p>10 A. Well, I don't, I don't, I don't understand it.</p> <p>11 Q. Well, I'm asking you whether the stamp that</p> <p>12 Sergeant Cutright asked you to create would</p> <p>13 provide due process notice of why mail was being</p> <p>14 rejected.</p> <p>15 A. The stamp itself?</p> <p>16 Q. Well, the stamp, as you understand it, would</p> <p>17 have places for somebody to check off on a line;</p> <p>18 is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Just like Exhibit 23; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So is the stamp that the sergeant asked</p> <p>23 you to create in June -- July of 2011, would</p> <p>24 that provide due process notice to a person</p> <p>25 whose mail was being censored?</p>

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1 THE WITNESS: Yes.
 2 (Exhibit 135 marked for identification.)
 3 Q. BY MR. WING: Handing you Exhibit 135, is this
 4 also a pass-down note?
 5 A. Yes.
 6 Q. Do you see the second sentence which reads,
 7 "Please be careful when placing mail to be gone
 8 over that is in Spanish on the shelf, found a
 9 few letters that are mixed in with things."
 10 A. Yes.
 11 Q. Okay. Again, you're not aware of any problem
 12 with getting Spanish language mail handled in a
 13 timely fashion?
 14 A. No.
 15 Q. Is there any policy in place to make sure that
 16 Spanish language or any other foreign language
 17 that is, mail that is pulled out from the
 18 regular mail gets handled in a timely fashion?
 19 A. Yes.
 20 Q. What is that policy?
 21 A. I'm not going to quote it without looking at it.
 22 Q. You think it's in the mail policy?
 23 A. Yes.
 24 Q. Can you tell me generally what you think it is?
 25 A. In general terms what we did was take out the

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1 requirement that it be translated and, meaning
 2 that it's no longer a requirement for
 3 100 percent of the time, that we can scan it for
 4 certain words that we know and takes the
 5 requirement out. So if we don't have someone to
 6 translate it, we can deliver it.
 7 Q. How often is it being translated as compared to
 8 you just scanning it to look for those words?
 9 A. I don't know.
 10 (Exhibit 136 marked for identification.)
 11 Q. BY MR. WING: Here is Exhibit 136. I'd like to
 12 direct your attention to the e-mail at the
 13 bottom of the page from a Mitch Watkins. Is he
 14 a deputy?
 15 A. Yes.
 16 Q. Would you take a minute and read what he
 17 wrote --
 18 A. Out loud?
 19 Q. -- to yourself. No. Just to yourself.
 20 Have you had an opportunity to read
 21 Exhibit 136?
 22 A. Yes.
 23 Q. Do you recall this issue coming up?
 24 A. Yes.
 25 Q. What solution, if any, did the jail come up

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1 with?
 2 A. I believe the solution was to, if the stamp is
 3 loose, peel it off. If you can't peel it off,
 4 then don't peel it off.
 5 Q. Doesn't that create a risk to safety, that
 6 there's poison or drugs underneath the stamp?
 7 A. It could.
 8 Q. But it's a risk that the jail's decided to take;
 9 is that right?
 10 A. Yes.
 11 Q. In fact, doesn't the new policy remove the
 12 requirement of taking off stamps altogether?
 13 A. I don't know.
 14 Q. Excuse me. I draw your attention to
 15 Exhibit 132. The first paragraph, would you
 16 please read what it states.
 17 A. The number one?
 18 Q. Yes.
 19 A. "Inmate Huck really does have a medical
 20 condition which causes his arms to swell.
 21 Medical is working with him. However, if he
 22 says he needs to see the nurses, he really does
 23 need to see the nurse."
 24 Q. Why would somebody write that if a prisoner
 25 really needs to see the nurse, they really need

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1 to see the nurse?
 2 MR. KRAEMER: Object to form.
 3 THE WITNESS: I don't know.
 4 Q. BY MR. WING: Did it imply to you that prisoners
 5 complain about medical problems and they ask to
 6 see the nurse but the prison staff don't believe
 7 them?
 8 A. No.
 9 Q. You don't think that has happened?
 10 MR. KRAEMER: Object to form.
 11 THE WITNESS: I don't know.
 12 Q. BY MR. WING: So what do you interpret
 13 paragraph -- the sentence that you just read to
 14 mean?
 15 A. My interpretation, that if inmate Huck requests
 16 to see the nurse, that it's serious and he
 17 really needs to see the nurse.
 18 Q. And why do you believe that one of your deputies
 19 would need to say that?
 20 MR. KRAEMER: Object to form.
 21 THE WITNESS: I don't know.
 22 Q. BY MR. WING: Does it surprise you?
 23 MR. KRAEMER: Object to form.
 24 THE WITNESS: No.
 25 Q. BY MR. WING: Does it imply to you that if it's

12 (Pages 282 to 285)

<p style="text-align: right;">Page 286</p> <p>1 not said, that another deputy might not actually</p> <p>2 allow Prisoner Huck to see the nurse?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 (Exhibit 137 marked for identification.)</p> <p>6 Q. BY MR. WING: This is Exhibit 137. Do you</p> <p>7 recognize the message on the second half of the</p> <p>8 first page as pass-down notes?</p> <p>9 A. Yes.</p> <p>10 Q. January 1st, 2012; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. Second page of this document, that same e-mail,</p> <p>13 the second paragraph on that page says, "Turner,</p> <p>14 Tim: Wrote a kite wanting contraband postcards</p> <p>15 delivered to him. The kite and several answers</p> <p>16 already given to him by deputies is 'no.' He</p> <p>17 doesn't need to keep asking. If you are the</p> <p>18 'other deputy' whom he says gives him</p> <p>19 contraband, please stop it so we can be</p> <p>20 consistent."</p> <p>21 Did you read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember this e-mail?</p> <p>24 A. No.</p> <p>25 Q. Did the jail investigate whether any other</p>	<p style="text-align: right;">Page 288</p> <p>1 several deputies over and over again for the</p> <p>2 same thing that he's already been given an</p> <p>3 answer to.</p> <p>4 Q. So where your deputy writes, "If you are the</p> <p>5 other deputy whom he says gives him</p> <p>6 contraband" --</p> <p>7 A. Is this what he says?</p> <p>8 Q. -- "please stop it so he can be consistent."</p> <p>9 You don't interpret that language to mean that</p> <p>10 the prisoner is claiming a deputy's giving him</p> <p>11 contraband?</p> <p>12 A. I don't know.</p> <p>13 (Exhibit 138 marked for identification.)</p> <p>14 Q. BY MR. WING: Handing you Exhibit 138, do you</p> <p>15 recognize e-mail at the bottom from Brooke</p> <p>16 McDowall dated 7-19-2012?</p> <p>17 A. Yes.</p> <p>18 Q. It reads, "During booking time, we need to</p> <p>19 advise all inmates coming into the jail that the</p> <p>20 mail policy has changed and they should read the</p> <p>21 section in the inmate manual about mail." Did I</p> <p>22 read that correctly?</p> <p>23 A. Yes.</p> <p>24 Q. Is that on your instruction?</p> <p>25 A. To advise inmates when coming into the jail?</p>
<p style="text-align: right;">Page 287</p> <p>1 deputy was giving this prisoner contraband?</p> <p>2 A. I don't think so.</p> <p>3 Q. Why not?</p> <p>4 A. I don't know.</p> <p>5 Q. Has anyone, to your knowledge, ever alleged that</p> <p>6 deputies were share -- or any member of the jail</p> <p>7 staff were giving contraband to a prisoner?</p> <p>8 A. Say that question one more time, please.</p> <p>9 Q. Sure. To your knowledge, has anyone ever</p> <p>10 claimed that a member of your staff was giving</p> <p>11 contraband to prisoners?</p> <p>12 A. No.</p> <p>13 Q. It appears, doesn't it, from Exhibit 137 that</p> <p>14 that's what inmate Turner was claiming?</p> <p>15 A. I don't know.</p> <p>16 Q. What do you interpret it to mean?</p> <p>17 A. This is written in the context from a deputy,</p> <p>18 not the inmate. So I don't know what the inmate</p> <p>19 was claiming.</p> <p>20 Q. Does it appear that that's what your deputy is</p> <p>21 reporting?</p> <p>22 A. No.</p> <p>23 Q. Okay. What is it that you think your deputy's</p> <p>24 reporting?</p> <p>25 A. I believe my deputy's reporting that he's asking</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. This was an instruction not too long after your</p> <p>4 deposition; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. So why did you give out this instruction?</p> <p>7 A. I've given that instruction several times</p> <p>8 because I want the inmates to be aware of the</p> <p>9 new mail policy.</p> <p>10 Q. Are you aware of any other documentation of that</p> <p>11 instruction besides this e-mail after your</p> <p>12 deposition?</p> <p>13 A. No.</p> <p>14 (Exhibit 139 marked for identification.)</p> <p>15 Q. BY MR. WING: Handing you several documents, I</p> <p>16 think there are probably eight in here. We're</p> <p>17 going to call Exhibit 139. They were handed to</p> <p>18 me by your lawyer, Greg Roberson, a few minutes</p> <p>19 ago. Have you seen them before?</p> <p>20 A. Yes.</p> <p>21 Q. What are they?</p> <p>22 A. These are inmate request forms.</p> <p>23 Q. Would you count them, please, and tell me how</p> <p>24 many there are.</p> <p>25 A. Seven.</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 241 to 324, 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 6th day of September, 2012.




