I. NATURE OF THE CASE

1.1 Plaintiff Prison Legal News, a project of the Human Rights Defense Center, brings this action primarily to enjoin Defendants’ censorship of its monthly publication and correspondence mailed to prisoners who are held in custody by the Spokane County Jail, in violation of the First Amendment and the Fourteenth Amendment’s Due Process Clause. Defendants have adopted and implemented
written mail policies and practices that unconstitutionally restrict correspondence
to prisoners to postcards only, and that prohibit delivery to prisoners of book
catalogs and any publications that have not been preapproved by the government.
Further, Defendants’ policies and practices do not afford the sender of the censored
mail due process notice and an opportunity to challenge the censorship, as required
by the Constitution.

II. JURISDICTION AND VENUE

2.1 This action arises under the First and Fourteenth Amendments to the
United States Constitution. This Court has jurisdiction over this action under 28

2.2 Venue is proper in the Eastern District of Washington under 28 U.S.C.
§ 1391(b)(2) because a substantial part of the events complained of occurred in this
District, and because the Defendants reside in this District.

III. PARTIES

3.1 Plaintiff Prison Legal News is a project of the Human Rights Defense
Center, a Washington Non-Profit Corporation. PLN publishes and distributes a
monthly journal of corrections news and analysis, and offers and sells books about
the criminal justice system and legal issues affecting prisoners, to prisoners,
lawyers, courts, libraries, and the public throughout the Country.

3.2 Defendant Spokane County is a municipal corporation formed under
the laws of the State of Washington.

3.3 Defendant Spokane County Sheriff’s Office is a department of
Spokane County and operates the Spokane County Jail and the Geiger Corrections
Center, located in Spokane, Washington. These facilities house convicted prisoners and pretrial detainees charged with federal or state crimes. The Spokane County Jail has a capacity of 675 prisoners and the Geiger Corrections Center has a capacity of 610 prisoners. The average daily population for these facilities combined is 1,170 prisoners. These facilities are referred to collectively below as the “Spokane County Jail.”

3.4 Defendant Ozzie Knezovich is the Sheriff of Spokane County. Sheriff Knezovich is employed by and is an agent of Spokane County and the Sheriff’s Office. He is responsible for the operations of the Spokane County Jail, and the training and supervision of the Jail staff who interpret and implement the Jail’s mail policy for prisoners. He is the policymaker for the Jail policy governing mail for prisoners.

3.5 Defendant Joanne Lake is a Lieutenant with the Spokane County Sheriff’s Office. She is employed by and is an agent of Spokane County and the Sheriff’s Office. On information and belief, Defendant Lake is responsible for and personally participated in creating and implementing the Jail’s mail policies at issue in this case.

3.6 Defendant Lynette Brown is the Office Manager for the Spokane County Jail. She is employed by and is an agent of Spokane County and the Sheriff’s Office. On information and belief, Defendant Brown is responsible for and personally participated in creating and implementing the Jail’s mail policies at issue in this case.
3.7 Each of the acts and omissions of persons alleged herein were taken within the scope of their official duties as employees and officers of Spokane County and the Spokane County Sheriff's Office.

IV. FACTUAL ALLEGATIONS

4.1 Prison Legal News ("PLN") publishes and distributes a monthly journal of corrections news and analysis, about prisoner rights, court rulings, management of prison facilities and prison conditions. PLN offers and sells books about the criminal justice system and legal issues affecting prisoners.

4.2 PLN engages in protected speech and expressive conduct on matters of public concern.

4.3 PLN has over 7,000 subscribers in the United States and abroad, including prisoners, attorneys, journalists, public libraries, judges, and other members of the public.

A. CENSORSHIP AND LACK OF DUE PROCESS

4.4 Since September 2010, the Defendants have been censoring PLN's monthly publications, book catalogs, books, and information brochures and subscription forms mailed to prisoners held in custody in the Spokane County Jail.

Monthly Publications

4.5 In late August and during the month of September 2010, PLN sent its monthly publication, Prison Legal News, to certain prisoners at the Spokane County Jail.
4.6 February 2010 Issue of Prison Legal News

4.6.1 In September 2010, the Spokane County Jail received the February 2010 PLN publication addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donta L Blackmon</td>
<td>308292</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Tony Dawson</td>
<td>300682</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Kevin Nichols</td>
<td>277054</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Ronnie Owen</td>
<td>362542</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Shaun Rockstrom</td>
<td>133367</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Robert Showers</td>
<td>124161</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Michael Skinner</td>
<td>230502</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Dave Thometz</td>
<td>345506</td>
<td>9/13/2010</td>
</tr>
</tbody>
</table>

But Defendants rejected each publication, stamped them “Return to Sender,” stated “unauthorized content” as the reason for the rejections, and returned them to Prison Legal News.

4.6.2 In conjunction with rejecting the PLN publication addressed to Prisoner Tony Dawson, Defendants gave Mr. Dawson a form stating that the Jail received a package on September 13, 2010, from Prison Legal News, which the Jail “returned to sender for the following reason:” “detrimental to the safety, security and/or orderly operation of this facility.”

4.6.3 Prison Legal News sent all of these February 2010 PLN publications to the Spokane County Jail by first-class mail.

4.6.4 Defendants did not provide Prison Legal News due process notice or an opportunity to appeal the censorship decisions.
4.7 June 2010 Issue of Prison Legal News

4.7.1 In September 2010, the Spokane County Jail received the June 2010 PLN publication addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brandon Birkland</td>
<td>235818</td>
<td>9/17/2010</td>
</tr>
<tr>
<td>Jim Danforth</td>
<td>15530</td>
<td>9/17/2010</td>
</tr>
<tr>
<td>Daniel E Ochs</td>
<td>120870</td>
<td>9/17/2010</td>
</tr>
</tbody>
</table>

Defendants rejected each publication, stamped them “Return to Sender,” noted “unauthorized content” as the reason for the rejections, and returned them to Prison Legal News.

4.7.2 In conjunction with rejecting the PLN publication addressed to Prisoner James Danforth, Defendants gave Mr. Danforth a form stating that the Jail received a package on September 17, 2010, from Prison Legal News, which the Jail “returned to sender for the following reason:” “not postcard.”

4.7.3 Prison Legal News sent all of these August 2010 PLN publications to the Spokane County Jail by first-class mail.

4.7.4 Defendants did not provide Prison Legal News due process notice or an opportunity to appeal the censorship decisions.

4.8 August 2010 Issue of Prison Legal News

4.8.1 In September and October 2010, the Spokane County Jail received the August 2010 PLN publication addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Bacon</td>
<td>359430</td>
<td>9/2/2010</td>
</tr>
<tr>
<td>Charles D Baker</td>
<td>68873</td>
<td>9/2/2010</td>
</tr>
<tr>
<td>Robbie W Bishop</td>
<td>322486</td>
<td>9/2/2010</td>
</tr>
<tr>
<td>Prisoner Name</td>
<td>Inmate #</td>
<td>Date Rec'd by Jail</td>
</tr>
<tr>
<td>----------------</td>
<td>-----------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Michael L Olson</td>
<td>256435</td>
<td>9/2/2010</td>
</tr>
<tr>
<td>Rex Pollock</td>
<td>133650</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Allen Warren</td>
<td>31824</td>
<td>10/2/2010</td>
</tr>
</tbody>
</table>

Defendants rejected each publication, stamped them “Return to Sender,” noted “unauthorized content” as the reason for the rejections, and returned them to Prison Legal News.

4.8.2 In conjunction with rejecting the PLN publication addressed to Prisoner William Bacon, Defendants gave Mr. Bacon a “Postcard/Letter/Package Refusal Form” stating that the Jail received a letter on September 2, 2010, from Prison Legal News, which the Jail “returned to sender for the following reason”: “unapproved content.”


4.8.4 On September 7, 2010, Defendants responded to Prisoner William Bacon’s appeal, stating: “Answered on request form dated 9-2-10” and “Not Legal.”

4.8.5 In conjunction with rejecting the PLN publication addressed to Prisoner Michael Olson, Defendants gave Mr. Olson a form stating
that the Jail received a letter on September 2, 2010, from Prison Legal News, which was “returned to sender for the following reason:” “unapproved contents.”

4.8.6 In September 2010, the Spokane County Jail received the August 2010 PLN publication addressed to the following prisoner:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christopher Devlin</td>
<td>232571</td>
<td>9/7/2010</td>
</tr>
</tbody>
</table>

Defendants rejected the publication, stamped it “Return to Sender”, stated “unauthorized content, not a post card” as the reason for the rejection, and returned it to Prison Legal News.

4.8.7 Prison Legal News sent all of these August 2010 PLN publications to the Spokane County Jail by first-class mail.

4.8.8 Defendants did not provide Prison Legal News due process notice or an opportunity to appeal the censorship decisions.

