



November 18, 2022

**BY EMAIL**

Members of the Board  
NYC Board of Correction  
2 Lafayette, Suite 1221  
New York, NY 10007

**Re: Department of Correction Continuing Variance Requests**

Dear Members of the Board,

We oppose the Department of Correction requests for continuing variances to Minimum Standard §§ 1-11(e)(1)(i) and 1-12(a). The proposed variances would drastically change the Department's mail system by requiring all mail to be sent to an off-site facility to be scanned, and then read on tablets by people in custody, and requiring that any packages be sent directly from a limited list of vendors.

We urge all members of the Board to reject these requests which will only further strip people in DOC custody of their rights and humanity and will not address the issues that DOC suggests they will.

This proposal will further the great harm already being done to people in DOC custody:

- **Digitized mail is dehumanizing.** Holding something that your loved one held is important, especially as DOC has *still* not restarted weekend visits for people in its custody. A scan of a birthday card or child's drawing is simply not the same thing as an actual greeting card or a crayon drawing.
- **People in DOC custody do not have reliable access to tablets** on which they would theoretically read their mail. People in DOC custody [have not had any access to tablets for months](#) since DOC ended a contract with a previous vendor, and their contract with the new vendor may require incarcerated people to pay to access mail on their tablets.
- **Scanning mail allows for unwarranted surveillance.** Inspecting mail for contraband is much different from creating a digital copy. The Department has not addressed any of the privacy concerns related to digitized mail, such as who will have access to it or how long the correspondence will be stored.

- **Requiring a tablet to access mail will deprive some incarcerated individuals of the right to receive correspondence.** All incarcerated individuals are entitled to receive mail, including those in restrictive housing. But by providing correspondence solely through a tablet, incarcerated individuals will be deprived of mail whenever they lose access to their tablet – whether it is taken away as a disciplinary measure, broken, or unable to be charged. Given the current state of crisis in which the Department cannot deliver essential services, it is almost certain that they will not be able to provide consistent tablet access.
- **Mail delivery will be delayed.** In jurisdictions that have adopted similar procedures, scanning correspondence resulted in significant delivery delays.
- **Package restrictions are a financial burden on families.** Limiting packages to specific vendors limits the items available to people in custody and increases costs for families.
- **People in DOC custody are already suffering the absence or very limited delivery of every basic service,** including “clean laundry, haircuts, time outdoors” as noted in the most recent *Nunez* federal monitor’s report. It is unconscionable for DOC to propose taking away something that is such a positive source of human connection. Imposing these additional restrictions on correspondence and packages will likely lead to more frustration and tension – the opposite of what is needed right now.

Moreover, these proposals will not address the issue of drugs in the jails:

- The Department of Investigation stated in July 2022 that “[The mail and visits are not significant entry points for contraband.](#)”
- A [2018 DOI report](#) noted security lapses that allow officers to bring in drugs, and [multiple criminal investigations](#) have found the same. Despite this evidence, the City has not taken action to prevent staff from bringing in drugs. In a City Council hearing last month, Commissioner Molina admitted that DOC does not require its staff to pass through body scanners.
- Other jail and prison systems that moved to scanned mail and limited packages, [for example in Missouri](#), have actually seen increases, or no reductions, in overdoses in their facilities.
- Instead of taking a crucial lifeline of connections away from people who are already not being afforded the minimum standards of treatment in NYC jails, DOC should implement better security measures to hold their own staff accountable and ensure provision of medical care and treatment programs to help people in their custody manage chemical addictions.

Finally, the Department is once again attempting to circumvent the Board and violate the long-standing Minimum Standards by ramming through wholesale policy changes (and deplorable

ones at that) as continuing variances without going through the Board's rulemaking process. The Board must not allow it.

We urge the Board to deny these variance requests, now and in the future.

Sincerely,

Members of the Jails Action Coalition

cc: Amanda Masters, Executive Director