Aleshia K. Macom
CSR No. 94-0296

Beovich Walter & Friend

EXHIBIT VIII

TO

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

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19 VOLUME II

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21 DEPOSITION OF JEFFREY M. DICKERSON

22 Taken in behalf of Plaintiff

23 August 28, 2012

<p style="text-align: right;">Page 299</p> <p>1 for sure.</p> <p>2 Q. Well, what's your memory? They attended the</p> <p>3 meeting. Did they sit there quietly or did they</p> <p>4 encourage you to resume the warm lunches?</p> <p>5 A. No. There was, there was no encouragement to do</p> <p>6 anything other than to facilitate the meeting</p> <p>7 and because they're, they're our connection to</p> <p>8 these prisoners. They're also the connection to</p> <p>9 the criminal defense attorneys. And so they had</p> <p>10 a vested interest in whatever decision was made.</p> <p>11 So they were invited to the table.</p> <p>12 Q. Were there allegations from the criminal defense</p> <p>13 attorneys that the cold lunch actually violated</p> <p>14 the law?</p> <p>15 A. I don't recall.</p> <p>16 Q. Is there any documentation about this whole</p> <p>17 process?</p> <p>18 A. I don't know.</p> <p>19 Q. Have you looked?</p> <p>20 A. Yes. As far as the whole process, I don't know.</p> <p>21 I think there -- I'm not sure.</p> <p>22 Q. Page 5 was, of Exhibit 139 was also a document</p> <p>23 you identified as a topic you were familiar</p> <p>24 with.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 301</p> <p>1 A. Yes.</p> <p>2 Q. And do you still have an opponents?</p> <p>3 A. As far as I know, I do.</p> <p>4 Q. How many opponents do you have?</p> <p>5 A. One.</p> <p>6 MR. KRAEMER: How is this not material that</p> <p>7 could have been answered in the first</p> <p>8 deposition? What's this got to do with the</p> <p>9 mitigation of damages defense?</p> <p>10 MR. WING: I don't think it has a lot to do</p> <p>11 with the mitigation of damages defense. It is,</p> <p>12 however, related to the sheriff's position on a</p> <p>13 permanent injunction. Are you instructing him</p> <p>14 not to answer?</p> <p>15 MR. KRAEMER: I'm instructing him not to</p> <p>16 answer.</p> <p>17 Q. BY MR. WING: I am going to ask a few questions</p> <p>18 and you can repeatedly refuse to answer then.</p> <p>19 Sheriff, do you have any idea what will happen</p> <p>20 to the jail's mail policy if you are not</p> <p>21 reelected?</p> <p>22 A. I refuse to answer.</p> <p>23 Q. You do refuse to answer?</p> <p>24 MR. KRAEMER: No. Wait a minute. Do you</p> <p>25 have any idea what would happen to the jail's</p>
<p style="text-align: right;">Page 300</p> <p>1 Q. What is the nature of that topic?</p> <p>2 A. Just the request by Inmate Osewengue, O S W --</p> <p>3 O S E, I'm sorry, W E N G U E, I believe.</p> <p>4 That's what it appears to be, a request from him</p> <p>5 for consideration as far as how he can review</p> <p>6 for discovery purposes his documents.</p> <p>7 Q. Was that an unusual request?</p> <p>8 A. Not completely unusual.</p> <p>9 Q. So other inmates had asked for access to a</p> <p>10 computer --</p> <p>11 A. Yes.</p> <p>12 Q. -- to review documents?</p> <p>13 A. Yes.</p> <p>14 Q. And had that been routinely denied?</p> <p>15 A. It's a, just a case by case. And I don't recall</p> <p>16 any others than Mr. Osewengue as far as how we</p> <p>17 responded.</p> <p>18 Q. Do you ever recall granting that request before?</p> <p>19 A. I don't recall.</p> <p>20 Q. Are you aware of any other documentation about</p> <p>21 Mr. Osewengue's request or the jail's response</p> <p>22 to it other than page 5 of Exhibit 139?</p> <p>23 A. No other documentation that I'm aware of.</p> <p>24 Q. All right. Sheriff, are you still up for</p> <p>25 re-election?</p>	<p style="text-align: right;">Page 302</p> <p>1 mail policy if he is not reelected?</p> <p>2 MR. WING: That's my question.</p> <p>3 MR. KRAEMER: How is that not speculation?</p> <p>4 I'm going to let him, if he can answer what</p> <p>5 somebody else might do with the mail policy if</p> <p>6 he's not reelected, I'm not going to fight that</p> <p>7 battle.</p> <p>8 You can answer that.</p> <p>9 THE WITNESS: I have no idea.</p> <p>10 Q. BY MR. WING: Have you had any discussions with</p> <p>11 your opponent about that topic?</p> <p>12 A. No.</p> <p>13 Q. Have you, is your opponent still employed by</p> <p>14 you?</p> <p>15 MR. KRAEMER: Okay. Don't answer that.</p> <p>16 THE WITNESS: I am not going to answer.</p> <p>17 MR. WING: Really?</p> <p>18 MR. KRAEMER: Yeah. This isn't about the</p> <p>19 election. You could have asked him this before.</p> <p>20 MR. WING: Whether this person is still</p> <p>21 employed by him three months after his</p> <p>22 deposition?</p> <p>23 MR. KRAEMER: The answer is, it states --</p> <p>24 Don't answer the question.</p> <p>25 Q. BY MR. WING: He was employed by you; isn't that</p>