4.9 **September 2010 Issue of Prison Legal News:**

4.9.1 In September 2010, the Spokane County Jail received the September 2010 PLN publication addressed to each of the following prisoners as part of their subscription to PLN:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Bacon</td>
<td>359430</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Charles D Baker</td>
<td>68873</td>
<td>9/15/2010</td>
</tr>
<tr>
<td>Robbie W Bishop</td>
<td>322486</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Christopher Devlin</td>
<td>232571</td>
<td>9/15/2010</td>
</tr>
<tr>
<td>Michael L Olson</td>
<td>256435</td>
<td>9/15/2010</td>
</tr>
<tr>
<td>Allen Warren</td>
<td>31824</td>
<td>9/15/2010</td>
</tr>
</tbody>
</table>
Defendants rejected the publications, stamped them “Return to Sender,” stating
“unauthorized content” as the reason for the rejections, and returned them to Prison
Legal News.

4.9.2 In conjunction with rejecting the PLN publication
addressed to Prisoner William Bacon, Defendants gave Mr. Bacon a
“Postcard/Letter/Package Refusal Form” stating that the Jail received a “Prison
Legal News magazine” on September 16, 2010, which the Jail “returned to sender
for the following reason:” “not approved.”

4.9.3 Prison Legal News sent all of the September 2010 PLN
publications to the Spokane County Jail by first class mail.

4.9.4 Defendants did not provide Prison Legal News due
process notice or an opportunity to appeal the censorship decisions.

Protecting Your Health & Safety Book

4.10 Prison Legal News offers and sells books relevant to its mission, and
offers a catalog of these books. One of the paperback books that Prison Legal
News offers and sells is titled Protecting Your Health & Safety.

4.11 In late August and during the month of September 2010, Prison Legal
News sent the Protecting Your Health & Safety book to certain prisoners at the
Spokane County Jail.

4.12 In September 2010, the Spokane County Jail received packages
containing Protecting Your Health & Safety addressed to each of the following
prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Bacon</td>
<td>359430</td>
<td>9/7/2010</td>
</tr>
</tbody>
</table>
Prisoner Name | Inmate # | Date Rec'd by Jail
---|---|---
Robbie W Bishop | 322486 | 9/7/2010
Christopher Devlin | 232571 | 9/8/2010
Michael L Olson | 256435 | 9/8/2010

Defendants rejected each book, stamped them “Return to Sender,” noted “unauthorized content” as the reason for the rejections, and returned them to Prison Legal News:

4.13 In conjunction with rejecting the PLN book addressed to Prisoner William Bacon, Defendants gave Mr. Bacon a “Postcard/Letter/Package Refusal Form” stating that the Jail received a package on September 7, 2010, from Prison Legal News, which was “returned to sender for the following reason:” “not legal packages.”

4.14 Prison Legal News sent all of the Protecting Your Health & Safety books to the Spokane County Jail via mail through the United States Postal Service, delivery confirmation requested.

4.15 Defendants did not provide Prison Legal News due process notice or an opportunity to appeal the censorship decisions.

**Informational Brochures, Subscription Order Forms, Book Catalogs**

4.16 In late August and during the month of September 2010, Prison Legal News sent informational brochures, subscription order forms, and book catalogs, to certain prisoners at the Spokane County Jail.

4.17 **Prison Legal News Brochure and Subscription Order Form:**

Prison Legal News sent certain prisoners at the Spokane County Jail an informational brochure about its organization and publications. The double-sided
single-page brochure included: a description of the topics covered in PLN’s monthly magazine; subscription rates, special subscription offers, and an order form; a description of three books available for purchase or included with a subscription to *Prison Legal News—Protecting your Health & Safety, With Liberty for Some: 500 Years of Imprisonment in America*, and *Prison Profiteers: Who Makes Money from Mass Incarceration*; and other information about PLN’s bookstore.

4.18 **Book Catalog:** Prison Legal News sent certain prisoners at the Spokane County Jail its 2010 PLN Book List. The double-sided single-page book list includes a description of 43 books, dictionaries, and resource materials available for purchase. The books available for purchase include information about a variety of topics, including but not limited to: the basic rights of prisoners regarding health and safety; the American criminal justice system; self-representation in court; finding the right lawyer; DNA testing; issues related to imprisoned women; developing a successful re-entry plan upon release from prison; searching for a job; crime and poverty; and the mental health crisis in U.S. prisons and jails.

4.19 **Educational Courses Brochure:** Prison Legal News sent certain prisoners at the Spokane County Jail a double-sided single-page informational brochure about a handbook on high school, vocational, paralegal, undergraduate, and graduate courses available through correspondence study.
4.20 **Informational Brochure Pack I:**

4.20.1 "Informational Brochure Pack I" as referred to below, includes these items: the Prison Legal News brochure and subscription order form, the 2010 PLN book catalog, and the educational courses brochure described above.

4.20.2 In September 2010, the Spokane County Jail received the Informational Brochure Pack I addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Bacon</td>
<td>359430</td>
<td>9/1/2010</td>
</tr>
<tr>
<td>Charles D Baker</td>
<td>68873</td>
<td>9/1/2010</td>
</tr>
<tr>
<td>Robbie W Bishop</td>
<td>322486</td>
<td>9/1/2010</td>
</tr>
</tbody>
</table>

Defendants rejected the brochures, stamped them "Return to Sender," stating "not a postcard" as the reason for the rejections, and returned them to Prison Legal News.

4.20.3 In conjunction with rejecting the PLN brochures addressed to Prisoner William Bacon, Defendants gave Mr. Bacon a "Postcard/Letter/Package Refusal Form" stating that the Jail received mail from Prison Legal News on September 1, 2010, which the Jail "returned to sender for the following reason:" "postcard policy."

4.20.4 On September 2, 2010, Prisoner William Bacon appealed Defendants' rejection of his correspondence from Prison Legal News received by the Jail on September 1, 2010, stating "I am appealing the rejection of correspondence received [sic] on 9-1-10 for me from Prison Legal News. The postcard policy is a violation of 1st Amendment rights in freedom of press. Prison Legal News is a widely recognized news source for inmates and to reject..."
correspondence is unconstitutional. Please overturn this 9-1-10 rejection notice
and send me the news correspondence. Thank you.”

4.20.5 On September 7, 2010, Defendants twice rejected
Prisoner William Bacon’s appeal: first stating “Not Legal” and then “Legal mail
needs to be specific to your case. A magazine does not qualify.”

4.20.6 In September 2010, the Spokane County Jail received the
Informational Brochure Pack I addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donta L Blackmon</td>
<td>308292</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Michael L Olson</td>
<td>256435</td>
<td>9/1/2010</td>
</tr>
<tr>
<td>Ronnie Owen</td>
<td>362542</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Rex Pollock</td>
<td>133650</td>
<td>9/13/2010</td>
</tr>
<tr>
<td>Shaun Rockstrom</td>
<td>133367</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Robert Showers</td>
<td>124161</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Dave Thometz</td>
<td>345506</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Allen Warren</td>
<td>31824</td>
<td>9/1/2010</td>
</tr>
</tbody>
</table>

Defendants rejected each brochure, stamped them “Return to Sender,” stated
“unauthorized content: not a post card” as the reason for the rejections, and
returned them to Prison Legal News.

4.20.7 In conjunction with rejecting the PLN brochures
addressed to Prisoner Donta Blackmon, Defendants gave Ms. Blackmon a form
stating that the Jail received a letter on September 9, 2010, from Prison Legal
News, which the Jail “returned to sender for the following reason:” “not postcard.”

4.20.8 In conjunction with rejecting the PLN brochures
addressed to Prisoner Shaun Rockstrom, Defendants gave Mr. Rockstrom a form
stating that the Jail received a letter on September 9, 2010, from Prison Legal
News which the Jail “returned to sender for the following reason:” “not postcard.”
4.20.9 In conjunction with rejecting the PLN brochures addressed to Prisoner Robert Showers, Defendants gave Mr. Showers a form stating that the Jail received a letter on September 9, 2010, from Prison Legal News, which the Jail “returned to sender for the following reason:” “not postcard.”

4.20.10 In conjunction with rejecting the PLN brochures addressed to Prisoner Michael Olson, Defendants gave Mr. Olson a “Postcard/Letter/Package Refusal Form” stating that the Jail received a letter on September 1, 2010, from Prison Legal News, which the Jail “returned to sender for the following reason:” “Postcard/Policy.”

4.20.11 In September 2010, the Spokane County Jail received the Informational Brochure Pack I addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tony Dawson</td>
<td>300682</td>
<td>9/7/2010</td>
</tr>
<tr>
<td>Michael L Olson</td>
<td>256435</td>
<td>9/9/2010</td>
</tr>
<tr>
<td>Michael Skinner</td>
<td>230502</td>
<td>9/9/2010</td>
</tr>
</tbody>
</table>

Defendants rejected each brochure, stamped them “Return to Sender,” noted “exceeds 1/4" thickness/size limit” as the reason for the rejections, and returned them to Prison Legal News. The envelope did not, however, contain materials that exceeded ¼” thickness.

