

Notice of Proposed Settlement of Class Action Involving Inmate Mail Postcard Case

Reynolds v. Hall, No. 3:10-cv-355

U.S. District Court for the Northern District of Florida

TO: Class Members — All current inmates incarcerated or detained in the Santa Rosa County, Florida, Jail (“Jail”).

Purpose of This Notice

This notice sets forth the basic terms of the proposed Settlement reached in the *Reynolds v. Hall* inmate mail postcard case, advises Class Members of the method to comment or object to the Settlement, if desired, and the consequences of not objecting and the Court approving the proposed Settlement.

Background

This class action lawsuit was filed in September 2010 against the Sheriff for Santa Rosa County to challenge the Sheriff’s Postcard-Only Mail Policy. Pursuant to this Policy, the Sheriff forbids Jail inmates from mailing any non-privileged mail (mail to someone other than courts, attorneys, government officials or agencies, and news media) that is not in postcard format to outside correspondents. The Sheriff instituted the Postcard-Only Mail Policy on or about July 26, 2010.

Prior to July 26, 2010, the Sheriff permitted Jail inmates to send and receive mail correspondence enclosed in envelopes. The Sheriff offered for sale unlimited paper, envelopes, and postage. For indigent inmates, the Sheriff provided paper and envelopes and later attached postage sufficient to allow them to send two (2) letters per week. The Sheriff did not restrict the amount of paper and envelopes with pre-printed “metered” postage that could be sent in by an inmate’s family or friends. At intake, the Sheriff did not provide inmates with materials to send any mail.

Under the current Postcard-Only Mail Policy (July 2010 – present), the Sheriff restricts all non-privileged mail to postcards. The Sheriff offers for sale unlimited postcards and postage. For indigent inmates, the Sheriff provides quarter-page cardstock and later attaches postage sufficient to allow them to send two (2) postcards per week. The Sheriff does not restrict the provision of postcards with pre-printed “metered” postage that can be sent in by an inmate’s family or friends. The Sheriff does provide some inmates with materials sufficient to send two (2) postcards at intake.

The Plaintiffs alleged that this Postcard-Only Mail Policy violated the inmates’ constitutional free speech rights. They sought solely to change the Sheriff’s policy. They did not seek compensatory damages or money. The Sheriff denies all allegations of wrongdoing and denies any liability to plaintiffs or to any other class members.

Summary of the Proposed Settlement

The Santa Rosa County Sheriff and Marcie Hamilton, acting on behalf of inmates and detainees at the Jail, reached a proposed class action Settlement. The parties have agreed that, in order to avoid long and costly litigation, this controversy should be settled pursuant to the terms of the settlement as described in this Notice, subject to the approval of the Court. The Settlement is intended to resolve disputes between the parties regarding the Sheriff's outgoing inmate mail policies. They have jointly requested the Court to approve a Settlement in the form of a consent decree requiring the Sheriff to change the policy. On December 2, 2011, the Court preliminarily approved this Settlement, subject to a final fairness hearing of the parties and objections, if any.

The terms of the Settlement are as follows:

Initial Booking: After first appearance, if the inmate remains in the Jail, the Sheriff will provide to all inmates sufficient materials so that they may send two (2) letters at no cost. Inmates must surrender upon intake and at booking, any envelopes, postage, and writing materials in their possession.

Limit Writing Material Purchases: The Sheriff will offer for sale to inmates an unlimited number of postcards; at least eight (8) envelopes per week; at least one notepad per week; and an unlimited number of pre-stamped "privileged mail" envelopes for legal mail, which may be restricted to that purpose. The Sheriff need not offer for sale more than eight (8) envelopes per week or one notepad per week.

Sheriff's Provision for Indigent Inmates: The Sheriff will provide postcards, paper, postage and envelopes to indigent inmates sufficient to allow them to mail one (1) letter and two (2) postcards per week at no cost. The Sheriff will upon request make provisions for two (2) privileged letters per week at no cost.

Third-Party Provisions: The Sheriff will continue will allow inmates to receive postcards (unlimited) and envelopes (up to two (2) per incoming mail) with pre-printed "metered" postage, which can be sent in by an inmate's family or friends. Sheriff may prohibit inmates from possessing more than ten (10) such envelopes at any one time and treat as contraband such envelopes over these limits.

Attorneys' Fees: The Sheriff will pay the Plaintiffs' reasonable attorneys' fees, costs, and litigation expenses, which, if not mutually agreed upon, shall be determined by the Court.

No Monetary Payments to Class Members: No Class Member will receive any monetary payment as part of this Settlement. The Class Representative, Marcie Hamilton, will not receive any monetary payment.

For Further Information: Copies of the proposed Settlement, Plaintiffs' Third Amended Complaint, Sheriff's Answer, and other relevant filings with the Court may be obtained from: (1) The ACLU of Florida's website: <http://www.aclufl.org/cases/reynoldsvhall.cfm> and (2) the Sheriff upon request.

Two (2) Options for Class Members—What You Can Do

1. Do Nothing. If you do nothing, you will remain a Class Member and be both entitled to and bound by the terms of equitable and injunctive relief set out in the proposed Settlement, if and when the Court finally approves it. If you do nothing, you will waive all your rights to all claims related to the Sheriff's current Postcard-Only Mail Policy, even those of which you are not now aware.

2. Comment or Object to the Proposed Settlement. If you are currently incarcerated, you can comment or object to the Settlement. You can tell the Court you do not like the Settlement or some part of it. For example, you can say you do not think the Settlement is fair, reasonable, or adequate. The Court will consider your views, but may approve the Settlement anyway or modify it with approval of the parties.

To object or comment on the proposed Settlement, you must submit a written Statement of Objection or Comment that: (a) identifies the case, ***Reynolds v. Hall, No. 3:10-cv-355 (N.D. Fla.)***; (b) contains your **name and address**; (c) describes **each objection** or comment you have and explains the **basis of each objection** or comment by providing facts and law. You may submit copies of any documents that support your objections or comments with the Statement of Objection or Comment. If you or a lawyer on your behalf wishes to appear and present such objection or comment at the Fairness Hearing (see below), you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired.

Your Statement of Objection and Notice of Intention to Appear must be sent to the Court and Class Counsel at the addresses below and postmarked or received **no later than December 31, 2011**.

The **original** copy of any Statement of Objection and/or Notice of Intention to Appear must be mailed to the Court:

You must also mail a **copy** of all Statements and/or Notices to Class Counsel:

Clerk of the Court
United States District Court
1 North Palafox Street
Pensacola, FL 32502

Benjamin James Stevenson
American Civil Liberties Union Found. of Fla.
Post Office Box 12723
Pensacola, FL 32591-2723

Fairness Hearing

The Court has reviewed the proposed Settlement and preliminarily approved it subject to a final Fairness Hearing to consider objections and comments to the Settlement. However, at this time, the Court has not yet finally decided whether or not to approve the Settlement.

United States District Judge M. Casey Rodgers will hold a **Fairness Hearing on January 11, 2012, at 12:30 p.m.** in Courtroom 5 North of the United States District Court, 1 Palafox Street, Pensacola, Florida 32502. If there are timely filed, written objections, the Court will consider them, and the Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether or not to approve the Settlement. If you choose, you are entitled to be represented by an attorney of your choice at the fairness hearing, at your own cost. The Court will also address and rule upon any objections or comments at the fairness hearing.

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