<p style="text-align: right;">Page 319</p> <p>1 Q. Do you know how many, approximately, 2 Spanish-speaking inmates you typically have? 3 A. No. 4 Q. You mentioned that there are not very many ICE 5 inmates usually. I'm not sure if that's the 6 exact words, but -- 7 A. That's correct. 8 Q. We just looked at an e-mail that said there was 9 going to be an ICE roundup or I don't know what 10 the word would be, series of arrests presumably 11 and they asked for 25 beds. Do you remember 12 seeing that e-mail? 13 A. Yes. 14 Q. Was that an unusual request? 15 A. That seems to be unusual. 16 Q. What would you say would be typical? 17 A. Between one and maybe five. 18 Q. How often? 19 A. Sporadic. 20 Q. Okay. Has the current inmate manual been 21 translated into Spanish? 22 A. No. 23 Q. Why not? 24 A. It is in the process of being arranged to be 25 changed.</p>	<p style="text-align: right;">Page 321</p> <p>1 A. I, I can only assume what it means. 2 Q. What do you assume it means? 3 A. It was modified on November 18th, 2010. 4 Q. Is this the only Spanish language version of any 5 inmate manual, to your knowledge? 6 A. This is, this, to my knowledge, this is all the, 7 that I've seen in recent months is this right 8 here. 9 Q. So if there's a Spanish language prisoner who 10 was brought in last night to your jail, is this 11 what they receive? 12 A. No. 13 Q. What do they receive? 14 A. The English version. That's, well, that's 15 what's supposed to happen. 16 Q. Have you given instructions on that? 17 A. Yes. 18 Q. To who? 19 A. To, to our lieutenants. 20 Q. Okay. When we did an inspection of the jail 21 back in May of this year when the old inmate 22 manuals in English were being handed out, was 23 this the version of the Spanish inmate manual 24 that would have been handed out at that same 25 time?</p>
<p style="text-align: right;">Page 320</p> <p>1 Q. Do you know that for a fact? 2 A. I know we were in the process, yes, of trying to 3 make arrangements to have it done. 4 (Exhibit 147 marked for identification.) 5 Q. BY MR. WING: Sheriff, do you recognize 6 Exhibit 147 as the Spanish version of your 7 former inmate manual? 8 A. It appears to be in the same format as our 9 English one, version. 10 Q. Do you speak Spanish? 11 A. No. 12 Q. Do you read Spanish? 13 A. I've had some college but I can't say that I 14 either speak it or read it. 15 Q. Okay. You see your name on the front page; is 16 that right? 17 A. Yes. 18 Q. And above your -- There's a signature line. 19 Does it appear to you that it says the word 20 "November 2010" in Spanish? 21 A. Yes. 22 Q. And in the bottom right-hand corner where it 23 says Modificado el 18/11/10, do you see that? 24 A. Yes. 25 Q. What does that mean to you?</p>	<p style="text-align: right;">Page 322</p> <p>1 A. Probably. 2 Q. Okay. If I could draw your attention to page 3 CC001974 of that document. I will show you here 4 part of the way down, it's highlighted. Do you 5 see the heading? 6 A. Yes. 7 Q. To your understanding, is this the portion of 8 the manual that says the jail does not accept 9 periodicals? 10 A. Yes. 11 Q. Okay. And that's under a heading, I'm just 12 going to spell it, P U B L I C A C I O N E S , 13 new word, P E R I O , I call it an aigu but I 14 don't know what it's called in Spanish, 15 D I C A S . Did I spell that correctly? 16 A. Yes. 17 (Exhibit 148 marked for identification.) 18 Q. BY MR. WING: Exhibit 148. Tell me what that 19 is. 20 A. It's a version of the Columbia County Jail 21 inmate manual. 22 Q. Okay. Is that the most recent version? 23 A. I don't think so. 24 Q. Did that version go into effect? 25 A. I believe so.</p>

<p style="text-align: right;">Page 323</p> <p>1 (Exhibit 149 marked for identification.)</p> <p>2 Q. BY MR. WING: I hand you Exhibit 149. I ask you</p> <p>3 what that is.</p> <p>4 A. I believe this is our most recent version of the</p> <p>5 inmate manual.</p> <p>6 Q. Do you know what the difference is?</p> <p>7 A. I believe, well, I know there's some changes</p> <p>8 that were made to this because of some errors</p> <p>9 that were in this.</p> <p>10 Q. Do you know what those are?</p> <p>11 A. I can't, not without going through it.</p> <p>12 Q. The manual makes reference to the law library.</p> <p>13 Is that the same law library that we saw in our</p> <p>14 inspection?</p> <p>15 A. I believe so.</p> <p>16 Q. And that is a library cart; is that correct?</p> <p>17 A. It's a cart that has books on it, law books.</p> <p>18 Q. Okay. The newest inmate manual makes a</p> <p>19 reference to the phrase "nuisance contraband" on</p> <p>20 page 15. Do you know what that means?</p> <p>21 A. I'd have to review the policy.</p> <p>22 Q. Okay. I show you on page 15, it says "mail is</p> <p>23 nuisance contraband"?</p> <p>24 A. Yes. I'd have to review the policy.</p> <p>25 Q. What does that refer to?</p>	<p style="text-align: right;">Page 325</p> <p>1 all defendants. And then I've clipped on the</p> <p>2 verification page that I was provided by your</p> <p>3 lawyer this morning, two pages. Would you</p> <p>4 please look at that. Would you verify that that</p> <p>5 is what I have handed you?</p> <p>6 A. Yes.</p> <p>7 Q. And is your signature the last page of that</p> <p>8 document?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know whose signature is on the page just</p> <p>11 before that?</p> <p>12 A. Appears to be that of Sarah Hanson, our county</p> <p>13 attorney.</p> <p>14 Q. Okay. Are you aware of any determination as to</p> <p>15 how much time it takes to perform the mail</p> <p>16 processing at the jail?</p> <p>17 A. No.</p> <p>18 Q. Do you know how long it takes?</p> <p>19 A. No.</p> <p>20 Q. Do you know if it takes more or less time than</p> <p>21 it took since the judge entered his preliminary</p> <p>22 injunction?</p> <p>23 A. I don't know.</p> <p>24 Q. Have you attempted to find out?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 324</p> <p>1 A. Again, I'd have to review our -- This is not a</p> <p>2 policy.</p> <p>3 Q. I see.</p> <p>4 A. This is the inmate manual.</p> <p>5 Q. Okay. It says, as defined on page 3 of this</p> <p>6 manual. Do you see that? Does that help you?</p> <p>7 A. Turning to page 3. It appears to be a typo.</p> <p>8 Q. Is there a place that defines it, to your</p> <p>9 knowledge?</p> <p>10 A. I believe it's in our policy manual, but I'd</p> <p>11 have to look.</p> <p>12 Q. Is there a limit on the amount of mail that a</p> <p>13 prisoner can accumulate in their cell?</p> <p>14 A. Again, I'd have to look through the policy.</p> <p>15 Q. So you don't know the answer to that?</p> <p>16 A. I don't know the answer right off the top of my</p> <p>17 head.</p> <p>18 Q. Do you think that there is a limit, you just</p> <p>19 don't know how much it is?</p> <p>20 A. I don't know.</p> <p>21 (Exhibit 150 marked for identification.)</p> <p>22 Q. BY MR. WING: Sheriff, I'm handing you</p> <p>23 Exhibit 150, which is identified, the caption</p> <p>24 says Defendants' responses to Plaintiff's third</p> <p>25 interrogatories and request for production on</p>	<p style="text-align: right;">Page 326</p> <p>1 Q. Why not?</p> <p>2 A. It's, I don't see the purpose.</p> <p>3 Q. Okay. If we turn to page 4 of Exhibit 150,</p> <p>4 there's an interrogatory answer, excuse me,</p> <p>5 interrogatory number 17 which asks generally for</p> <p>6 you to identify the instances in which the jail</p> <p>7 changed its policies, procedures or practices in</p> <p>8 response to communication complaining about the</p> <p>9 policy procedure or practice. Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Your answer makes reference first to on</p> <p>12 or about March 26, 2010, the jail made changes</p> <p>13 to its inmate mail policies in response to a</p> <p>14 phone call from the ACLU. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. It says "see Exhibit 95, pages 7 and 8." Do you</p> <p>17 know what this refers to?</p> <p>18 A. Not specifically, no.</p> <p>19 Q. Was it ever brought to your attention that the</p> <p>20 ACLU had called?</p> <p>21 A. Yes.</p> <p>22 Q. Who brought that to your attention?</p> <p>23 A. Originally I believe it was Sergeant Cutright.</p> <p>24 Q. And was that, to your understanding, he brought</p> <p>25 it to your attention at the time that they made</p>

