

March 13, 2023

New York City Board of Correction
1 Centre St., Room 2213
New York, NY 1007
Sent via email to boc@boc.nyc.gov

Re: DOC request for Variance Request to Board of Correction Minimum Standards Section 1-12(a)
Regarding Packages and Section 1-11(e)(1)(i) Regarding Correspondence

Dear Chair Sampson and Members of the Board,

I am writing to express my strong opposition to the variance request submitted by the Department of Correction regarding the Board Minimum Standards [§ 1-12\(a\)](#) and [§ 1-11\(e\)\(1\)\(i\)](#) regarding packages and mail. As a primary care physician for people who use drugs and public health professor, I am writing to highlight my concern about the psychosocial impact of banning physical mail and personal packages for people who are incarcerated and to challenge the dangerous false claims the DOC is using as rational for this cruel policy.

In their variance request letters, the Department claims that fentanyl is coming into the facilities via mail and packages, stating:

- “At present, drugs, including fentanyl, are entering our facilities, in part, through correspondence sent in from the outside, often with deadly consequences. Paper is literally soaked in fentanyl and mailed in to those in our custody”
- “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.”

Restricting access to mail and care packages is not an evidence-based strategy to reduce overdose deaths.¹ Instead, overdose is prevented by screening for drug use and substance use disorders, providing medications for opioid use disorder, linkage to healthcare on release, and through overdose education and naloxone distribution.² Until all who are incarcerated in City jails have access to naloxone, and training in its use, and

¹ Kaplowitz, E., Truong, A. Q., Macmadu, A., Peterson, M., Brinkley-Rubinstein, L., Potter, N., Green, T. C., Clarke, J. G., & Rich, J. D. (2021). Fentanyl-related overdose during incarceration: a comprehensive review. *Health & justice*, 9(1), 13. <https://doi.org/10.1186/s40352-021-00138-6>

² Office of National Drug Control Policy/Centers for Disease Control and Prevention (2019). Overdose Response Strategy Cornerstone Report. https://www.hidtaprogram.org/pdf/2019_cornerstoneReport.pdf



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can promptly and freely attend medical appointments with no delays due to corrections officer understaffing, it would be ill-advised to invest in this untested and punitive focus of mail restriction. Further, fentanyl does not cause overdose through superficial contact, such as handling mail; this is well established.³

Mail and packages from family are a critical source of connection that give people in custody hope and fuel the tenacity needed to survive incarceration. The Department's reasoning for this variance is patently false. The Board of Correction should deny both variance requests.

Sincerely,

Elizabeth Kolod, MD, MPH

Assistant Professor

Departments of Medicine & Environmental Medicine and Public Health

³ Attaway, P. R., Smiley-McDonald, H. M., Davidson, P. J., & Kral, A. H. (2021). Perceived occupational risk of fentanyl exposure among law enforcement. *The International journal on drug policy*, 95, 103303. <https://doi.org/10.1016/j.drugpo.2021.103303>