

CPCS Summary Comments on Proposed Changes to 103 CMR 481

The proposed changes to 103 CMR 481 unnecessarily interfere with prisoners' access to counsel and the courts, and the confidentiality of privileged legal mail.

With respect to access to counsel, proposed 103 CMR 481.07(3) no longer requires DOC to bring prisoner mail to the post office within 24 hours of collection. Instead, it permits DOC facilities to hold on to prisoner mail as long as they choose. Thus, prisoners could be denied the ability contact their attorneys in an emergency. This is not just a hypothetical scenario. In January 2020, Souza-Baranowski Correctional Center locked all prisoners in their cells and denied them access to phone calls and attorney visits. They claimed, however, that people were still able to send mail to their attorneys. If this provision is changed as proposed, DOC could lockdown a facility and deny prisoners their only remaining opportunity to reach counsel – the mail – because under the proposed regulation they are under no obligation to bring mail to the post office in a timely manner.

Moreover, the failure to bring the outgoing mail to the post office may also negatively impact prisoners' access to the courts. Delays in mailing could result in prisoners missing court deadlines and delay resolution of their cases.

With respect to confidentiality of privileged mail, DOC intends to copy all legal mail. All photocopiers have a hard drive that stores everything copied in memory. By making photocopies, DOC retains possession of privileged materials, in violation of attorney-client privilege.

We recognize that some mail is sent into the DOC as legal mail, but is not in fact from an attorney, and that DOC believes people do this to introduce banned substances into the prisons. However, true legal mail is not a source of banned substances, so the answer to this problem is not to destroy the attorney-client privilege and confidentiality required for effective assistance of counsel, but to make it possible for DOC to distinguish between true legal mail and counterfeit legal mail.

CPCS proposes the system used in the jail in Allegheny County, Pennsylvania, whereby the DOC would issue barcoded stickers to each attorney, and all attorney mail would be required to have a barcoded sticker affixed to the envelope. Upon arrival, DOC would scan in the bar code, confirm that it matched the attorney listed on the return mail, and peel off the sticker. This would permit DOC to ensure that the mail came from an actual attorney, rather than someone posing as an attorney. The proposed language to effectuate this system is below, as is a sample attorney application for an attorney control number.

481.05: Definitions

ACN. Attorney Control Number.

ACN system. The Attorney Control Number system by which licensed attorneys apply to the Department for a confidential number specific to that attorney.

Copying. Any type of duplication or reproduction, whether photocopying, scanning, photographing, video recording or any other means by which an identical or similar version of an original is created.

481.11

(3) The following procedures will govern the processing of incoming privileged mail:

(a) The Department will utilize its ACN system. Any attorney wishing to send privileged correspondence must fill out a control number request form to receive their respective control number.

(i) This form must be completed in its entirety, including attorney's name, address, telephone and email addresses as well as their state attorney identification number. The form also contains a verification that all mail the attorney sends to inmates using the control number will not contain contraband.

(ii) The request will be processed and a control number will be provided along with a set of barcoded labels that must be affixed to the outside of each envelope that is sent to the inmate. Labels provided will be customized for each attorney and will be tracked via the Department's internal system.

(b) All envelopes containing privileged correspondence from attorneys must contain the following:

(i) Full return address with the law office name and address;

(ii) Addressed as follows:

Inmate Name

Institution

Institution Legal Mail Address

(iii) Barcoded label provided by the Department.

(c) The Department will reject mail from an attorney that does not include a barcoded label and return such mail to the sender without opening it or delivering it to the inmate. The Department will notify the Committee for Public Counsel Services and Prisoners Legal Services when ACNs and barcoded labels are available. Incoming privileged legal mail will not be rejected for lack of a barcoded label for 90 days after such notification is sent.

(d) Prior to bringing the privileged mail to the inmate, the Department will remove the affixed barcoded label.

(e) Incoming privileged mail may not be opened by a Department employee except in the presence of the addressee inmate and for the sole purpose of ascertaining that its contents are free of contraband. Legal mail with a proper bar code is presumed to have no contraband and will not be investigated further or sent to a laboratory for testing absent other evidence that the lawyer is sending contraband to a client.

(i) If the Department has reasonable suspicion supported by articulated facts of the presence of contraband substances in barcoded mail, it may send the mail to a laboratory for testing. Neither a visual inspection nor field tests are sufficient, without more, to support reasonable suspicion.

(ii) No prisoner shall suffer any adverse consequences or lose any privileges upon suspicion that privileged mail contains a contraband substance unless and until an outside laboratory certifies the presence of a contraband substance on the incoming mail.

(iii) If a piece of barcoded privileged mail is sent for outside testing, the Department shall notify the attorney via the email address on record that the Department did not give the mail to the inmate because it was sent out for laboratory testing and articulate the facts that were the basis for seizure of the mail and its submission to a laboratory for testing.

103 CMR 481.00: INMATE MAIL

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481.01: Purpose

The purpose of 103 CMR 481.00 is to establish rules governing the sending and receiving of mail by inmates confined in state correctional institutions. The Department of Correction (Department or DOC) recognizes the importance of the use of mail by inmates to maintain appropriate contact with the community.

