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U.S. DISTRICT COURT
DISTRICT OF NEVADA
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DISTRICT OF NEVADA
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DANIEL J. MILLSON

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PRISON LEGAL NEWS,
a Washington State Corporation,
and ROLLIN WRIGHT,

Plaintiffs,

CASE NO. CV-N-00-0373-HDM-RAM

v.

JACKIE CRAWFORD in her official
capacity, JOHN SLANSKY, in his
official and individual capacities,
ROBERT BAYER, in his
official and individual capacities,
DOES I-XXV, Defendant RED
AND WHITE CORPORATIONS
I-X, and BLACK AND BLUE STATE
and/or MUNICIPAL ENTITIES I-X,

Defendants.

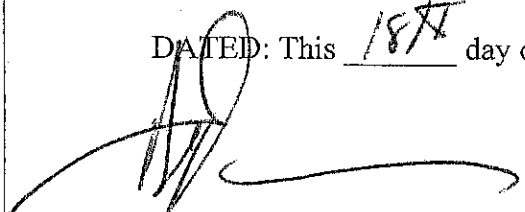
**STIPULATION AND
JUDGMENT/ORDER**

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STIPULATION

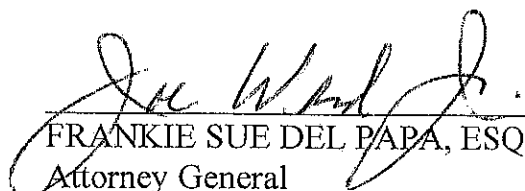
The parties, by their undersigned counsel of record, stipulate and agree that the following judgment shall be entered by the Court.

DATED: This 18th day of September, 2000.


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Attorneys for Defendants, JACKIE
CRAWFORD, JOHN SLANSKY and
ROBERT BAYER

1 **JUDGMENT**

2 This matter having come before the Court, and the parties having stipulated to the
3 entry of this Judgment, IT IS ORDERED:

4 1. Defendants CRAWFORD and SLANSKY, and their officers, agents,
5 servants, employees, and successors in office, shall implement and maintain the following
6 policy regarding prisoner subscription to publications:
7

8 **POLICY**

9 Prisoners in the custody of the Nevada Department of Prisons (NDOP) shall
10 be permitted to subscribe to the publications of their choice, and shall receive all
11 issues of those publications without interference, except as provided below.
12

13 Wardens may designate staff to screen and, where appropriate, approve incoming
14 publications, but only a Warden may reject a publication. Wardens are authorized to
15 reject a publication only if it is determined, after reasonable consideration, to be
16 detrimental to the safety, security, good order, or discipline of the institution or if it
17 might facilitate criminal activity. The following is a non-exhaustive list of criteria
18 that may support rejection of a publication:
19

- 20 1. Content depicts or describes procedures for the construction or use of
- 21 weapons, ammunition, bombs or incendiary devices;
- 22 2. Content depicts, encourages, or describes methods of escape from
- 23 correctional facilities, or contains blueprints, drawings or similar descriptions
- 24 of prison institutions;
- 25 3. Content depicts or describes procedures for the brewing of alcoholic
- 26 beverages, or the manufacture of drugs;
- 27 4. Content is written in code;
- 28

1 5. Content describes or encourages activities which may lead to the use
2 of physical violence or group disruption;

3 6. Content encourages or instructs in the commission of criminal
4 activity;

5 7. Content is sexually explicit material which by its nature or content
6 poses a threat to the security, good order, or discipline of the institution, or
7 facilitates criminal activity.
8

9 All publications mailed to NDOP prisoners shall be reviewed according to the
10 same criteria. There shall be no separate category of "inmate publications" or
11 "inmate newsletters."
12

13 No publication shall be excluded in perpetuity. Each issue of a publication
14 must be individually reviewed under the criteria set forth in this policy.

15 In the event a Warden rejects an issue of a publication, he or she must advise
16 the subscribing inmate promptly in writing of the reasons for the rejection and send a
17 copy of such rejection memorandum to the publisher. The rejection memorandum
18 must refer to the specific article(s) or material(s) considered objectionable. The
19 rejection memorandum must also advise the publisher that he or she may obtain an
20 independent review of the rejection by the Director of the Nevada Department of
21 Prisons by requesting it within 20 days (plus 3 for mailing) of the date the rejection
22 memorandum is mailed to the publisher. The subscribing inmate may grieve the
23 rejection through the prison's administrative grievance process. The grieving inmate
24 is not provided the rejected material. However, he or she may review it unless such
25 review may provide the inmate with information of a nature which is deemed to pose
26
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1 a threat or detriment to the security, good order or discipline of the institution or to
2 encourage or instruct in criminal activity.

3 A Warden may not reject an issue of a publication solely because its content
4 is religious, philosophical, political, social, or sexual, or because its content is
5 unpopular, repugnant, or disagreed with by the Warden.
6

7 2. Defendants CRAWFORD and SLANSKY, and their officers, agents,
8 servants, employees, and successors in office, shall not implement or enforce any policy or
9 practice that is inconsistent with the requirements of ¶ 1 above.

10 3. No later than thirty (30) days after entry of this Judgment, Defendants
11 CRAWFORD and SLANSKY, and their officers, agents, servants, and employees, shall
12 cause to be posted in all law libraries within the NDOP system a notice stating that Prison
13 Legal News is no longer a banned publication, and that NDOP prisoners may subscribe to
14 Prison Legal News. The notice shall also include subscription information, including Prison
15 Legal News' mailing address. The notices shall remain posted for at least sixty (60) days.
16
17 The parties shall attempt to reach agreement on the form of the notice. If the parties are
18 unable to agree, the Court will determine the form of the notice.
19

20 4. Promptly after entry of this Judgment, no later than September 30, 2000,
21 Defendants CRAWFORD, SLANSKY and BAYER shall pay to Plaintiffs PRISON LEGAL
22 NEWS and ROLLIN WRIGHT damages in the amount of Five Thousand Dollars
23 (\$5,000.00):
24

25 5. In exchange for this payment, Plaintiffs PRISON LEGAL NEWS and
26 ROLLIN WRIGHT will execute in favor of Defendants CRAWFORD, SLANSKY and
27 BAYER a release of all of their damage claims accrued as of September 12, 2000 arising out
28 of the Defendants' censorship of PRISON LEGAL NEWS.

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6. For each NDOP prisoner whose subscription to Prison Legal News was interrupted as a result of Defendants' actions, Plaintiffs PRISON LEGAL NEWS and ROLLIN WRIGHT will provide a one year set of back issues of Prison Legal News, and will extend the prisoner's subscription to Prison Legal News by one year.


7. Within 45 days from this date, the Plaintiffs shall file with the Court their application for attorneys' fees and costs with supporting documents. The Defendants shall have 30 days thereafter to respond, and the Plaintiffs 15 days thereafter to reply to Defendants' Response.

8. The parties stipulate, and the Court based upon the entire record finds, that the relief granted by this order is narrowly drawn, extends no further than necessary to correct the violation of Plaintiffs' constitutional rights, and is the least intrusive means necessary to correct the violation of Plaintiffs' constitutional rights.

9. In order to allow the relief granted by this order to be fully implemented, the parties agree not to seek to modify or terminate or otherwise challenge this order for a period of five (5) years.

10. The Court shall have the power to enforce this order upon appropriate motion.

DATED this 22nd day of September, 2000.



HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE