



NEW YORK CITY DEPARTMENT OF CORRECTION

Louis A. Molina, Commissioner

Office of the Commissioner

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November 14, 2022

Julio Medina, Acting Chair
NYC Board of Correction
2 Lafayette, Suite 1221
New York, NY 10007

RE: Continuing Variance Request to Board of Correction Minimum Standards Section 1-12(a) Regarding Packages

Dear Acting Chair Medina,

Pursuant to §1-15 of the New York City Board of Correction Minimum Standards, I write to seek a continuing variance from Board Minimum Standards § 1-12(a). That provision states that: “[p]risoners shall be permitted to receive packages from...any person, except when there is reasonable belief that limitation is necessary to protect public safety or maintain facility order and security.” Our request is for a variance that would track the language of the New York State Commission of Correction Minimum Standard 7025.2(d) i.e., the Department would be permitted to “require that the contents of any incoming prisoner package be purchased from, and mailed to the facility by, a company whose ordinary business includes the sale and shipping of such items.” This would include Amazon, Target, Walmart, Barnes and Noble, and numerous other companies.

As the Board knows, at present, drugs, including fentanyl, are entering our facilities, in part, through correspondence sent in from the outside, often with deadly consequences.¹ (We have today also submitted a variance request letter for correspondence.) Items soaked in the drug are placed in packages and mailed in. Pictures of the contents of two such packages – a fentanyl-soaked T-shirt and a book laced with fentanyl – are attached to this submission. In the past year, there have been three confirmed deaths from fentanyl, and three additional suspected deaths. Thus, keeping fentanyl out of our facilities is a paramount priority to promote the safety of individuals in our custody.

Our request accords with Directive 4911A of the New York State Department of Corrections and Community Supervision (“DOCCS”) pursuant to which packages must be received directly from a vendor². DOCCS adopted the policy in July 2018 and it has had its intended effect: in 2020, DOCCS received 924 packages containing serious contraband; this year, to date, the number is four. Moreover, DOCCS’s use of Narcan has declined dramatically.

The Department hopes to implement this policy as early as January 2023. Our request is for a continuing variance because the Department has no intention of returning to the current practice so long as the vendor-only procedure proves effective.

¹ Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine.

² DOCCS allows incarcerated individuals to receive up to two non-food packages per year from family or friends. Our proposal does not include such an exception, which would be difficult to implement and raise concerns about the receipt of contraband.

I ask that the board resolve this request promptly so that we can move forward with this promising plan. If you need additional information, please contact Paul Shechtman, the Department's General Counsel, and Allie Robertson, the Executive Director of Intergovernmental Affairs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L. A. Molina', with a stylized flourish at the end.

Louis A. Molina
Commissioner

Cc: Amanda Masters, Executive Director