

1 Katherine C. Chamberlain, OSB #042580
katherinec@mhb.com
2 Jesse A. Wing, *pro hac vice*
jessew@mhb.com
3 Of Attorneys for Plaintiff Prison Legal News
MacDonald Hoague & Bayless
4 705 Second Avenue, Suite 1500
Seattle, Washington 98104-1745
5 (206) 622-1604

6 Marc D. Blackman, OSB #730338
mark@ransomblackman.com
7 Of Attorneys for Plaintiff Prison Legal News
Ransom Blackman LLP
8 1001 SW 5th Ave., Suite 1400
Portland, OR 97204
9 (503) 228-0487

10 Lance Weber, *pro hac vice*
lweber@humanrightsdefensecenter.org
11 Of Attorneys for Plaintiff Prison Legal News
Human Rights Defense Center
12 1037 Western Ave., 2nd Floor
West Brattleboro, VT 05303
13 (802) 257-1342

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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF OREGON
18 PORTLAND DIVISION
19

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

No. CV 12-71-SI

23 v.

24 COLUMBIA COUNTY; COLUMBIA
COUNTY SHERIFF'S OFFICE; JEFF
25 DICKERSON, individually and in his capacity
as Columbia County Sheriff,
26 Defendants.
27

DECLARATION OF SHAUGHNESSY
WILLIAMS

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2
3 I, Shaughnessy Williams, declare and affirm as follows:

4 1. I am over the age of 18, not a party to this action, and I am competent to testify.

5 The statements of fact contained herein are based on my own personal knowledge and belief.

6 2. I have been incarcerated at the Columbia County Jail since March 9, 2011.

7 3. Exhibit 1 is a true copy of a Grievance, with attachments, dated June 1, 2011 that
8 I filed with the Columbia County Jail. Attached to my Grievance is a postcard I received from
9 my brother, Davey, in which he states that he wrote to me at the Columbia County Jail on four
10 previous occasions. I did not receive notice from the Jail that my brother tried to write to me or
11 that the Jail censored my brother's letters..

12 4. Exhibit 2 is a true copy of a memo dated June 5, 2011 that I received from Deputy
13 Lauth in response to my Grievance.

14 5. In November 2011, I observed a stack of *Prison Legal News* issues sitting on a
15 shelf in the Clothing Room. I asked Sergeant Miller if I could have one of the issues, and he
16 responded that I could. Later, I noticed the issue was addressed to another inmate by name. I
17 tried to return the mail so it could be delivered to the inmate.

18 6. Exhibit 3 is a Mail Violation Notice I recently received at the Columbia County
19 Jail, dated January 21, 2012.

20 7. My mother sent me a bible, but the Jail did not deliver it to me and the distributor
21 did not receive it back. The Jail did not provide me notice that it censored the bible.

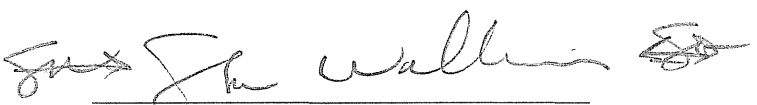
22 8. The restrictive Postcard-Only Policy of the Columbia County Jail has caused
23 undue hardship for me and my family. At times, I have had to write six postcards to convey a
24 message to my friends and family. The cost of six postcards is higher than sending one letter.
25 During this difficult period in my life, I am in need of love and support from family and friends
26 more than ever, and the Postcard-Only Policy at the Columbia County Jail inhibits my ability to
27 communicate with them. Although the Jail has sometimes allowed in mail from my mother and

1 brother that is not a postcard, the Jail has also censored mail from my family and failed to notify
2 me of the censorship.

3 9. Typically, in the past the Jail has not notified me when the Jail censors mail from
4 my family and friends. Therefore, I cannot challenge the Jail's censorship decisions.

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

7 DATED this 9 day of February 2012, at St Helens, Oregon.

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10 Shaughnessy Williams

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2012, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Marc D. Blackman**
marc@ransomblackman.com, pat@ransomblackman.com
- **Gregory R. Roberson**
grr@hartwagner.com, cej@hartwagner.com
- **Lance Weber**
lweber@humanrightsdefensecenter.org
- **Jesse Wing**
JesseW@mhb.com

MACDONALD HOAGUE & BAYLESS

/s/ Katherine C. Chamberlain
KATHERINE C. CHAMBERLAIN
OSB #042580
(206) 622-1604
Of Attorneys for Plaintiff Prison Legal News

EXHIBIT 1

COLUMBIA COUNTY SHERIFF'S OFFICE
INSTITUTION'S DIVISION

INMATE GRIEVANCE FORM

No 000228

INSTRUCTIONS: Follow the rules in the Inmate Handbook regarding the facility's grievance procedures. Fill in the blanks in the first two sections. If you need more room, use additional sheets of paper, but not additional forms. If you want to grieve more than one issue, use a separate form for each issue.