481.02: Cancellation

103 CMR 481.00 cancels all previous Department and institutional policy statements, bulletins, directives, orders, notices, rules or regulations regarding inmate mail or correspondence, which are inconsistent with 103 CMR 481.00.

481.03: Applicability

103 CMR 481.00 is applicable to all employees and inmates at all state correctional institutions within the Department; however, the Superintendent of MASAC may waive the applicability of this regulation in whole or in part, except for the requirement in 103 CMR 481.07 (2) and (3) requiring the collection and distribution of mail at least once every day except Sundays and postal holidays, and 103 CMR 481.10 and 481.11 regarding privileged mail.

481.04: Access to Regulation

103 CMR 481.00 shall be maintained within the Central Policy File of the Department and shall be accessible to all Department employees. A copy of 103 CMR 481.00 shall also be maintained in each Superintendent's Central Policy File and at each inmate library.

481.05: Definitions

ACN: Attorney Control Number.

ACN system. The Attorney Control Number system by which licensed attorneys apply to the Department for a confidential number specific to that attorney.

Commissioner. The chief executive officer of the Department of Correction.

Court Official. A judge, court or an employee of a court of the United States or of the Commonwealth of Massachusetts, or an attorney employed by a state or federal governmental agency.

Deputy Superintendent. A deputy administrative officer of a state correctional institution.

Indigent Inmate. Upon request for waiver of fees or cost, an inmate may be declared indigent if:

- (a) At the time of the request, the inmate has, in all accounts to which he or she has access, a total amount less than or equal to \$10.00 plus the cost or fees sought to be waived; and
- (b) At no time for the 60 days immediately preceding said request, have the inmate's accounts contained more than \$10.00 plus the cost or fees sought to be waived. (e.g. request to waiver \$5.00 on July 1, 2015; indigent if, at no time since May 1, 2015, total in accounts has been more than \$15.00).

In addition to 103 CMR 481.05: Indigent Inmate (a) or (b), the Superintendent may in their discretion, designate an inmate as indigent if the inmate has less than \$2.00 in their account at the time of the request, or in other circumstances as they

deem appropriate.

Inmate. For the purposes of 103 CMR 481.00 only, an individual, whether in pre-trial, un-sentenced, or sentenced status, who is confined in a correctional institution, including those individuals admitted for evaluation or commitment to the Bridgewater State Hospital, and at the Massachusetts Treatment Center.

Mail. The term “mail” in this policy refers to correspondence, packages, or other physical mailings sent via the United States Postal System, or other authorized carrier.

Mail Officer. The employee at a correctional institution whose duties include the processing of mail.

Nudity. A pictorial depiction where genitalia, buttocks or breasts of individuals identifying as female. are exposed. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

Publication. Any book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation which is distributed or made available through any means or media for a commercial purpose. Publication includes any portion extracted, photocopied, or clipped from such items, provided, however, that an inmate may receive a maximum of five pages per day, except Sundays and postal holidays, of a portion extracted, photocopied, or clipped from such items as an attachment to personal correspondence as long as the material is not prohibited by 103 CMR 481.00.

Sexually Explicit. A pictorial depiction of actual or simulated sexual acts including sexual intercourse, anal or oral sex, or masturbation or material which promotes itself based upon such depictions on a routine or regular basis or in individual one-time issues.

Superintendent. The chief administrative officer of a state correctional institution.

481.06 Institutional Procedures

The Superintendent at each correctional institution shall develop written institutional policies designed to implement 103 CMR 481.00. Institutional policies regarding mail shall conform to the requirements set forth in 103 CMR 481.00 and shall be subject to the approval of the Commissioner or a designee.

481.07 Collection and Distribution of Mail

(1) Outgoing mail shall be collected directly from a locked mail box by a Department employee, in accordance with an established schedule, at least once each

day, except Sundays and postal holidays. Prior to outgoing mail being placed in the locked mailbox, staff shall verify that the inmate depositing mail into the box is in fact the inmate whose name and return address appear on the envelope and that the envelope is sealed.

All outgoing mail shall be stamped on the reverse side of the envelope with language indicating that the correspondence is sent from a correctional institution. Mail shall be stamped in blue ink only; the stamp shall read as follows:

"This correspondence is forwarded from a Massachusetts Correctional Institution. The contents may not have been evaluated and the Department is not responsible for the substance or content of the enclosed material. If you have received unwanted correspondence from this inmate, call 1-866-684-2846 to stop future correspondence."

At no time shall outgoing mail be collected or otherwise handled by an inmate. All outgoing mail, including inter and intra-office mail, shall be processed through the institutional mailroom.

(2) Incoming mail shall be distributed to the receiving inmate by a DOC employee or electronically in accordance with an established schedule, at least once every day except Sundays and postal holidays, unless an article of mail is held pursuant to the provisions of 103 CMR 481.15 and 481.16. At no time shall incoming mail be distributed or otherwise handled by an inmate nor shall mail be left by the distributing employee in a commonly accessible place. Nothing in 103 CMR 481.00 shall limit the right of a Superintendent to withhold delivery of publications from an inmate serving disciplinary detention.