4.20.12 In conjunction with rejecting the PLN brochures addressed to Prisoner Tony Dawson, Defendants gave Mr. Dawson a form stating that the Jail received a letter on September 9, 2010, from Prison Legal News which the Jail “returned to sender for the following reason:” “not postcard.”
4.20.13 Prison Legal News sent the informational brochure packs to the Spokane County Jail in envelopes sent via first class mail.

4.20.14 Defendants did not provide Prison Legal News due process notice and an opportunity to appeal the censorship decisions.

4.21 **Informational Brochure Pack II:**

4.21.1 "Informational Brochure Pack II" as referred to below, includes two items: the Prison Legal News brochure and subscription order form, and the educational courses brochure described above.

4.21.2 In September 2010, the Spokane County Jail received the Informational Brochure Pack II addressed to each of the following prisoners:

<table>
<thead>
<tr>
<th>Prisoner Name</th>
<th>Inmate #</th>
<th>Date Rec'd by Jail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabby Baruth</td>
<td>251492</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Jason Berg</td>
<td>296312</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Samuel Bertolet</td>
<td>279986</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Brandon Birkland</td>
<td>235818</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Jim Danforth</td>
<td>15530</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Darren R Ford</td>
<td>219804</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Robert Hensley</td>
<td>315562</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Matthew Nedeau</td>
<td>267144</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Daniel E Ochs</td>
<td>120870</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Jeremy Shelton</td>
<td>278281</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Daren A Suiter</td>
<td>259913</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Stephen Victor</td>
<td>313789</td>
<td>9/16/2010</td>
</tr>
<tr>
<td>Michael Yamaguchi</td>
<td>307075</td>
<td>9/16/2010</td>
</tr>
</tbody>
</table>

 Defendants rejected each brochure, stamped them "Return to Sender," noted "unauthorized content" as the reason for the rejections, and returned them to Prison Legal News.

4.21.3 Prison Legal News sent the informational brochure packs to the Spokane County Jail in envelopes sent via first class mail.
4.21.4 Defendants did not provide Prison Legal News due process notice and an opportunity to appeal the censorship decision.

B. **JAIL POLICIES**

4.22 On September 1, 2010, the Spokane County Jail implemented a new policy governing “incoming mail” to prisoners. A true copy of the policy is attached to this Complaint as Exhibit A.

**4.23 Ban on Speech that is Not on a Postcard:** Effective September 1, 2010, Defendants instituted a policy that requires all incoming mail to prisoners, except legal and official mail, to be in postcard form (hereinafter “Postcard Only Mail Policy”).

4.24 The Jail’s Postcard Only Mail Policy states, in pertinent part:

All incoming inmate mail, except for legal and official mail, shall be postcards, no larger than 5.5” X 8.5”.

Non-legal mail correspondence will not be accepted in envelopes.

... 

- All postcards must be non-glossy, and be pre-franked ...

Legal mail is the exception to the post cards only policy.

... 

The following items are considered violations of the mail policy, and will be returned to sender.

- Any non-legal correspondence not in post card format.
- Any post cards that exceed the accepted size limit of 5.5”X8.5”.

... 

- Glossy finish post cards.
(Emphasis added). See Exhibit A at 1-2, 4.

4.25 Defendants' policy governing incoming mail that prohibits mail other
than postcards and its practice of enforcing this policy unconstitutionally burdens
Plaintiff's First Amendment rights, and Defendants have used this Policy to censor
Plaintiff's subscription forms and brochures, book catalog, and other
correspondence.

4.26 Ban on Speech that Is Not Pre-Approved: The Spokane County
Jail's Incoming Mail Policy regarding prisoners receiving publications states:

Packages, other than paperback books, newspapers, or approved
magazines, shall not be accepted.

... 

Inmate's[sic], at their own expense, may receive newspapers,
paperback books, and approved magazines by mail. All authorized
publications must come directly from the publisher, or a bona fide
bookstore. Any unauthorized publications will be returned to
sender.

...

All authorized publications shall be receipted [sic] by the Mail
Clerk, and signed for by the inmate.

AUTHORIZED MAGAZINES:

Religious publications mailed directly from the publisher or bona fide
bookstore.

Better Homes and Gardens
Business Week
Family Fun
Foreign Policy
Money
Newmax
News Week
PC World
Parents
People
Readers Digest
Reason
Smart Money
Time
Wired

(Emphasis added). See Exhibit A at 1, 6. The Policy does not identify Prison Legal News as an authorized publication, and does not state any criteria or mechanism for becoming authorized.

