Just Detention International

Criminal Justice Issues and Prisoners' Rights

https://justdetention.org/prisons-are-increasingly-banning-physical-mail/

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In 2018,when I reported for Future Tenseon a Pennsylvania Department of Corrections program thatrestricts physical mail, I collected scans fromincarcerated peopleof photos and cards sent by their loved ones. Under the program, loved ones send mail to a facility in Florida, operated by the private companySmart Communications, which then scans and sends correspondence to the appropriate facility in Pennsylvania. Once there, thePennsylvania facility prints the scanand delivers it to its incarcerated recipient.

The printed scans I collected were low-quality, including blurry, darkened family photos that left incarcerated people unable to make out their loved ones faces. Even the more readable scans left much to be desiredbecause, after all, physical mail is rarely just about reading. Incarcerated people couldnt run their fingers over their loved ones handwriting, or grasp a piece of paper that had been held by someone familiar.

These may seem like small things, but anyone with a personal connection to the prison system knows theyre not. Personaltestimoniesand research alike demonstrate that regular correspondence with the outside world is crucial to an incarcerated persons mental health while inside prison as well as their ability to successfully reintegrate upon release.

Physical correspondence has become more urgent for incarcerated people and their family members during the pandemic, as many facilities havesuspended or restricted visitation. For lots of families affected by the criminal justice system, letter writing is the most accessible form of maintaining contact, due to the often exorbitant fees charged by the private companies that operate prison phone service, video calls, and electronic messaging systems.

Thus, its doubly alarming that more facilities are moving toward restricting traditional physical correspondence in favor of scanning and printing or electronically delivering letters. The Florida Department of Corrections, for example, is considering adopting a policy that would digitize incoming (nonlegal) mail, forcing incarcerated people pay for printouts or to view their correspondence on a tablet or kiosk operated by the private company JPay,the Gainesville Sun recently reported. The Smart Communications MailGuard program, launched in Pennsylvania prisons in 2018, now operates in more than 110 facilities in 25 states, according to the current listing of facilities on theprograms portal for family members.

In March 2020, the Bureau of Prisons launched a mail scanningpilotwith Smart Communications in two federal facilities, USP Canaan and FCI Beckley. The pilot (which excluded legal mail) ended in June, but the agency is considering the expansion of mail scanning pending funding, according to BOP spokesperson Donald Murphy.

This is significant,notes the Prison Policy Initiative, because if the federal system starts replacing letters from home with scanned copies, more states will follow. In aJuly letterto Attorney General Merrick Garland on the issue, the Prison Policy Initiative and other groupsincluding Just Detention International, the Sentencing Project, the Electronic Frontier Foundation, and the Center for American Progresshighlighted concerns related to accessibility and privacy. Similarly, on Aug. 4, the Knight First Amendment Institute at Columbia Universityfiled suitagainst the BOP in an attempt to attain records related to the digitization, retention, and surveillance of mail sent to people incarcerated in federal jails and prisons. Thelawsuit arguesthat mail digitization programs like the one run by Smart Communications represent pervasive surveillance that has already chilled the expression of members of the public who otherwise wish to send mail to people incarcerated in correctional facilities. While physical mail has long been subject to surveillance by corrections officers, bringing in a private company to process correspondence, and storing that correspondence in electronic databases, changes the game.

And this surveillance is part of the pointMailGuard creates a searchable database and opens a whole new field of intelligence for your agency, notesthe Smart Communications website.

Though the Smart Communications pilot within federal prisons was fairly limited, individual federal wardens are allowed to implement in-house mail photocopying programs, should they determine their facility needs it. The size, complexity, and security level of each institution, the degree of sophistication of the inmates confined, staff availability, and other variables require flexibility in correspondence procedures and allow Wardens at each facility to determine if photocopying mail practices will be adopted, wrote Murphy, the BOP spokesperson, in an email. A number of BOP facilities impacted by the increased introduction of synthetic drugs are

currently copying mail and distributing the copies to the inmates.

The BOP would not confirm how many facilities were currently running in-house photocopy programs for general correspondence, and also declined to quantify the increased introduction of synthetic drugs that it says necessitates these programs.

This justification for restricting physical mail is echoed across agencies that have implemented similar policies. Corrections officialshighlight caseswhere paper has been allegedly sprayed with or soaked in drugs and led to staff illnesses. The BOP said the Smart Communications mail scanning pilot, for example, was successful in reducing introduction of synthetic drugs via mail and opioid-associated inmate health problems and related assaultive behavior.

Let me be clear: Corrections staff deserve a safe working environment, and stemming the flow of drugs and other contraband into prisons is crucial for everyones safety. But there are questions surrounding the evidence officials use to justify these blanket restrictions. A class action suit recently filed in Massachusetts, for example, claims that the states method of testing mail for drugs is wrong nearly 80% of the time,according to reporting by Reuters. Some toxicologists thought that the mass sickening of staff in Pennsylvania that brought on the mail restrictions in 2018, supposedly due to synthetic cannabinoid exposure, was better explained as mass psychogenic illness, as one medical toxicology expert toldthe Philadelphia Inquirer.

Rather than reactive and punitive policy making, often governed by the interests of private companies, we need evidence-based responses that look carefully at what contraband is entering prisons and how its doing so. We must avoid punishing entire incarcerated populations for the bad behavior of a few individuals.

On a more fundamental level, the mail scanning debate highlights two major problems within the American prison system. The first is its reliance on private contractors that exploit and price-gouge incarcerated individuals and their families for basic services like communication, health care, and food and hygiene items. While theres huge political momentum to eliminate private prisons, according to2019 data from the Bureau of Justice Statistics, privately operated facilities held just 7% of state prisoners and 16% of federal prisoners. Thus, the private sectorsreal power liesnot in privately managed facilities but rather in the services it is contracted to provide within dominant public facilities. (The Smart Communications program is a perfect example.)

The second major problem is that our prison system works hard to isolate incarcerated people from the outside world, and then acts surprised when those people have a hard time reintegrating into it. While there are people and programs within jails and prisons throughout the U.S. that do noble work to maintain those important connections, they often fight a losing battle against systemic forces of dehumanization.

In my2018 piecefor Future Tense on the Pennsylvania program, I wrote about the letters I exchanged with my incarcerated unclethere werent many, but they meant a lot to me. Ive read other family membersdescribe touching their loved ones letters being the closest thing they had to holding hands. I liked the idea of being able to touch something my uncle had put time into, laboring over the words to attempt to build a relationship that stood on shaky foundations.

My uncle died in January, a few hours after being released from a jail in rural Arizona. The official cause: sudden cardiac death. He also tested positive for COVID-19.

I wasnt able to give my uncle much during his life, but the few letters I was able to send him feel like a light point in a dark system. Im glad they werent scans.

Originally posted here

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