<p style="text-align: right;">Page 343</p> <p>1 deposition until after the ruling. 2 So you can read the question back. He can 3 answer it. It is not my understanding from 4 Judge Simon's ruling that this is the reason the 5 deposition was reopened. 6 (Record read as follows: 7 "Q Have you not thought about it 8 before?") 9 THE WITNESS: I think that's, what sticks 10 out in my mind the most is what I've said. 11 Q. BY MR. WING: And I asked if there was any other 12 reason? 13 MR. KRAEMER: You've answered the question. 14 I'm instructing him not to answer. 15 Q. BY MR. WING: Are you going to refuse to answer 16 that question? 17 A. I don't know how to answer it. 18 Q. Well, I've asked for every reason. You said 19 that's the main reason. Are there any other 20 reasons? 21 MR. KRAEMER: Instruct him not to answer. 22 THE WITNESS: I am not going to answer. 23 Q. BY MR. WING: Do you intend to continue 24 defending your postcard-only policy as 25 constitutional to the court?</p>	<p style="text-align: right;">Page 345</p> <p>1 about changing your policies; is that right? 2 MR. KRAEMER: Object to the form. 3 THE WITNESS: Yes. 4 Q. BY MR. WING: Okay. And what is it that you 5 think Prison Legal News could have said to you 6 that would have made you change your policies? 7 A. It's hard to answer that question. There's so 8 many things. 9 Q. Like what? 10 A. As simple as we're Prison Legal News and we want 11 to appeal your decision not to permit this mail 12 to be delivered. 13 Q. Now, you didn't have a policy for such an 14 appeal, did you? 15 A. I'd have to review our policy back then. I'm 16 under the impression that we did, but I'd have 17 to review that policy. 18 Q. It was not in your inmate manual; right? 19 A. No. 20 Q. Is that correct? 21 A. I believe it was not. 22 Q. And it was not on your website; right? 23 A. That's correct. 24 Q. And you never sent Prison Legal News any 25 notification on the censored mail or in the form</p>
<p style="text-align: right;">Page 344</p> <p>1 MR. KRAEMER: That's legal, you're asking 2 for attorney-client privilege matter now. I'm 3 telling him not to answer that further. It's 4 beyond what this was reopened, the purpose of 5 reopening this deposition. 6 MR. WING: So you're instructing him not to 7 answer? 8 MR. KRAEMER: I am. 9 Q. BY MR. WING: Okay. Sheriff, when you get 10 elected to become the sheriff, do you take an 11 oath of office? 12 MR. KRAEMER: Don't answer. It's not the 13 reason it was reopened. 14 Q. BY MR. WING: Are you going to refuse to answer? 15 A. I've been asked not to answer. 16 Q. So you refuse -- 17 A. I refuse. 18 Q. -- to answer? 19 MR. KRAEMER: We are way beyond the 20 seven hours that you're entitled to. I think 21 you have about 20 minutes left from when we 22 started. 23 Q. BY MR. WING: As I understand it, you are 24 contending that Prison Legal News should have 25 contacted you before they sued to talk to you</p>	<p style="text-align: right;">Page 346</p> <p>1 of some other communication that they could 2 appeal; is that right? 3 A. I don't know that part of it. 4 Q. Do you agree that you were, you have been 5 charged with knowing the law, what's permitted 6 under the Constitution in terms of censorship 7 during your entire tenure as sheriff? Is that 8 right? 9 A. Yes. 10 Q. Okay. Is it your view of law enforcement that 11 law enforcement needs to be notified before they 12 are obligated to comply with the Constitution? 13 A. No. 14 Q. Can you think of any circumstance where you have 15 trained your staff not to arrest people where 16 you believe there's probable cause that a crime 17 has been committed without first warning the 18 person? 19 MR. KRAEMER: Object to form. 20 THE WITNESS: Can you repeat that question, 21 please. 22 (Record read as follows: 23 "Q Can you think of any circumstance 24 where you have trained your staff not to 25 arrest people where you believe there's</p>

<p style="text-align: right;">Page 347</p> <p>1 probable cause that a crime has been 2 committed without first warning the 3 person?") 4 THE WITNESS: Absolutely. 5 Q. BY MR. WING: Where are your examples of that? 6 A. There are actually very few examples where we 7 have to arrest anybody. In Oregon the only time 8 you pretty much are required to make an arrest 9 on probable cause is when domestic violence is 10 involved. There are many times where a deputy 11 may not make an arrest and may give a warning 12 prior to making that arrest, many, many times. 13 Q. BY MR. WING: And how are they supposed to 14 decide? 15 A. Officer discretion. 16 Q. So can you identify a circumstance where your 17 staff has not arrested a drug dealer because the 18 drug dealer said, thanks for letting me know. I 19 didn't know that I wasn't allowed to sell drugs? 20 MR. KRAEMER: Object to form. 21 THE WITNESS: I can't think of an example of 22 that. 23 Q. BY MR. WING: Would you approve of such a 24 program? 25 A. It would depend.</p>	<p style="text-align: right;">Page 349</p> <p>1 are dealing or selling drugs with this drug 2 dealer, is that a reason why you might not 3 arrest them; you observe them? 4 A. Say that again. 5 Q. Drug dealers often buy drugs from somebody and 6 sell them to somebody else; right? 7 A. Yes. 8 Q. So if you observe this particular drug dealer 9 sell more and more drugs, you're going to maybe 10 find out who's selling them, who's supplying 11 them to the drug dealer and who's buying them 12 from the drug dealer; right? 13 MR. KRAEMER: Object to form. 14 THE WITNESS: It's hard to say. 15 Q. BY MR. WING: Well, am I making this up or is 16 this standard law enforcement practice? 17 MR. KRAEMER: Object to form. 18 THE WITNESS: It's hard to get into that. 19 Q. BY MR. WING: Why is it hard to get into that? 20 Is that true or not true? 21 MR. KRAEMER: Object to form. 22 Q. BY MR. WING: That that is a form, investigation 23 technique of law enforcement? 24 A. It could be. Could be. 25 Q. Is it an investigation technique of your</p>
<p style="text-align: right;">Page 348</p> <p>1 Q. So you can think of situations where you'd 2 recommend that a drug dealer be just given a 3 warning for selling drugs? 4 A. There are all kinds of reasons why you would not 5 arrest a drug dealer right off the bat. 6 Q. Like what? 7 A. You're using them to get after bigger fish, such 8 as your client. 9 Q. Such as my client? 10 A. Well, suppose he has, we are after a murderer 11 and we wanted to get that person and the drug 12 dealer had that information, we may not arrest 13 the drug dealer if we knew that a murderer was 14 within our, our purview. So that's an example. 15 Q. Do you also not address, arrest the drug dealer 16 when you know the drug dealer has violated the 17 law by selling drugs because you want to see the 18 drug dealer sell drugs again and build your 19 case? 20 A. That's a hypothetical. The motive I can't 21 address. 22 Q. Is that an investigation technique that I just 23 described? 24 A. No. 25 Q. And if you want to catch the other people who</p>	<p style="text-align: right;">Page 350</p> <p>1 department? 2 MR. KRAEMER: Object to form. 3 THE WITNESS: I can't comment on that. 4 Q. BY MR. WING: Why can't you comment on that? 5 A. I don't have specific knowledge about it. 6 Q. Does your office do drug buys? 7 MR. KRAEMER: Okay. How does this have 8 anything to do with mitigation of damages? 9 MR. WING: We can get the judge on the phone 10 if you want to do that. 11 MR. KRAEMER: Get him on the phone. Call 12 him. 13 MR. WING: Let's do this, let me get done 14 all the questions I can get done and then we can 15 do that. 16 MR. KRAEMER: I still need that exhibit. 17 MR. WING: I'm sorry? 18 MR. KRAEMER: On the federal funding for the 19 jail that you were going to ask him about, I 20 haven't seen that exhibit yet. 21 MR. WING: It was the ICE. 22 MR. KRAEMER: It's the ICE exhibit? That's 23 the one that you are talking about? 24 MR. WING: I was asking him -- 25 MR. KRAEMER: I just needed, that's the one</p>