Reason for Grievance (check one):

- conditions of confinement medical care general classification procedures
- general discipline procedures participation in inmate programs
- religious practices telephone, mail and visiting procedures other (be specific)

Inmate's Name: WILLIAMS, SHALANNESSY SID: 20122534 Cell: J

Grievance: TIMELY RECEIPT OF INCOMING MAIL FROM FAMILY.
* SEE ATTACHED INFO & COPIES *

Inmate Signature: [Signature] Date/Time: June 1st 2011

Receiving Deputy Signature: _____ DPSST# _____ Date/Time: _____

Deputy's

Response: See attached memo

Deputy's Signature: [Signature] DPSST# 47829 Date/Time: 15M7 *did not sign Ali*

Inmate's signature accepting deputy's resolution of grievance: [Signature] Date/Time: _____

Supervisor's Review:

Date/Time Received: _____

We will make an exception due to your family being out of country. If any one asks or bothers you about this, you can explain that the privileges involved. Thank you for your time and patience on this matter.

Supervisor's Signature: [Signature] DPSST# 31831 Date/Time: 6/8/11 1:38

Inmate's signature accepting supervisor's resolution of grievance: [Signature] Date/Time: _____

Administrators Review:

Date/Time Received: _____

Administrator's Signature _____ DPSST# _____ Date/Time: _____

Inmate's signature accepting deputy's resolution of grievance: _____ Date/Time: _____

Distribution: White - Administrator's Copy Canary - Inmate File Pink - Inmate Copy

To Whom It May Concern

June 1st, 2011

I, Shaun Williams, 2011000534, have been having issues with the mail system since my arrival in December, 2010.

I am a federal inmate and the majority of my family lives outside the U.S. (Ireland & Canada). My wife, Tammy L. Hall is in custody in Multnomah County Jail at Inverness and is unable to purchase postcards.

The mail system here has produced undue hardship on myself and my family, both mentally and monetarily as I will attempt to show.

While I think that I may understand the purpose of this policy, I believe it is being misused. My purpose in writing this is to be part of some sort of solution.

I want to thank both First Sgt Cutright and Sgt. Westfall for their compassion and understanding with me and my correspondence with my wife. We are in the biggest 'fight' of our lives. I know how much it means to her to receive mail from me, I can tell you it is a huge piece of my emotional support to receive mail from her. I know also that it is a privilege and not a right to receive that mail. My behavior in this facility has been positively motivated by said privilege.

The first statement of the mail policy is 'that the mail will be delivered "per US postal guidelines."

Under the General Rules section of our inmate handbook, the first sentence states "that restrictions may be placed "on our mail if it affects our "treatment or rehabilitation."

I have attached two copies of mail that I have received from immediate family. One is from my younger brother in Ireland and the other is from my mother in Canada.

In order to save money, and because my mother could be described as 'frugal' in the extreme, she buys 'card stock' from the craft store my sister works at and cuts it herself to the 5½ x 8½ that is required by the policy of this jail. When someone is involved in the type of case I am involved in, one 8½ x 5½ post card is not enough for me, or as it is stated in my little brother's post card, or my family to convey the type of or the amount of, love and support they are trying to send. The policy is restricting the type of support that encourages the 'rehabilitation and treatment that you say you are trying to protect. The policy also restricts the love and support of our family by our ability to pay for 'commercially produced' postcards. There have been numerous times that I have written six post card letters trying to convey a point to friends and family. Because my family lives outside the country, the bulk of our communication is through the mail.

I have not been receiving confiscation notices from the jail when a letter has been deemed contraband, and there are no letters in my small property. My mom has a habit of not putting a return address on her postcards. I have a hard time believing that a post card signed "Mom" in which she babbles on about the goings on of my nieces and nephews is a threat to the 'Safety and orderly running' of the Jail. And is it necessary

to threaten me with the destruction of that mail ? Is it legal to destroy that mail ? I know that my brother has written me four times as stated in his letter, where are those letters ? Who decides their fate ?

In March I had an incident where a letter addressed to me, approved by SGT. Westfall was ' misplaced ' and was never returned to my wife or myself.

I don't believe this follows US Postal Guidelines.

