

Notice of Proposed Settlement

of Class Action Lawsuit Concerning the Postcard-Only Mail Policy at the Wyandotte County Adult Detention Center

Jackson, et al. v. Ash, No. 13-cv-2504 EFM/JPO
U.S. District Court for the District of Kansas

Purpose of This Notice

This notice gives information about the settlement of a lawsuit challenging the policy of the Wyandotte County Adult Detention Center (“Jail”) that requires non-privileged mail, sent by or to inmates, to be written on postcards.

Background

This class action lawsuit was filed in September 2013 against the Sheriff of Wyandotte County, alleging that the Sheriff’s Postcard-Only Mail Policy violates the constitutional rights of inmates and their correspondents. In March 2014, the U.S. District Court for the District of Kansas certified the lawsuit as a class action.

Summary of the Proposed Settlement

The Wyandotte County Sheriff and Class Representatives Tyrell Jackson, Randall Chapman, and Mable Estes, acting on behalf of detainees at the Jail and their correspondents, have now reached a settlement in the case, which must be approved by the Court before it takes effect.

The proposed settlement has been reached on behalf of two plaintiff classes:

- (1) “Jail Inmate Class” – All current and future detainees in the Jail who are subject to or affected by the Postcard-Only Mail Policy; and
- (2) “Outside Correspondent Class” – All current and future outside correspondents who wish to write letters to inmates in the Jail and who are subject to or affected by the Postcard-Only Mail Policy.

The terms of the Settlement are as follows:

Inmates May Send Letters: The Sheriff will not prohibit or restrict Jail inmates from mailing non-privileged letters in envelopes to correspondents outside the Jail and Juvenile Detention Center, except as set forth in this Notice.

Inmates May Receive Letters: The Sheriff will not prohibit or restrict Jail inmates from receiving non-privileged letters in envelopes from correspondents outside the Jail and Juvenile Detention Center, except as set forth in this Notice.

Provision of Writing Materials to Indigent Inmates: The Sheriff will provide each indigent inmate with a writing instrument (pen or pencil) and sufficient paper, postage, and envelopes to allow each indigent inmate to send at least two (2) non-privileged letters, per week, at no expense to the inmate. Upon request, the Sheriff will also provide sufficient writing materials so that each indigent inmate may send at least two (2) privileged letters, per week, at no expense to the inmate.

No Volume Restrictions on Mail: The Sheriff will not restrict the number of letters or postcards that an inmate can send or receive, unless there is clear evidence that such restriction is necessary for the safety of inmates, staff, or the public, or for facility order or security. The Sheriff may continue to restrict the number of letters or postcards that a Jail inmate may keep in his or her cell.

Letter Length Restrictions: The Sheriff may limit the length of each letter, incoming or outgoing, to one (1) piece of paper, front and back, measuring at least 7.25” wide by at least 10.5” tall.

Attorneys’ Fees: The Sheriff will pay the Plaintiffs’ reasonable attorneys’ fees, costs, and litigation expenses, which have been mutually agreed upon, and for which the Parties seek final approval from the Court.

No Monetary Payments to Class Members: No Class Member will receive any monetary payment as part of this Settlement. The Class Representatives, Tyrell Jackson, Randall Chapman, and Mable Estes, will not receive any monetary payment.

Right to Object

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. The Court has set a Fairness Hearing for this purpose, on **February 3, 2015, at 9:00 a.m.** in Courtroom TBD of the United States District Court, 500 State Avenue, Kansas City, KS 66101. 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 are a member of one of the settlement classes listed above, you can comment or object to the proposed Settlement. You can tell the Court that you do not like the Settlement, or some part of it. 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, *Jackson, et al. v. Ash*, (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, 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 at the address below and postmarked or received **no later than January 27, 2015.**

Honorable Eric F. Melgren
U.S. District Judge
U.S. District Court for the District of Kansas
401 North Market, Suite 414
Wichita, KS 67202

Contact Information for Class Counsel:

For Further Information: Copies of the entire proposed Settlement and other relevant filings with the Court may be obtained from: (1) The ACLU of Kansas's website: <http://www.aclukansas.org>; and (2) Class Counsel, upon request, at the addresses below.

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