<p style="text-align: right;">Page 355</p> <p>1 THE WITNESS: I think the end goal should be</p> <p>2 compliance with the Constitution, that people's</p> <p>3 rights are upheld and that we can go, go home at</p> <p>4 night knowing that we've done everything in our</p> <p>5 power to protect people's rights.</p> <p>6 Q. BY MR. WING: Do you think that the sheriff's</p> <p>7 department harmed anyone by having</p> <p>8 unconstitutional practices for the past</p> <p>9 three years?</p> <p>10 MR. KRAEMER: Object to form.</p> <p>11 THE WITNESS: I don't know.</p> <p>12 Q. BY MR. WING: If the sheriff's department did</p> <p>13 harm somebody, should the sheriff's department</p> <p>14 be accountable for compensating whoever it</p> <p>15 harmed?</p> <p>16 A. I don't know. I don't know the nature of the</p> <p>17 harm. I can't comment on that.</p> <p>18 Q. Well, if there is harm, I'm asking whether the</p> <p>19 sheriff's department should be responsible for</p> <p>20 compensating that?</p> <p>21 MR. KRAEMER: What's this got to do with the</p> <p>22 mitigation of damages?</p> <p>23 MR. WING: This is exactly what mitigation</p> <p>24 of damages is about.</p> <p>25 MR. KRAEMER: I don't understand how that's</p>	<p style="text-align: right;">Page 357</p> <p>1 you didn't; right?</p> <p>2 A. We didn't right away, no.</p> <p>3 Q. Well, you didn't until you were ordered to by</p> <p>4 The Court; right?</p> <p>5 A. Correct.</p> <p>6 Q. So what reason would anybody have to believe</p> <p>7 that if PLN had written you a letter or called</p> <p>8 you on the phone rather than sued you, that you</p> <p>9 would have given up the policy?</p> <p>10 MR. KRAEMER: Object to form, argumentative</p> <p>11 and vague.</p> <p>12 THE WITNESS: I don't know. I don't know</p> <p>13 how to answer that question. I really don't.</p> <p>14 Q. BY MR. WING: Well, if you're asked in front of</p> <p>15 the jury to answer that question by your own</p> <p>16 lawyer, to explain that if PLN had simply</p> <p>17 contacted you, you would have given up the</p> <p>18 policy?</p> <p>19 MR. KRAEMER: Which policy?</p> <p>20 MR. WING: The postcard-only policy.</p> <p>21 Q. BY MR. WING: Would you say yes, we would have</p> <p>22 or no, we wouldn't have?</p> <p>23 A. I don't know.</p> <p>24 Q. You haven't thought about it?</p> <p>25 A. I can't say I've given a lot of thought to how</p>
<p style="text-align: right;">Page 356</p> <p>1 exactly what this is about. That makes no sense</p> <p>2 to me. I'm sorry. I'm just a little slow here.</p> <p>3 I don't understand what that has to do with</p> <p>4 mitigation.</p> <p>5 MR. WING: Well, I'm asking whether the</p> <p>6 sheriff thinks he should be responsible for</p> <p>7 paying the damages.</p> <p>8 MR. KRAEMER: You already have an offer of</p> <p>9 judgment. What's that have to do with</p> <p>10 mitigation of damages? You're not explaining it</p> <p>11 to me, so I'm telling him not to answer. Okay.</p> <p>12 Because I don't understand -- I understand what</p> <p>13 it has to do with damages. We have an offer of</p> <p>14 judgment. You could have asked those questions</p> <p>15 and I think you did to some extent the first</p> <p>16 time. This is reopened for mitigation. I'm</p> <p>17 telling him not to answer because I'm not</p> <p>18 hearing how this is directed toward mitigation.</p> <p>19 Q. BY MR. WING: Sheriff, is it your opinion that</p> <p>20 if Prison Legal News had asked you to get rid of</p> <p>21 your postcard-only policy, you would have done</p> <p>22 so?</p> <p>23 A. I don't know.</p> <p>24 Q. Well, PLN notified you when it filed the lawsuit</p> <p>25 that it wanted you to get rid of the policy and</p>	<p style="text-align: right;">Page 358</p> <p>1 to answer that question in the midst of this</p> <p>2 lawsuit.</p> <p>3 Q. So you have no opinion at this point, is that</p> <p>4 what you're saying?</p> <p>5 A. Yes.</p> <p>6 Q. Should there be any consequence to you</p> <p>7 personally for being the sheriff while the</p> <p>8 Constitution was repeatedly violated over the</p> <p>9 past three years?</p> <p>10 MR. KRAEMER: What's that have to do with</p> <p>11 mitigation of damages? Because if that's not</p> <p>12 part of the mitigation of damage defense, I'm</p> <p>13 telling him not to answer. That clearly could</p> <p>14 have been answered the first time or asked the</p> <p>15 first time.</p> <p>16 MR. WING: So you're instructing him not to</p> <p>17 answer?</p> <p>18 MR. KRAEMER: Yes, I am, unless you tell me</p> <p>19 how it has to do with the mitigation.</p> <p>20 THE WITNESS: I am going to follow his</p> <p>21 advice and not answer.</p> <p>22 Q. BY MR. WING: Could you read back the question,</p> <p>23 please.</p> <p>24 (Record read as follows:</p> <p>25 "Q Should there be any consequence to</p>

<p style="text-align: right;">Page 379</p> <p>1 totally beyond how this has to do with the</p> <p>2 failure to mitigate damages.</p> <p>3 MR. WING: Well, I've already stated my</p> <p>4 view. And if the sheriff --</p> <p>5 MR. KRAEMER: Okay. You can answer whether</p> <p>6 he got it wrong and I'll see where I go from</p> <p>7 there.</p> <p>8 THE WITNESS: I don't, I'm not even</p> <p>9 concerned with that, whether -- I don't judge</p> <p>10 whether The Court got it wrong or not. What I</p> <p>11 consider is that the judge made a ruling and</p> <p>12 we're going to go with what the judge said. And</p> <p>13 I'm not fighting against it. I'm not opposed to</p> <p>14 it. We're moving on.</p> <p>15 Q. BY MR. WING: So far as I understand it, you are</p> <p>16 not agreeing to a permanent injunction; right?</p> <p>17 MR. KRAEMER: Don't answer that question.</p> <p>18 Q. BY MR. WING: So are you refusing to answer?</p> <p>19 A. Yes.</p> <p>20 MR. KRAEMER: Yes. And we are way beyond</p> <p>21 the seven hours also.</p> <p>22 Q. BY MR. WING: Do you have strong views about</p> <p>23 that?</p> <p>24 MR. KRAEMER: Don't answer that question.</p> <p>25 Q. BY MR. WING: Are you refusing to answer?</p>	<p style="text-align: right;">Page 381</p> <p>1 MR. KRAEMER: About the scope of the</p> <p>2 lawsuit?</p> <p>3 MR. WING: I'm sorry. The scope of the</p> <p>4 deposition.</p> <p>5 MR. KRAEMER: All right.</p> <p>6 MR. WING: Okay. If I understand you, your</p> <p>7 position is that you would allow questions at</p> <p>8 the sheriff's deposition regarding the</p> <p>9 defendants' mitigation of damages defense and</p> <p>10 about documents that should have been produced</p> <p>11 previously but were not produced previously and</p> <p>12 no other topics.</p> <p>13 MR. KRAEMER: Well, actually I think that</p> <p>14 that summary -- No. I disagree. End of that.</p> <p>15 MR. WING: Can you articulate it?</p> <p>16 MR. KRAEMER: Yeah. First off, clearly over</p> <p>17 the last two-plus hours you have asked questions</p> <p>18 that fall outside the parameters of those issues</p> <p>19 and I've let you do it. We have a time limit.</p> <p>20 You are way past the time limit. And I want to</p> <p>21 emphasize when I say that so the record is</p> <p>22 clear, I don't think your time limit applies to</p> <p>23 those documents that we didn't produce and</p> <p>24 should have because I'm willing to agree you</p> <p>25 would say, well, I would have asked the prior</p>
<p style="text-align: right;">Page 380</p> <p>1 A. Yes.</p> <p>2 Q. Sheriff, we've gone over a series of inmate</p> <p>3 request forms which dealt with requests from</p> <p>4 prisoners like, to use a razor, clippers instead</p> <p>5 of a razor. Do you remember those?</p> <p>6 A. I do know that.</p> <p>7 Q. Request to use a computer?</p> <p>8 A. Yep.</p> <p>9 Q. Then we went over a series of e-mails which</p> <p>10 identified some of the same topics but also</p> <p>11 those e-mails included Sergeant Rigdon going to</p> <p>12 bat for a prisoner to get \$4.74 back. Do you</p> <p>13 remember those e-mails?</p> <p>14 A. Yes.</p> <p>15 Q. Are you aware of any other instances in which</p> <p>16 the jail, the sheriff's department changed its</p> <p>17 policies or procedures as a result of a</p> <p>18 complaint or request?</p> <p>19 A. As I sit here now I can't think of anything that</p> <p>20 would apply to that.</p> <p>21 MR. WING: Okay. Steve, I want to avoid</p> <p>22 belaboring this topic. I want to summarize our,</p> <p>23 what I understand your position to be about the</p> <p>24 scope of this lawsuit so that we don't have a</p> <p>25 disagreement about --</p>	<p style="text-align: right;">Page 382</p> <p>1 questions differently so I could maximize the</p> <p>2 time. So I don't agree that they apply to that</p> <p>3 and I think Judge Simon's ruling was clear that</p> <p>4 if you needed beyond the time you're allowed to</p> <p>5 ask questions under the failure to mitigate,</p> <p>6 you're entitled to a reasonable amount of time</p> <p>7 beyond the time limit. I agree with that. He</p> <p>8 didn't make that ruling, but I have no problem</p> <p>9 with that.</p> <p>10 But even setting those aside, I think you</p> <p>11 were beyond the time you're allowed on other</p> <p>12 issues that you have talked about. I've allowed</p> <p>13 you to go into other issues. And to me it's</p> <p>14 just a matter of you want to stretch the leash</p> <p>15 further or farther out than I'm letting it</p> <p>16 beyond what I understand to be the scope of this</p> <p>17 deposition.</p> <p>18 MR. WING: I'm trying to encapsulate this so</p> <p>19 that if we do have to address this with The</p> <p>20 Court, it's as simple as possible. I understand</p> <p>21 from your perspective you've allowed me to go</p> <p>22 further, but you've also then said, that's it.</p> <p>23 No more. And so I'm trying to articulate. I</p> <p>24 think you've said you believe the purpose of</p> <p>25 this deposition should be limited to asking</p>