I also don't believe that this was the way that the administration of this facility wanted the mail policy to be used. In my case at least, none of the mail that has been sent to me by these people could be considered contraband that would effect my rehabilitation or treatment. On the contrary, it has taken away much needed support during an extremely difficult time of my wife and My life.

To say that I am exceptionally frustrated by the continued rejection of her letters specifically is the understatement of the year. This continues despite several verbal and written memo's from SGT Westfall.

It seems like it would be so much easier to exercise compassion and understanding in these cases.

If you need any more information, please ask. I am looking for a solution to these issues.

Shaughnessy Williams

June 1st, 2011

2011000534



HEY SHAWN, IT'S DANVEY. I HOPE YOU ARE WELL, MY FRIENDS. SOME OF IT TOOK SO LONG TO GET IN TOUCH NEVER MENTIONED I HAD TO BE ON A POSTCARD I HAD A BIG ASS WRITTEN BUT NOW I HAVE TO TRY SHRINK IT TO FIT ON HERE (WHICH IS IMPOSSIBLE!) I HOPE YOU ARE DOING WELL I KNOW UNDER THE CIRCUMSTANCES IT MUST BE HARD, BUT YOU'VE COME THROUGH WORSE & I HAVE FAITH IN YOU. THINGS ARE OK HERE, LIFE HAS BEEN BETTER BUT I'M GETTING BY, I COULD SURE DO WITH HAVING MY BIG BROTHER SHAWN ON HAND FOR ADVICE. LET ME KNOW WHAT'S GOING ON WITH YOU. ANY IDEA HOW LONG YOU'LL BE AWAY FOR? JUST KNOW THAT ALONG THE WAY, I'M ALWAYS HERE TO TALK & CORRESPOND. I HOPE YOU ARE FEELING STRONG & PHYSICALLY, & I REALLY HOPE TO HEAR FROM YOU SOON. LOVE FROM YOUR BROTHER, DANVEY.

PS. I FOUND THAT I CAN SEND YOU STUFF THROUGH THE JAIL WEBSITE. LET ME KNOW WHAT YOU NEED (STATIONARY, SNACKS, TOILETRIES, CANDY)

DELIVER TO
 SHANAGNESSY TALKHAMS
 BOOKING # 20110005311
 COLUMBUS COUNTY JAIL
 901 PORT AVENUE, ST HELENS,
 OREGON 97051, UNITED STATES OF AMERICA.

Éire
 €0.82
 11144
 17348103217644

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 D. CONDON, APARTMENT 5,
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EXHIBIT 2

Date: June 5, 2011

To: Williams, Saughnessy
Columbia County Jail

From: Deputy Lutt 49829
Corrections Division

Subject: Postcard Grievance Response Template

Thank you for expressing your concern about the Columbia County Jail mail procedures. As you are aware, there are multiple ways for inmates to communicate with friends, family and others outside the jail. You may send and receive postcards, as well as have personal visits and use the telephone. You are also allowed to communicate with your attorney, and correspond with other officials, by writing letters using paper and envelopes to ensure your privacy. Our postcard policy was enacted after a good deal of review, and we believe that the policy decreases the opportunity for contraband to be introduced into the jail, which enhances jail safety and security. In addition, the use of postcards saves significant public resources as staff do not need to spend nearly as much time searching for contraband or for communications that threaten jail safety and security. In light of the clear benefits to jail safety and security, the reduced staff time required to process inmate mail, and the alternative methods available to inmates to communicate with the outside, we believe that our policy of requiring postcards for personal mail is appropriate and reasonable. Your grievance is denied.

EXHIBIT 3

MAIL VIOLATION NOTICE

INMATE NAME: WILLIAMS, SHAUGHNESSY DATE: 01/21/2012

INMATE POD: J-POD 19

The mail that is addressed or sent by the above inmate is in violation of the facility mail policy. The Post Card has been returned to sender or placed into the inmates property for the following reason(s):

	No Inmate Name		Incomplete Return Address
✓	Stickers of any Kind (Includes Address Labels)		Rubber Inked Stamps
	Tape/ Glue		Lipstick
	Colored Pencils		Paperclips / Staples etc.
	Correction Tape / Fluid		Crayon
	Paint		Watercolor
	Food / Beverage Stains		Perfume / Cologne
	Do not accept periodicals		Inappropriate Content (BOOK)
	Inappropriate Content (POSTCARD)	✓	No Envelopes

Additional Remarks:
Returned to Sender Mr. George Tomich

CAROLYN TOWNSEND

Mail inspected by