

Bridgerland

Wednesday,
February 16, 2005

Local, state and regional news

A3

Jailers again accused of violating inmates' rights

Suit against county:
Prisoners should be
allowed to own books

By John Wright
staff writer

For the second time in three months, Cache County officials are facing a federal lawsuit for allegedly violating the civil rights of inmates

housed in the new jail. On Dec. 15, attorneys representing the publishers of Prison Legal News filed suit against the county contesting a jail policy prohibiting inmates from having their own subscriptions to newspapers and magazines. On Tuesday, attorneys representing an inmate filed suit contesting a jail policy prohibiting inmates from owning paperback books. In both lawsuits, the plaintiffs allege that the policies violate

inmates' First Amendment rights to free expression. "The case law broadly states that one of the few rights inmates retain when they're incarcerated is First Amendment (rights)," said Brian Barnard of Salt Lake City, an attorney for both plaintiffs. "That's been the case law for 25 years." Attorney Frank Mylar of Salt Lake City, who's defending the county in the first lawsuit, disagreed. "Inmates have restricted First

Amendment rights, that's what the case law says," Mylar said. Mylar said he couldn't comment on specifics of the second suit because he hadn't seen the complaint filed by Barnard and James L. Harris Jr. of the Utah Legal Clinic, along with Margaret Plane of the American Civil Liberties Union. The first lawsuit is still pending after a judge refused the plaintiffs' request for a preliminary injunction to halt the county's enforcement of the policy.

According to the complaint filed Tuesday, a paperback book addressed to John Morris Kinter, a federal inmate housed under contract with Cache County, arrived at the jail on Jan. 29. The book, "Dictionary of the Law," had been ordered by Kinter at a cost of \$17.95. When it arrived, jail officials immediately marked the exterior of the book with the letters CCJ (Cache County Jail).

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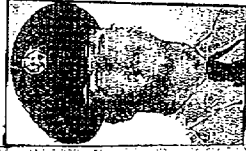
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concern given to our family at the time of passing of our mother. The Whitney 2nd Ward Relief Society, Bishop Griffith, the staff at the hospital and nursing home for their tender care of our mother. Neighbors and friends have given service prior to her illness and continued to extend care the past few months. It warms our hearts as individuals tell of the love and appreciation they had for our mother.

Sincerely,
Douglas & Sandra,
Kimber & Dona,
Curtis & Kristen
and Bracken & Yvonne Webb

Jerry

Schvaneveldt

The family of Jerry Schvaneveldt extend their sincere thanks to the many family members, neighbors and friends who have lifted our spirits and supported us in the passing of our husband, father, grandfather and great-grandfather. We thank the Smithfield 15th and Weston 1st wards for their compassionate service and the wonderful meal they provided.

Barbara Schvaneveldt
Reta and Les Braker & Family
Monte and Bonnie Schvaneveldt & Family
Lesia and Marc Hirschi & Family

About Cache

WEDNESDAY

Clto Club will meet at 1 p.m. today at the Iron Gate Grill, 517 W. 100 North in Providence. The hostess will be Cristle Needham. RSVP regrets to 752-3500.

Logan House Assisted Living is holding its monthly Alzheimer's education/support group meeting at 6 p.m. today at Logan House, 330 E. 1400 North. Allison Richman from the Alzheimer's Association will be discussing "The Different Stages of Alzheimer's." Everyone is welcome. Refreshments will be served. Call 755-2877 for more information.

Commodities

POCATELLO, Idaho (AP) — Idaho Farm Bureau International and 1/11/11

Rights

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They then delivered the book to Kinter but told him it was no longer his property.

The complaint states that according to jail policy, "All books sent to the CCI for individual inmates will become the property of the CCI when the use of the books is completed or when the inmate is released from custody of the CCI or moved to another facility."

In addition to their free expression rights, the complaint alleges that the policy violates inmates' due process rights under the Fifth and Fourteenth Amendments, as well as the protection against "unlawful taking" under the Fifth Amendment.

"They're poorly drafted and they're just flat out unconstitutional," Barnard said of both the book policy and the one prohibiting newspaper and magazine subscriptions. "The manual tries to make it easy on the jail staff, instead of encouraging inmates to read and encouraging inmates to maintain contact with the outside."

However, Mylar contended the county merely is trying to balance inmates' rights with smooth operation of the jail.

"I think the county's policy is to provide inmates with certainly a range of reading materials, but there's a lot of safety, security and other issues that any correctional facility deals

with, and they try to have policies that are not going to compromise safety, security, management of the jail, while also allowing inmates access to ideas and information," Mylar said.

He also dismissed Barnard's argument that other facilities, such as the Utah State Prison and the Salt Lake County Jail, allow inmates to own books.

"Jails don't have to do it the same way other jails do it," he said. "They're different facilities, they're different environments, they're different-sized facilities. There are a number of issues involved in that."

Asked why he's been prompted to file two lawsuits against Cache County in recent months, Barnard said he thinks it's due to the recent opening of the new 360-bed facility on Valley View Highway. He said the county is now housing state and federal inmates who've contacted him because they've spent time at other facilities without such policies.

Barnard added that he's also received complaints from inmates about the grievance system, food and mail handling at the new jail.

"Maybe it's the tip of the iceberg. I don't know," he said of the two lawsuits. "We are looking into those (other complaints), but I don't know if there's any substance to them."

Neither Jail Commander Capt. Kim Cheshire nor Sheriff Lynn Nelson, both named individually in the lawsuits, could be reached for comment.

Signs

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While there's no timeline for completion, Beckstead said once the project is done, it will enhance safety.

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And while many roads have been posted since last year, Beckstead said safety remains a paramount issue.

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