<p style="text-align: right;">Page 383</p> <p>1 about the affirmative defense of failure to 2 mitigate damages and, second, that you agree we 3 could ask questions about documents that should 4 have been produced earlier and nothing else. 5 That's what you believe the purpose of this 6 deposition was limited to. You believe that you 7 have allowed some other questions but you clamp 8 down when you thought enough's enough; is that 9 right? 10 MR. KRAEMER: I'm not answering any more. I 11 just told you what I thought. 12 MR. WING: Okay. So if I have additional 13 questions about the upcoming election, you're 14 refusing to answer them; right? 15 THE WITNESS: Yes. 16 MR. KRAEMER: Correct. 17 Q. BY MR. WING: And by election, I mean your 18 re-election. Okay. Questions about the current 19 mail policies which were created after I took 20 your deposition. You refuse to answer questions 21 about that? 22 MR. KRAEMER: Correct. 23 THE WITNESS: Yes. 24 Q. BY MR. WING: Questions about the current inmate 25 manual, which was in the most recent versions</p>	<p style="text-align: right;">Page 385</p> <p>1 THE WITNESS: Yes. 2 Q. BY MR. WING: Any communications you've had with 3 the Sheriffs' Association members, other 4 sheriffs about implementation of your current 5 policy, you refuse to answer questions about 6 that? 7 MR. KRAEMER: Correct. 8 THE WITNESS: Yes. 9 Q. BY MR. WING: Does the sheriff's department 10 apply criminal forfeiture laws? 11 MR. KRAEMER: And how is that -- I'm lost 12 with what that would have to do with a failure 13 to mitigate. 14 MR. WING: Yes. 15 MR. KRAEMER: How does it have to do with 16 the failure to mitigate? 17 MR. WING: We'll get there. 18 MR. KRAEMER: How does it have to do with 19 it? He can answer if I know how it has to do 20 with it. 21 MR. WING: The point is if I have to have my 22 questions vetted by you, then I don't get to ask 23 my questions the way I want to ask them. 24 MR. KRAEMER: Candidly, your comment, your 25 representation of this e-mail exhibit and</p>
<p style="text-align: right;">Page 384</p> <p>1 which were created after your deposition and 2 after The Court's order, you refuse to answer 3 questions about that? 4 MR. KRAEMER: Correct. 5 THE WITNESS: Yes. 6 Q. BY MR. WING: Any specific questions about your 7 compliance with The Court's order, which was 8 issued after your deposition, you refuse to 9 answer questions about that? 10 MR. KRAEMER: Correct. 11 THE WITNESS: Yes. 12 Q. BY MR. WING: Questions, further questions about 13 your statement to the reporter who wrote the 14 article quoting you about the judge's order, you 15 refuse to answer questions about that? 16 MR. KRAEMER: Correct. 17 THE WITNESS: Yes. 18 Q. BY MR. WING: Questions about your oath of 19 office, you refuse to answer; right? 20 A. Yes. 21 Q. Questions about your current understanding of 22 the application of the due process provisions of 23 your current policies, you refuse to answer 24 questions about that? 25 MR. KRAEMER: Correct.</p>	<p style="text-align: right;">Page 386</p> <p>1 federal funding, I have serious, serious 2 concerns about that representation. And given 3 that especially today, your comment that somehow 4 it's related but you're not going to tell me 5 how, I think I'm entitled to know how it's 6 related before we go down this road, how it's 7 related to a failure to mitigate defense. 8 MR. WING: It has to do with the sheriff's 9 department recovering monies from people that it 10 arrests. 11 MR. KRAEMER: Okay. You've answered enough. 12 You can answer. 13 THE WITNESS: That's not our purview. 14 Q. BY MR. WING: Do you recover monies from people 15 who you arrest? 16 A. I don't think we do. 17 Q. So if somebody's running a meth lab and you 18 arrest them, you do not recover, if the house 19 gets foreclosed on and you do not recover any of 20 the money involved in the whole operation that 21 you've had to spend resources on? 22 A. There are fees that people pay on a, for the 23 service of civil papers. That's the, we collect 24 fees that don't even pay our costs. But there 25 is a state fee that we apply.</p>

<p style="text-align: right;">Page 387</p> <p>1 Q. Okay. But do you know what I mean by 2 "forfeiture"?</p> <p>3 A. I do. And I know that we don't, we don't 4 participate in the forfeiture.</p> <p>5 Q. Okay. Apart from receiving money for civil 6 service of summons, is there any other way in 7 which the sheriff's department recovers money 8 from criminals or the public?</p> <p>9 A. We charge fees.</p> <p>10 Q. For services?</p> <p>11 A. For services.</p> <p>12 Q. And if you have to go rescue somebody, they 13 don't get charged for that?</p> <p>14 A. No.</p> <p>15 Q. I believe I also asked questions about what 16 responsibility you had personally for any 17 violations of the Constitution and that you 18 refused to answer those questions. I am 19 confirming that you refuse to answer those?</p> <p>20 A. Yes.</p> <p>21 Q. Is it your opinion that -- Strike that. 22 Is it your position that in response to 23 PLN's lawsuit, you moved as quickly as you could 24 to correct the deficiencies in your policy? 25 MR. KRAEMER: Object to form.</p>	<p style="text-align: right;">Page 389</p> <p>1 And subject to that disagreement I'm going to 2 conclude now. I don't think it's fruitful to go 3 and have a battle with The Court right now.</p> <p>4 MR. KRAEMER: All right. 5 (Recess at 1:18.) 6 * * * 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 388</p> <p>1 THE WITNESS: I don't know if we moved as 2 quickly as we could.</p> <p>3 Q. BY MR. WING: Is it your position that you moved 4 as quickly as you could to remedy the 5 deficiencies in your inmate manual regarding 6 mail?</p> <p>7 A. I don't know.</p> <p>8 Q. Is it your position that you've taken all 9 appropriate steps to discipline your employees 10 for any violations of the Constitution regarding 11 mail policies?</p> <p>12 MR. KRAEMER: Object to form.</p> <p>13 THE WITNESS: I don't know if we've done 14 everything we could.</p> <p>15 Q. BY MR. WING: Do you have any current plans to 16 update or modify your inmate mail policy?</p> <p>17 A. The plan is to update our Spanish language 18 policy.</p> <p>19 Q. Do you mean inmate manual?</p> <p>20 A. Yeah. I'm sorry. Inmate manual. And the 21 entire manual and policy is always up for review 22 and change, although we have no plans at this 23 point.</p> <p>24 MR. WING: Steve, I'm not going repeat our 25 disagreement over the scope of the deposition.</p>	<p style="text-align: right;">Page 390</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I, Aleshia K. Macom, CSR No. 94-0296, do 4 hereby certify that JEFFREY M. DICKERSON 5 personally appeared before me at the time and 6 place mentioned in the caption herein; that the 7 witness was by me first duly sworn on oath, and 8 examined upon oral interrogatories propounded by 9 counsel; that said examination, together with 10 the testimony of said witness, was taken down by 11 me in stenotype and thereafter reduced to 12 typewriting; and that the foregoing transcript, 13 Pages 286 to 389, both inclusive, constitutes a 14 full, true and accurate record of said 15 examination of and testimony given by said 16 witness, and of all other proceedings had during 17 the taking of said deposition, and of the whole 18 thereof, to the best of my ability.</p> <p>19 Witness my hand at Portland, Oregon, this 20 6th day of September, 2012.</p> <p>21 22 23 Aleshia K. Macom 24 CSR No. 94-0296 25</p>

