

**The Bronx
Defenders**

**Redefining
public
defense**

Dwayne Sampson, Board Chair
Amanda Masters, Executive Director
Members of the Board of Correction
New York City Board of Correction
2 Lafayette Street, Suite. 1221
New York, NY 10007
Via email

Re: Department of Correction mail and packages variance requests

Dear Chair Sampson, Executive Director Masters and Members of the Board,

We write to express our grave concern and stark opposition to the request for variance proposed by the Department of Correction (DOC) to Board Minimum Standards § 1-11(e)(1)(i) and 1-12(a). The proposed changes to mail and package policies will not create safer jails, but they will deny incarcerated people critical access to support from their loved ones and communities. As the Board convenes a committee to assess the impact of these proposed changes, we urge you to center the voices of people in custody and reject these variances to maintain what little humanity is left within our City jails.

Scanning mail and prohibiting packages sent by the community does not create safer jails and causes irreparable harm to people in custody. As the trend of mail scanning spreads across the country, analysis has been done on whether those changes in policy have had positive impacts on contraband entering the facilities and collateral effects of that. In Pennsylvania and Missouri, these analyses have shown that **these changes have little to no effect on drug use and overdoses** inside the facilities.¹ DOC claims that these changes are an effort to protect people in custody and staff, but the evidence does not support that claim. The evidence regarding the harm it will cause to people in custody, however, is widespread.

People in custody receive mail and packages directly not only from family and friends; non-profit organizations dedicated to providing support for people while they are incarcerated also utilize mail as an avenue for this support on a regular basis. Just one example of this is The

¹ Leah Wang, "Mail Scanning: A harsh and exploitative new trend in prisons," Prison Policy Initiative (Nov. 17, 2022), <https://www.prisonpolicy.org/blog/2022/11/17/mail-scanning/>

Bronx Defenders (BxD) Client Library and undergarment stock. Our advocates are able to mail books, magazines, underwear, t-shirts, and socks to BxD clients in custody, and this aspect of our representation is not only critical to building rapport and relationship with our clients, but to supporting them while undergoing the hardship of incarceration. Especially when the legal case is stalled or someone is otherwise feeling frustrated and hopeless in custody, something as small as a package with some underwear or a warm thermal and a thoughtful book can make a big difference. **Since 2019 alone, BxD advocates have sent over 1000 packages to our clients in custody.**

Most notably, though, this policy change severs a vital connection between people in custody and their communities. Human dignity encompasses human connection. A person's inherent worth and sense of dignity is often bound up in their relationship with others. Human relationships and interactions are necessary for a healthy, meaningful life. For people in custody who already struggle with loneliness and depression, interaction and connection to their friends, family, and community via mail and packages is even more critical. Physical mail carries great sentimental value to people, even more so when separated from friends and family, and offers a sense of hope and possibility that can be critical to carrying people through the darkness of incarceration. Denying this access will only further isolate people in custody. The net effect of this policy is a reduction in vital, and perhaps, lifesaving, human contact and interaction, without any real increase in safety whatsoever, and any policy that increases the distance between the incarcerated and those who love and support them is contradictory to rehabilitation. Taking away this one thing has real, measurable consequences for the mental health and well-being of those in custody.

Lastly, these policy changes will not only gravely impact the well-being of our clients in custody by denying them the sentimental value of handwritten letters and packages from loved ones but will also put them at risk of unintentionally sharing private information that can ultimately be used against them in an open criminal matter. Securus, the vendor for DOC's tablets, has historically violated our clients' rights to confidential conversations with their legal counsel by disclosing recorded phone conversations between people in custody and their attorneys to law enforcement, including prosecutors. **With Securus supplying the tablets that DOC plans to use for scanning and storing mail for people in custody, we can be certain that information contained in mail will no longer be private to the person in custody and their loved ones.**

As the Board continues to consider the best path forward on this issue, we welcome the opportunity to share the perspective of BxD clients and family members whenever possible.

Respectfully submitted,

The Bronx Defenders