



[Prisoners' Rights](#) | [Restriction of Rights](#)

ACLU Demands That Prisoners At Colorado Springs Jail Be Allowed To Mail Letters

September 14, 2010

Federal Lawsuit Charges That Newly Enacted Policy Limiting Correspondence To Postcards Is Unconstitutional

FOR IMMEDIATE RELEASE

CONTACT: (212) 549-2666; media@aclu.org

DENVER – The American Civil Liberties Union and the ACLU of Colorado today filed a federal class action lawsuit charging that a new policy barring prisoners at the El Paso County Jail in Colorado Springs, Colorado from sending letters to people in the free world is unconstitutional.

Implemented last month, the policy restricts all outgoing correspondence – except narrow categories deemed to be "legal mail" – to 4x6-inch postcards supplied by the jail. As a result of the new policy and based on the jail's official definition of what constitutes "legal mail," prisoners will now be barred from sending any letters to family members, friends, doctors, psychiatrists and members of the clergy, among many other categories of people.

"This postcard-only policy severely restricts prisoners' ability to communicate with their parents, children, spouses, domestic partners, sweethearts, friends or almost anyone else who does not fall within the jail's narrow exception to the newly-imposed ban on outgoing letters," said Mark Silverstein, Legal Director of the ACLU of Colorado. "This unjustified restriction on written communications violates the rights of both the prisoners and their correspondents. Families have a First Amendment right to receive all of their loved ones' written words, not just the few guarded sentences a prisoner can fit onto a postcard."

The El Paso County Jail is just the latest of a burgeoning number of jails around the country to enact unconstitutional postcard-only policies. The infamous Maricopa County, Arizona Sheriff Joe Arpaio was one of the first to institute such a policy, and jails in at least five additional states have since followed suit. The ACLU last month sued officials at the Boulder County Jail in Boulder, Colorado for enacting a similar policy, and is currently

investigating a recently-enacted policy at the Spokane County Jail in Washington which requires prisoners to correspond primarily by postcard.

According to today's lawsuit, filed in federal district court in Denver, the postcard-only policy has forced prisoners to either abandon important correspondence or risk divulging highly confidential, sensitive information to anyone who will handle or see a postcard. As a result, gay prisoners have been chilled from expressing themselves when writing to their intimate partners. Prisoners with HIV or Hepatitis C have refrained from corresponding with family members about their medical conditions. Prisoners who express themselves through drawings or cartoons cannot enclose their art. Those who wish to share an inspirational religious tract, or a clipping from a newspaper or magazine, are barred from doing so. When children may have access to the mailbox, parents are chilled from communicating with their spouses about marital problems, child-raising issues and other matters they do not wish to disclose to their children. The policy also prevents prisoners from using envelopes to send letters that seek spiritual guidance from clergy, provide sensitive information to investigative reporters or to submit articles or letters to newspapers or other periodicals for publication.

The lawsuit has seven named plaintiffs, including Amber Huguenot, who has been incarcerated at El Paso County Jail since last June and who has two small children who are too young to read. Prior to the postcard-only policy going into effect, Huguenot drew pictures for her children and sent them to their father. She used the artwork to communicate with her children and express her feelings to them. But because of the jail's new policy, she can no longer send out those drawings and she says it breaks her heart to know that her children are asking their father why their mother is not sending them drawings anymore.

"It is essential for ensuring the successful rehabilitation of prisoners that they be able to maintain ties to their families and communities by writing letters," said David Fathi, Director of the ACLU National Prison Project. "It is neither prudent nor constitutional to enact an across-the-board policy that significantly restricts the First Amendment freedoms of all current and future pre-trial detainees and prisoners in the jail."

The El Paso County jail, one of the largest in the state of Colorado, has an average daily population of approximately 1,300 prisoners. It houses both convicted prisoners and detainees who are awaiting trial.

Today's lawsuit names as the defendant El Paso County Sheriff Terry Maketa, who is the final policy maker for the El Paso County Jail and exercises overall responsibility for the jail's policies and practices.

A copy of the lawsuit is available online at: www.aclu.org/prisoners-rights/aclu-lawsuit-challenging-el-paso-county-jail-policy-barring-prisoners-sending-lette

Published on *American Civil Liberties Union* (<http://www.aclu.org>)

Source URL: <http://www.aclu.org/prisoners-rights/aclu-demands-prisoners-colorado-springs-jail-be-allowed-mail-letters>