4.27 Defendants’ policy governing incoming mail that prohibits publications that are not pre-approved or pre-authorized by the Jail and its practice in enforcing this policy unconstitutionally burdens Plaintiff’s First Amendment rights. Defendants have used this policy to censor Plaintiff’s monthly journal, Prison Legal News, and may have used it to censor other PLN materials.

4.28 Lack of Procedural Due Process Protections: Defendants’ policy governing incoming mail does not provide due process notice or an opportunity for the sender to appeal the Jail’s censorship decisions, and Defendants’ practice likewise does not provide due process notice or an opportunity for the sender to appeal the Jail’s censorship decisions. The Jail Policy states in pertinent part:

The mail clerk will complete a Mail Restriction Notice for those items that are returned to sender. A copy of the notice explaining the violation will be sent to the inmate.

See Exhibit A at 4. While the Policy provides for notice to the inmate, it does not provide for notice to the sender, and nowhere does the Policy provide any appeal rights of the sender.

4.29 Defendants’ conduct prohibiting Prison Legal News from mailing its publications, informational brochures, and books to prisoners confined at the
Spokane County Jail, violates the First Amendment by censoring these expressive activities and has a chilling effect on future speech and expression directed at prisoners confined there.

4.30 Defendants' actions have violated, continue to violate, and are reasonably expected to violate in the future Plaintiff's constitutional rights, and have caused Plaintiff financial harm in the form of lost subscriptions, purchases of its publications, and book purchases.

4.31 Defendants Knezovich, Lake, and Brown, and other agents of Spokane County are responsible or personally participated in creating and implementing these unconstitutional policies, practices, and customs and for training and supervising the mail staff whose conduct also have injured and continue to injure the Plaintiff, or ratified or adopted them.

V. CLAIM ALLEGATIONS
COUNT 1

FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

5.1 Plaintiff realleges and incorporates by reference the preceding paragraphs.

5.2 The acts described above constitute violations of Plaintiff's rights under the First Amendment to the United States Constitution through 42 U.S.C. § 1983, and have caused damages to Plaintiff, and will continue to cause damage.

5.3 Plaintiff seeks declaratory and injunctive relief and nominal and compensatory damages against all Defendants. Plaintiff seeks punitive damages solely against the individual Defendants in their individual capacities.
COUNT 2

DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT
TO THE UNITED STATES CONSTITUTION

5.4 Plaintiff realleges and incorporates by reference the preceding paragraphs.

5.5 The acts described above constitute violations of Plaintiff’s rights under the Fourteenth Amendment to the United States Constitution through 42 U.S.C. § 1983, and have caused damages to Plaintiff, and will continue to cause damages.

5.6 Plaintiff seeks declaratory and injunctive relief and nominal and compensatory damages against all Defendants. Plaintiff seeks punitive damages solely against the individual Defendants in their individual capacities.

VI. INJUNCTION ALLEGATIONS

6.1 Defendants’ unconstitutional policy, practices, and customs are ongoing and continue to violate Plaintiff’s rights, and as such Plaintiff has no adequate remedy at law.

6.2 Plaintiff is entitled to injunctive relief prohibiting Defendants from refusing to deliver or allow delivery of publications, books, informational brochures and catalogs, and other correspondence from Prison Legal News, and prohibiting Defendants from censoring mail without prior approval, and from censoring mail without due process of law.
VII. REQUEST FOR RELIEF

WHEREFORE, the Plaintiff requests relief as follows:

7.1 A declaration that Defendants’ policies, practices, and customs violate the Constitution.

7.2 Nominal damages for each violation by the Defendants against the Plaintiff’s rights.

7.3 A preliminary and permanent injunction preventing Defendants from continuing to violate the Constitution, and providing other equitable relief.

7.4 A trial by jury on damages.

7.5 Compensatory damages in an amount to be proved at trial.

7.6 Punitive damages against the individual defendants in their individual capacities in an amount to be proved at trial.

7.7 Costs, including reasonable attorney’s fees, under 42 U.S.C. § 1988, and under other applicable law.

7.8 Prejudgment and post judgment interest.

7.9 The right to conform the pleadings to the proof and evidence presented at trial.

7.10 Such other relief as the Court deems just and equitable.

DATED this 21st day of January, 2011.

MacDONALD HOAGUE & BAYLESS

By: [Signature]

Jesse Wing, WSBA # 27751
JesseW@mhb.com
Katherine Chamberlain, WSBA #40014
KatherineC@mhb.com
Attorneys for Plaintiff
EXHIBIT A
TO
COMPLAINT
CHANGES
INMATE MAIL

WHEN: Effective September 1st, 2010

INCOMING MAIL

All incoming inmate mail, except for legal and official mail, shall be postcards, no larger than 5.5" X 8.5".

