

Comments to the BOC Committee to Consider the Proposed Change to a Tablet-Mail System coordinated by a For-Profit Provider

**on Behalf of the DOC Visiting Workgroup organizational members,
and members of the NY Initiative for Children of Incarcerated Parents**

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The proposal to move to digitized mail accessed via tablet should be rejected. We take the entry of drugs and contraband very seriously. We want everyone inside to be safe but this will not yield the stated outcome and it will actually increase depression, isolation, anxiety, anger, and desperation which may lead to violence and an increase in drug use.

The large majority of people in DOC custody are there pre-trial (with many staying for years due to court delays); more than 90% are people of color; many were living in poverty or are low-income, many experienced trauma beginning in childhood; many have a mental health diagnosis and/ or substance addictions; and many are parents to young children who await their return. They are already isolated by virtue of where they are; they should not be additionally isolated by the proposed mail policy that appears to be guided by convenience, ease, and a persuasive, problematic, for-profit company's proposal.

The legal, constitutional, and privacy concerns of the proposal as well as the lack of evidence that this solution will effectively curb the entry of drugs and contraband have been well-explained by others and I echo their concerns. I want to focus my time today on the human, relational impact taking away mail would have and the therapeutic, motivating, and de-escalating effect mail currently has that is being largely overlooked and under-estimated by DOC. In particular, as a member of the DOC Visiting Workgroup and the NY Initiative for Children of Incarcerated Parents, I want to talk about children and parents.

The Meaning of Mail

Mail is not just a piece of paper. Mail is a lifeline. As NYC Comptroller Brad Lander's letter to the Board asks: how many of us have photos of our children and loved ones in our homes, on our desks, on our phones that we look at frequently. How many of us love receiving photos of our children doing something when we couldn't be there? (a school play, basketball game, afterschool art class) How many of us have letters we have kept for years from a family member no longer with us, or have written to our children at sleep away camp knowing how much the letter will mean to them on the other end?

Mail is a tangible representation of a relationship, a connection to someone loved who loves and remembers you while you are separated. The piece of paper is a stand-in for the person and evidence that your relationship still exists even though you can't be physically together. More than the clothes on their back or food, people will choose to keep their letters and photos when forced to move or choose items to bring with them.

It is a very serious matter to consider taking this away.

Furthermore, this proposal is happening in a larger context of reduced contact with the outside world. DOC has not fully restored in-person visiting- there continue to be no weekend visits and very limited video visiting. And the package proposal will further isolate people from a connection with their families or support networks.

As one provider who works with women at Rose M Singer Center (RMSC) said, "Mail is a powerful connection to the outside that lasts and sustains people. Having the tangible letter that you know your loved one or child held, that you can imagine them writing, that you can see the pencil or pen they used marking your page, that you can post on your wall, keep in your pocket, or are transferred, this is critical."

One mother who was recently released shared:

"We should be able to have pictures of our children's colorings because we are not able to see them or be there for our children physically and emotionally. Waking up to your children's artwork and pictures is more than words can express. A child puts so much emotion into coloring and drawing, for example drawing family members. It brightens up my day and also gives us a reminder that we are still mothers." She asked that we share her daughter's drawings with you that she kept with her inside so you can better understand what she is talking about. (These will be sent via email- please look at them.)

Another provider shared that mail can serve to de-escalate conflict. "I've seen people go back to their bunk space to calm down. They look at the drawing their son made them or the photo of their daughter; they reread the letter from their mom or uncle; they hug it to their heart. It helps them calm down and center themselves among chaos, conflict or bad news."

None of this is possible with scanned mail.

And of course, it's not only parents and children who exchange mail. Mail is a lifeline for so many of the close to 6,000 people on Rikers, including close to 800 older people. Osborne's Chaplain shared that a 68 year old man at AMKC who has memory challenges asked her if she could send him the Lord's Prayer so he could read it whenever he needed it. This gave him peace and helped him survive his conditions and circumstances. She mailed it to him. He posted it on his wall with toothpaste and read it frequently. Then he was moved and unable to bring it with him, and he asked her to send it to him again, which she did. Not only did this piece of paper keep him sane and connected to his faith, humanity, and hope, but it also symbolized

someone on the outside who cared about him, who listened to him, and wanted him to have what he needed.

People who are connected, cared about, and have hope are less likely to be violent, to get into conflict, and to use drugs. Taking away mail is not only cruel, it will exacerbate the very problems being used to justify this.

We call on you to wholeheartedly reject this proposal and to seek other ways to stem the entry of drugs into the jail system. There are other ways that don't cruelly punish those who are already being more than punished by being on Rikers.

Even considering this proposal should only happen if:

- 1) data and evidence have been shared that demonstrate significant drugs and contraband are introduced via mail correspondence;
- 2) every other mechanism to stem the entry of drugs and the demand/ need for them has been exhausted;
- 3) there is evidence or reason to have confidence that moving to digitized mail delivered via tablets would address this issue.

Lack of data and evidence

The Commissioner's Memo mentions 3 instances (and apparently attached these for your review) where mail correspondence was soaked in Fentanyl and "dozens more." He does not provide numbers, nor share whether these 3 or "dozens" is out of millions of pieces of mail. We have no way of knowing how often this occurs, how often it is not already caught with the mechanisms in place, nor whether it could be stopped with alternative strategies.

None of the 19 deaths in Rikers last year- as rigorously researched by the BOC, were associated with laced or contaminated mail. Drugs are readily available inside and we share the grave concern about addressing this. We urge DOC to take steps to curb drugs from coming inside including returning to the ban on cargo pants and more closely monitoring all staff.

Lack of evidence that other routes have been exhausted

As Councilmember Carlina Rivera stated: "Until we can actually see that the Department of Correction has put forward an effort to eliminate all other possible variables, it just seems cruel to eliminate this one sort of tangible human connection that is made through physical mail."¹

Two immediate steps that could be taken:

- 1) Reinstate the ban on cargo pants and have all staff go through the same scanners and metal detectors that visitors go through. Increased use of canines in mail rooms and at staff processing check points and locker rooms.
- 2) Partner with providers to brainstorm and add "eyes and ears." One recent example of provider/ Department collaboration that prevented contraband occurred in RMSC: a

¹ <https://theintercept.com/2023/01/23/nyc-jail-rikers-mail-surveillance-securus/>

woman shared with the provider that she was being bullied by other women to ask her mother to bring contraband onto the next visit. The woman was scared and the provider was able to convey to DOC the need for her to be moved to protective custody which she was.

Lack of evidence that scanning is the solution to pursue

In a March report by the Vera Institute of Justice: “With no evidence that these bans improve security, it’s only the for-profit contractors that stand to benefit from these arrangements.”

According to a recent article: “The amount of drugs seized inside city jails spiked after New York City stopped allowing in-person jail visitors during the height of the Covid-19 pandemic, The City reported in February. While some drugs were seized in mail, the bulk of drugs seized between April 2020 and May 2021 came from other sources.”²

Given that the above conditions have not been satisfied, we are not going to discuss the serious implementation concerns we have regarding the proposed *permanent* variance (which should also go through the rule-making process rather than be considered as a variance request). We urge you to reject DOC’s request and to convey that any proposed solution be backed by data and evidence, and that it must weigh the human impact (including increasing violence, depression, and isolation for those incarcerated) against any estimated gain.

Thank you for your time.

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² <https://theintercept.com/2023/01/23/nyc-jail-rikers-mail-surveillance-securus/>