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 286 to 389, 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 6th day of September, 2012.



Aleshia K. Macom

CSR No. 94-0296

EXHIBIT IX

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.

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17
18
19
20 DEPOSITION EXCERPT OF BRYAN CUTRIGHT

21 Taken in behalf of Plaintiff

22 August 28, 2012
23
24
25

<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED THAT, the deposition of</p> <p>2 BRYAN CUTRIGHT was reported by Aleshia K. Macom,</p> <p>3 CSR No. 94-0296, on Tuesday, August 28, 2012,</p> <p>4 commencing at the hour of 1:37 p.m., the</p> <p>5 proceedings being reported at Hart Wagner,</p> <p>6 1000 SW Broadway, Suite 2000, Portland, Oregon.</p> <p>7</p> <p>8 APPEARANCES</p> <p>9 MACDONALD HOAGUE & BAYLESS</p> <p>10 By Jesse A. Wing</p> <p>11 705 Second Avenue, Suite 1500</p> <p>12 Seattle, Washington 98104</p> <p>13 Appearing for Plaintiff</p> <p>14</p> <p>15 HART WAGNER LLP</p> <p>16 By Steven Kraemer</p> <p>17 1000 SW Broadway, Suite 2000</p> <p>18 Portland, Oregon 97204</p> <p>19 Appearing for Defendants</p> <p>20</p> <p>21 Also Present: Jeff Dickerson</p> <p>22 * * *</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 on the website?</p> <p>2 A. I think we requested that he enter the inmate</p> <p>3 mail, mail and visiting information on the</p> <p>4 website for us.</p> <p>5 Q. And when you say "the inmate mail," which</p> <p>6 version are you talking about?</p> <p>7 A. It was when, I believe it was when the first</p> <p>8 postcard change came out, when it changed to</p> <p>9 postcards.</p> <p>10 Q. Do you believe that you made that request to</p> <p>11 him?</p> <p>12 A. I could have. I don't recall who made the</p> <p>13 request. I don't know if it was made -- He was</p> <p>14 the one doing it, I believe, at the time.</p> <p>15 Q. And are you just remembering this or did</p> <p>16 somebody remind you of this?</p> <p>17 A. No. I know Jeff. I've known Jeff Mansheim for</p> <p>18 years and I know he was doing part of that. So</p> <p>19 I'm not sure if I made the request or if</p> <p>20 Undersheriff Moyer made the request or maybe</p> <p>21 even the sheriff. I have no idea.</p> <p>22 Q. Do you remember being asked this same</p> <p>23 question --</p> <p>24 A. Yes.</p> <p>25 Q. -- when you were deposed before?</p>
<p style="text-align: right;">Page 3</p> <p>1 BRYAN CUTRIGHT,</p> <p>2 was thereupon produced as a witness and, after</p> <p>3 having been duly sworn on oath, was examined and</p> <p>4 testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. WING:</p> <p>8 Q. Okay. Sergeant Cutright, who is Jeff Mansheim?</p> <p>9 A. Jeff Mansheim is a, Mansheim, he is a reserve</p> <p>10 deputy, I believe still, for the sheriff's</p> <p>11 office. I'm not 100 percent sure. But he does,</p> <p>12 he's, his business in the private sector is</p> <p>13 something to do with computers.</p> <p>14 Q. Okay. And does he do anything -- Strike that.</p> <p>15 While you were employed with the sheriff's</p> <p>16 department, did he do anything for the sheriff's</p> <p>17 department regarding computers?</p> <p>18 A. I believe he was the one who created the, or</p> <p>19 helped, I wouldn't say create, helped to create</p> <p>20 the web page for that sheriff's office and also</p> <p>21 did a few updates and stuff for the website.</p> <p>22 I'm not sure how much, how much he did for it,</p> <p>23 but I know he was, he's pretty sharp with</p> <p>24 computers.</p> <p>25 Q. Did you ever make requests to him to post things</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Yes.</p> <p>2 Q. Do you remember what your answer was?</p> <p>3 A. I don't.</p> <p>4 Q. Your answer was "I don't know."</p> <p>5 A. Okay.</p> <p>6 Q. You did know though, didn't you?</p> <p>7 MR. KRAEMER: Object to form. Arguing with</p> <p>8 the witness now.</p> <p>9 THE WITNESS: It's pretty much the same as I</p> <p>10 don't know if I did it or the sheriff or the</p> <p>11 undersheriff. So...</p> <p>12 Q. BY MR. WING: Do you remember being asked, "And</p> <p>13 who is responsible for maintaining the content</p> <p>14 on the website?" and you answering "I have no</p> <p>15 idea"? Is that what you remember?</p> <p>16 A. That's, that's what it says, then yes.</p> <p>17 Q. Okay. At the time though you did, at the</p> <p>18 time --</p> <p>19 MR. KRAEMER: I'm sorry. What's this have</p> <p>20 to do with the mitigation of damage defense or</p> <p>21 any of the new e-mails that we didn't produce</p> <p>22 like we should have before?</p> <p>23 MR. WING: It is entirely Exhibit 95, which</p> <p>24 we didn't have at his deposition, Mr. Mansheim's</p> <p>25 deposition. So...</p>