Non-legal mail correspondence will not be accepted in envelopes.

Packages, other than paperback books, newspapers, or approved magazines, shall not be accepted.

- All incoming postcards shall have a return address, including the sender's full name.
  - If there is no return address, the mail will be marked "Dead Mail" and returned to the Post Office.
- All postcards must be non-glossy, and be pre-franked. (See guidelines).
- There shall be no restriction on the number of postcards inmates may receive.
- Postcards must have the inmate's name, middle initial, last name and CID#, or the mail will be returned to sender.
- The inmate's name must be written as it appears on the Inmate Roster.

SEE: Sheriff's Office Web Site:

Sample:

Inmate First, MI, Last Name / CID#
C/o Spokane County Jail
1100 W. Mallon
Spokane, WA 99260

September 1st, 2010
JML
• Inmates are responsible for notifying their correspondents of any change of address. Mail will not be forwarded for an inmate no longer in custody.

OUTGOING MAIL

Outgoing inmate mail will be restricted to post cards only, with the exception of legal mail.

Inmates may purchase pre-franked 5.5" X 8.5" postcards from commissary.

All postcards must have the complete return address, to include facility address, and the inmate’s name as it appears on the roster.

SAMPLE:

Inmate First, MI, Last Name, CID#
Spokane County Jail, Cell Number/Housing Location
1100 W. Mallon
Spokane, WA 99260

Indigent inmates will have the opportunity to order three (3) post cards per week from Commissary. In addition, three (3) non-stamped legal mail envelopes with paper are also available through commissary.

Mail costs will be the responsibility of the inmate. Any charges for postage will be charged to the inmate’s trust fund account.

Inmate requests for additional legal envelopes will need to be submitted with a Jail Request Form, along with a Property Release form for the additional envelopes and any corresponding postage.

Inmates may send out certified/registered legal mail, if they have the required funds. A property release form must accompany such mail.

LEGAL MAIL

Legal mail is the exception to the post cards only policy.

• Attempts to use legal mail envelopes for personal correspondence will not be tolerated.
• Once a violation has been identified, additional measures can be
placed on an inmate to include but not limited to having the inmate prove that the correspondence meets the above guidelines prior to sealing and mailing.

- Confidential incoming mail that contains contraband will be returned to sender.

- Confidential incoming mail that contains illegal contraband may be seized as evidence, and handled accordingly.

Incoming legal mail must have the return address on the front of the envelope.

The front of the envelope must be clearly marked as “Legal Mail”, “Attorney”, “Confidential” designating the item as legal mail. Any incoming mail that is not marked will be returned to sender.

Staff, in the presence of the inmate, will inspect all sealed incoming legal mail for contraband.

Staff, in the presence of the inmate, will receive unsealed outgoing legal mail and inspect it for contraband prior to it being sealed.

Incoming and Outgoing legal mail may be sent in envelopes and must meet the following criteria:

1. Correspondence to or from courts and court staff; attorneys; the Indeterminate Sentence Review Board; established groups involved in the representation of inmates in judicial proceedings (i.e. American Civil Liberties Union, Disability Rights of Washington, legal service groups, etc.); Elected Federal, State or Local Officials working in their official capacities: Law Enforcement Officers in an official capacity; the Washington State Office of Financial Management’s Tort claims division or any other federal, state or local official or office responsible by law for receiving official notice of tort claims against a governmental entity. The Prison Rape Elimination Act Unit headquarters: Detention Services Staff working in an official capacity or any other person that the inmate can establish through the inmate grievance process is a proper recipient of legal mail.

2. Mail between inmates, verified by court order to be co-defendants to the same current legal proceedings that contain personal legal documents/papers and/or legal pleading and have been approved for offender to offender correspondence.

3. Indigent Legal correspondence for current cases only.

September 1st, 2010
JML
RESTRICTIONS ON INMATE CORRESPONDENCE

The rules regarding incoming and outgoing inmate mail apply to all inmates.

An inmate's correspondence will only be restricted for disciplinary purposes directly related to violations of the inmate mail policy.

Should an inmate's correspondence rights be restricted due to discipline, the reason will be stated in writing to the inmate.

The inmate is entitled to have the discipline decision reviewed by the disciplinary committee and/or the Corrections Lieutenant in charge of Custody Operations, upon written request.

