



Agreement Reached Ending Unconstitutional Postcard-Only Mail Policy at Flagler County Jail

Lawsuit filed in 2013 challenged ban on incoming letters and requirement that all mail be written on postcards; Consent decree stops jail employees from interfering with or censoring inmate mail

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BUNNELL, FL – An agreement has been reached between the friends and family of Flagler County Jail inmates and Flagler County Sheriff Jim Manfre ending the former sheriff's policies restricting mail sent and received by inmates. The American Civil Liberties Union (ACLU) of Florida and the Florida Justice Institute (FJI), representing correspondents of jail inmates, filed a federal class action lawsuit challenging the policies that banned incoming letters to inmates and instead required the mail be written on a postcard.

A consent decree entered on April 29th by U.S. District Judge Marcia Morales Howard of the United States District Court for the Middle District of Florida formalizes a settlement reached by the parties in the case that the mail censorship policy violated the First Amendment rights of friends, family and correspondents of people incarcerated or detained in the Flagler County Jail. The consent decree enjoins the county from enforcing the old policy that limited mail to short, publicly-readable postcards. The judge ordered jail employees to follow new procedures that allow inmates to send and receive letters.

"We are pleased to have reached an agreement with the Sheriff that protects the rights of both those in the county jail and loved ones who wish to communicate with them," stated ACLU of Florida staff attorney Benjamin Stevenson. "When a loved one is behind bars, communication is very difficult, and sending letters is often the only practical way to communicate about private matters like financial, medical or family issues.

Communication through mail is often the only feasible form of contact for inmates and their loved ones, as family members are often a far distance away, and the only available telephone calls—collect calls—are very costly. Additionally, in-person visits are limited to a short period once a week, so if a loved one is working during that period, they would be unable to connect in person. Both telephone and in-person conversations are easily overheard by fellow inmates, guards and other visitors, leaving closed letter correspondence as the only confidential way to communicate with family and other loved ones.

Attorneys for the Plaintiff class complemented the Sheriff, who inherited the postcard only policy from his predecessor, for quickly deciding to change the policy for the benefit of everyone involved. "Sheriff Manfre stood tall and did the right thing," said FJI Executive Director Randall C. Berg, Jr. "In addition to being unconstitutional, the postcard only policy made no sense from anyone's point of view. This case reaffirms the principle that First Amendment rights are not checked at the jailhouse door. Sheriffs cannot restrict correspondence privileges just because it's more convenient for their jail's staff."



A recent report by the Prison Policy Initiative found that postcard-only mail policies deter communication that is essential for keeping people from reoffending after release (www.prisonpolicy.org/postcards). Nevertheless, a handful of Florida jails continue to limit correspondence to postcards.

“This agreement not only protects the First Amendment rights of people whose loved ones are currently behind bars, but also brings Flagler County in line with current research about what is best for making communities safer,” added Benjamin Stevenson, staff attorney for the ACLU of Florida. “But other sheriffs, in the guise of attempting to appear ‘tough on crime’ continue to push restrictive communications policies that threaten both the rights and the safety of the communities they serve. The settlement we’ve come to in this case should serve as a warning to other Florida sheriffs that people don’t lose their constitutional rights simply because a loved one is in jail.”

A copy of the settlement agreement is available here: [\[\[XXXXXXXXXXXXXXXXXXXXXXX\]\]](#)

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About the ACLU of Florida The ACLU of Florida is freedom's watchdog, working daily in the courts, legislature and throughout Florida to defend individual rights and personal freedoms guaranteed by the United States and Florida Constitutions and the Bill of Rights. For additional information, visit our web site at: www.aclufi.org

About the Florida Justice Institute The Florida Justice Institute is a nonprofit public interest law firm that conducts civil rights litigation and advocacy in the areas of prisoners’ rights, housing discrimination, disability discrimination, and other areas that impact the lives of Florida’s poor and disenfranchised. More information at www.floridajusticeinstitute.org.