<p style="text-align: right;">Page 6</p> <p>1 MR. KRAEMER: What's Exhibit 95? That</p> <p>2 wasn't -- I'm sorry. I'm lost. Which</p> <p>3 Exhibit 95 that we didn't produce?</p> <p>4 MR. WING: It was all of the documents that</p> <p>5 we got from Deputy Mansheim.</p> <p>6 MR. KRAEMER: Could I see -- I'm not</p> <p>7 following you. So you're saying that Exhibit 95</p> <p>8 wasn't produced -- I thought we were --</p> <p>9 MR. WING: That's right.</p> <p>10 MR. KRAEMER: -- before?</p> <p>11 MR. WING: That's correct.</p> <p>12 MR. KRAEMER: Let me see 95, please, if</p> <p>13 that's the case.</p> <p>14 Q. BY MR. WING: Sergeant --</p> <p>15 A. It's Bryan.</p> <p>16 Q. Bryan, you've known for the past two to</p> <p>17 three years that Mr. Mansheim was the one who</p> <p>18 would post things on the website for the</p> <p>19 sheriff; isn't that right?</p> <p>20 A. I've known he has done that, correct. I don't</p> <p>21 know if he's the only one that does that or if</p> <p>22 he even still does that. I have no idea.</p> <p>23 Q. Do you know of anybody else who does?</p> <p>24 A. I don't. I don't deal with the website. I know</p> <p>25 the sheriff has a lot of stuff on the website.</p>	<p style="text-align: right;">Page 8</p> <p>1 Mr. Mansheim to update the website?</p> <p>2 A. It would have been, it was discussed in a</p> <p>3 supervisor's meeting, anything we made changes</p> <p>4 to.</p> <p>5 Q. And the supervisor's meeting is attended by the</p> <p>6 sheriff, the undersheriff --</p> <p>7 A. Most of the time the sheriff, the undersheriff</p> <p>8 and all the supervisors of the jail.</p> <p>9 Q. And the change in postcard policy was a</p> <p>10 substantial change, was it not?</p> <p>11 MR. KRAEMER: Object to form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 Q. BY MR. WING: It was announced to the press;</p> <p>14 right?</p> <p>15 A. I don't recall.</p> <p>16 MR. WING: All right. I don't have much</p> <p>17 more. Why don't we take a short break --</p> <p>18 MR. KRAEMER: That's fine.</p> <p>19 MR. WING: -- and I will look at my notes.</p> <p>20 MR. KRAEMER: That's fine.</p> <p>21 (Recess at 2:19.)</p> <p>22 * * *</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 7</p> <p>1 I would assume that he probably keeps his own</p> <p>2 information up on the website.</p> <p>3 Q. Okay. Showing you what's marked as Exhibit 95,</p> <p>4 do you see the first page?</p> <p>5 A. I do.</p> <p>6 Q. And it says, "Jeff, can you add this information</p> <p>7 to the jail side of the S.O. website?" Did I</p> <p>8 read that correctly?</p> <p>9 A. That is correct.</p> <p>10 Q. And by "Jeff," do you interpret that to mean</p> <p>11 Jeff Mansheim?</p> <p>12 A. Yes. That's who it was sent to.</p> <p>13 Q. And then you wrote, "This is a change to the</p> <p>14 mail policy"; is that correct?</p> <p>15 A. Okay. That is correct.</p> <p>16 Q. The next page includes changes to the mail</p> <p>17 policy effective March 1st, 2010; is that right?</p> <p>18 A. Yes, it does.</p> <p>19 Q. And that's when the postcard-only policy became</p> <p>20 effective; is that right?</p> <p>21 A. I would assume. Yes.</p> <p>22 Q. Okay. So you believe you were the one who</p> <p>23 asked?</p> <p>24 A. It says I did. Yes.</p> <p>25 Q. Did you check with anybody before you asked</p>	<p style="text-align: right;">Page 9</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3 I, Aleshia K. Macom, CSR No. 94-0296, do</p> <p>4 hereby certify that BRYAN CUTRIGHT personally</p> <p>5 appeared before me at the time and place</p> <p>6 mentioned in the caption herein; that the</p> <p>7 witness was by me first duly sworn on oath, and</p> <p>8 examined upon oral interrogatories propounded by</p> <p>9 counsel; that said examination, together with</p> <p>10 the testimony of said witness, was taken down by</p> <p>11 me in stenotype and thereafter reduced to</p> <p>12 typewriting; and that the foregoing excerpted</p> <p>13 transcript, Pages 1 to 8, both inclusive,</p> <p>14 constitutes a full, true and accurate record of</p> <p>15 said examination of and testimony given by said</p> <p>16 witness, and of all other proceedings had during</p> <p>17 the taking of said deposition, and of the whole</p> <p>18 thereof, to the best of my ability.</p> <p>19 Witness my hand at Portland, Oregon, this</p> <p>20 6th day of September, 2012.</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 Aleshia K. Macom</p> <p>25 CSR No. 94-0296</p>

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 excerpted transcript, Pages 1 to 8, 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 6th day of September, 2012.



Aleshia K. Macom

CSR No. 94-0296

EXHIBIT X
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 EXCERPT OF LEE RIGDON

21 Taken in behalf of Plaintiff

22 August 28, 2012

<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED THAT, the deposition of 2 LEE RIGDON was reported by Aleshia K. Macom, CSR 3 No. 94-0296, on Tuesday, August 28, 2012, 4 commencing at the hour of 2:57 p.m., the 5 proceedings being reported at Hart Wagner, 6 1000 SW Broadway, Suite 2000, Portland, Oregon. 7 8 APPEARANCES 9 MACDONALD HOAGUE & BAYLESS 10 By Jesse A. Wing 11 705 Second Avenue, Suite 1500 12 Seattle, Washington 98104 13 Appearing for Plaintiff 14 15 HART WAGNER LLP 16 By Gregory Roberson 17 1000 SW Broadway, Suite 2000 18 Portland, Oregon 97204 19 Appearing for Defendants 20 21 Also Present: Jeff Dickerson 22 * * * 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 You can answer. 2 THE WITNESS: I don't know. 3 Q. BY MR. WING: So might it take you more time to 4 process the same number of postcards that you 5 could fit the content on a three-page letter? 6 A. It hasn't been my experience, no. 7 Q. Have you ever received 12, 14, 16 postcards? 8 A. Have I? 9 Q. Yes. Have you ever processed numerous 10 postcards? 11 A. Yes, sir. 12 Q. Okay. And how long would it take you to process 13 16 postcards? 14 A. Not very long. I'm just scanning, you know, 15 checking to make sure there's nothing on it and 16 scanning to make sure there's no information in 17 there that's detrimental or anything that 18 shouldn't be and that's about it. But I don't 19 have to open up an envelope to do that. 20 Q. How long does it take you to open an envelope? 21 A. Few moments, seconds. 22 Q. And once you get it open, what's involved? 23 A. Pulling the letter out. 24 Q. How much time does that take? 25 A. Second or two.</p>
<p style="text-align: right;">Page 3</p> <p>1 LEE RIGDON, 2 was thereupon produced as a witness and, after 3 having been duly sworn on oath, was examined and 4 testified as follows: 5 6 EXAMINATION 7 BY MR. WING: 8 Q. And do you know for a fact that it has taken 9 more time to process the mail since The Court's 10 order? 11 A. My personal experience -- That's an object or -- 12 MR. ROBERSON: No. Go ahead and answer. 13 THE WITNESS: It takes me a little longer. 14 I mean, we've never done a study on it per se, 15 but I know it takes me longer. 16 Q. BY MR. WING: And you're comparing a single 17 postcard with a single letter? 18 A. Uh-huh. 19 Q. Is that a yes? 20 A. Yes, sir. I'm sorry. Yes. 21 Q. And if somebody wrote you a three-page letter to 22 prisoners, how many postcards would it take to 23 equal the same amount of content as the 24 three-page letter? 25 MR. ROBERSON: Object to form.</p>	<p style="text-align: right;">Page 5</p> <p>1 Q. Okay. So now we've got a few moments and a 2 second or two. What's involved once you've got 3 the letter out? 4 A. Scanning. 5 Q. And does that -- 6 A. Make sure there's nothing in the envelope. 7 Q. Okay. And how much time does that take? 8 A. Sir, I honestly don't know. I have never 9 measured the time frame, but it takes a few 10 seconds. 11 Q. Okay. And then once you're scanning the letter, 12 it doesn't take any more time to scan a letter 13 than it does an envelope -- I mean a postcard, 14 does it? 15 A. I'd say no. Probably the same. 16 Q. Okay. So the increased amount of time that you 17 associate with letters is the taking of the 18 letter out of the envelope? 19 A. Opening it and then getting it out, yes. 20 Q. Okay. And to use your words, that's a few 21 seconds or a few moments; is that right? 22 A. Yes. 23 Q. Okay. Do you think when you were taking stamps 24 off of postcards -- You took stamps off 25 postcards; right?</p>

Rigdon, Lee

August 28, 2012


Page 7

C E R T I F I C A T E

I, Aleshia K. Macom, CSR No. 94-0296, do hereby certify that LEE RIGDON 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 excerpt, Pages 1 to 6, 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 6th day of September, 2012.




Aleshia K. Macom
CSR No. 94-0296

Beovich Walter & Friend