Any restriction and/or discipline that is imposed regarding violations of the mail policy shall not apply to legal mail or court correspondence.

MAIL VIOLATIONS

Mail and/or items that are deemed detrimental to the safety, security, and orderly operation of the Detention Services Facilities will be considered a violation of the mail policy, and will be returned to the sender.

The mail clerk will complete a Mail Restriction Notice for those items that are returned to sender. A copy of the notice explaining the violation will be sent to the inmate.

GUIDELINES:

The following items are considered violations of the mail policy, and will be returned to sender.

- Any non-legal correspondence not in post card format.
- Any post cards that exceed the accepted size limit of 5.5"X 8.5".
- Any correspondence without the correct inmate information, i.e. full correct name, CCID#.
- Correspondence without a complete return address, including sender's full name.
- Glossy finish post cards.
- Correspondence with correction tape, fluids, crayon, colored pencil, drawings, metal clasps, staples, lipstick, glitter, stains, perfume, glue, adhesives, stickers, postage stamps, rubber inked stamps, etc.
• Sexually explicit materials.
• Explicit gang related materials.
• Any mail and/or items that are deemed detrimental to the safety, security, and orderly operation of the Detention Services Facilities.

RECEIVING MONEY THROUGH THE MAIL

Detention Services will accept US Postal Money Orders, Western Union Money Orders, Cashiers Checks, US Treasury checks, as well as checks from Tribal institutions and other correctional facilities through the mail for posting on an inmate’s account.

Social Security, SSI, and unemployment checks will be placed in the inmate’s property. These checks will not be posted to the inmate’s account.

Any other checks will be returned to sender.

Any inmate correspondence sent with the checks is prohibited, and will be returned to sender.

Cash will only be accepted at the cashier’s window at the downtown facility. Any cash mailed in shall be returned to sender.

Envelopes containing authorized checks to be placed on an inmate’s account should be addressed:

Inmate First, MI, Last Name / CID#  
Inmate Accounting Department  
Spokane County Jail  
1100 W. Mallon  
Spokane, WA 99260

CERTIFIED OR REGISTERED MAIL

Certified and registered mail for inmates will be accepted by the mail room.

Registered mail with restricted delivery may be signed by a designee of Detention Services, as outlined in the USPS Domestic Mail Manual.

Any Detention Services employee may sign for certified or registered mail.

A receipt for this mail will be completed by the mail clerk, and sent to the inmate for signature.

September 1st, 2010
JML
PUBLICATIONS

Inmate’s, at their own expense, may receive newspapers, paperback books, and approved magazines by mail. All authorized publications must come directly from the publisher, or a bona fide bookstore. Any unauthorized publications will be returned to sender.

Any materials which contain graphic nudity, violence, and/or anti-social materials will not be accepted, and will be returned to the sender.

Only five (5) paperback books and/or magazines may be received per day. If the number of publications received exceeds five, they will be returned to sender.

Inmates are allowed no more than five (5) books and/or magazines and one Bible in their cells, per the Module bin policy. Books and/or magazines in excess of five (5) and one Bible, will need to be disposed of by the inmate.

Any ribbon or bookmarks attached or included with any authorized publication will be cut away and discarded.

All authorized publications shall be receipted by the Mail Clerk, and signed for by the inmate.

AUTHORIZED MAGAZINES:

Religious publications mailed directly from the publisher or bona fide bookstore.

Better Homes and Gardens
Business Week
Family Fun
Foreign Policy
Money
Newsmax
News Week
PC World
Parents
People
Readers Digest
Reason
Smart Money
Time
Wired

September 1\(^{st}\), 2010
JML
RELIGIOUS MATERIALS

Inmates may request a Bible from the Jail Chaplain, or it may be mailed in.

Packages and/or large envelopes containing religious tracks, pamphlets, etc, are not authorized, and will be returned to sender.

Religious materials may be provided by the Jail Chaplain, upon request, as available.

IN HOUSE INMATE TO INMATE CORRESPONDENCE

Inmates may correspond with each other within Detention Services facilities using in-house mail.

A deputy will read and inspect all in-house mail.

Inspected in-house mail will have the deputy’s initials, employee number, and the date notated on it.

Mail that is graphically sexual and/or contains offensive language or content will be returned to the inmate as unacceptable.

- An inmate may send one (1) in-house letter per calendar day.
- Each letter will consist of no more than 2 pages, single sided.
- Letters will be tri-folded.
- Sender’s name and cell location, clearly legible, will be marked in upper left hand corner.
- Recipient’s name and cell location, clearly legible, will be marked in the center.