(3) Outgoing mail shall be collected from the inmates at least once every day except for Sundays and postal holidays and delivered to the post office within 24 hours of collection, and incoming mail shall be picked up from the post office and processed in accordance with 103 CMR 481.07 (2), except when an article of mail is held pursuant to the provisions of 103 CMR 481.14 and 481.15.

481.08: Amount of Mail

Except as provided in 103 CMR 481.09, there shall be no limitation placed on the number of persons with whom an inmate may correspond, nor shall there be any limitation on the number of letters an inmate may send or receive.

481.09: Free Postage for Indigent Inmates

Indigent inmates shall be permitted to mail three letters first class weighing one ounce or less each week at institution expense. In addition, an indigent inmate shall be permitted, where necessary, to send an unlimited number of letters of any weight to any court official at institution expense. A charge shall not be placed against future deposits to an inmate's account for the cost of postage and materials supplied in accordance with 103 CMR 481.10.

481.10: Privileged Mail

(1) Inmates shall be permitted to mail and receive letters from the following persons in accordance with the procedures set forth in 103 CMR 481.11:

- (a) Any officer of a court of the United States, of the Commonwealth of Massachusetts, or of any court of any state of the United States (*e.g.*, judge, ~~government~~ attorney, court clerk, parole board members, probation or parole officers);
- (b) The President or Vice President of the United States or the Governor of the Commonwealth of Massachusetts;
- (c) Any member of the Congress of the United States or any member (*e.g.*, legislator) of the General Court of the Commonwealth of Massachusetts;
- (d) The Attorney General of the United States or the Attorney General of the Commonwealth of Massachusetts;
- (e) The Director or any agent of the Federal Bureau of Investigation; and
- (f) The Superintendent of the state correctional institution in which the inmate is confined, an Assistant Deputy Commissioner or Deputy Commissioner of Correction, or the Commissioner of the Massachusetts Department of Correction.

(2) Inmates and persons with whom inmates may correspond as provided in 103 CMR 481.10(1) shall not use or permit others to use authorized privileged mail for personal, non-legal or non-official correspondence, the transmission of contraband, or the transmittal of communications to be given or forwarded to persons not specified in 103 CMR 481.10(1). Persons receiving unauthorized privileged mail, correspondence intended for a party other than the addressee, or letters or packages for forwarding, shall submit such communications or materials to the Superintendent of the institution in which the inmate is confined. Inmates who fail to submit such communications or materials to the Superintendent shall be subjected to disciplinary action.

(3) Attorneys shall be allowed to provide self-addressed, meter- stamped envelopes to their inmate clients. The envelope should be addressed to the law firm or to the individual attorney, contain only a meter-stamp (not a postage stamp) and may not be altered in any way. Should an inmate alter or attempt to utilize the meter-stamped envelope to send mail to anyone other than the original addressee, a disciplinary report shall be issued.

481.11: Identification and Processing of Privileged Mail

(1) Outgoing privileged mail shall not be opened for inspection or any other purpose or otherwise impeded in its transmission, if it meets the following requirements:

- (a) it is addressed to a person listed in 103 CMR 481.10(1);
- (b) it includes on the outside of the envelope the inmate's name and return address, including the name of the correctional institution it is being sent from;
- (c) it has been marked by the institution to indicate to the addressee that it has not been inspected or opened;
- (d) it successfully passes a fluoroscope examination for contraband material if mailed from a medium or maximum security level facility, or, if mailed from a

minimum or pre-release security level facility, it successfully passes a fluoroscope examination for contraband material when requested by the Superintendent and approved by the Commissioner.

(2) Outgoing privileged mail that does not successfully pass a fluoroscope examination shall be processed as follows:

- (a) the inmate whose name appears on the return address shall be notified of the unsuccessful fluoroscope examination of the correspondence or package;
- (b) if the inmate acknowledges that he or she is the sender of the correspondence or package, he or she will be asked to open the correspondence or package for inspection;
- (c) if an inmate refuses to open such correspondence or package for inspection upon request, the addressee's permission to open and inspect the package will be sought unless circumstances require the matter to be referred to the appropriate law enforcement agency by the Superintendent (*e.g.*, U.S. Postal Service, State Police, Federal Bureau of Investigation, District Attorney) for handling as appropriate, and the Commissioner shall be notified.

(3) The following procedures will govern the processing of incoming privileged mail:

(a) The Department will utilize its ACN system. Any attorney wishing to send privileged correspondence must fill out a control number request form to receive their respective control number.

(i) This form must be completed in its entirety, including attorney's name, address, telephone and email addresses as well as their state attorney identification number. The form also contains a verification that all mail the attorney sends to inmates using the control number will not contain contraband.

(ii) The request will be processed and a control number will be provided along with a set of barcoded labels that must be affixed to the outside of each envelope that is sent to the inmate. Labels provided will be customized for each attorney and will be tracked via the Department's internal system.

(b) All envelopes containing privileged correspondence from attorneys must contain the following:

(i) Full return address with the law office name and address:

(ii) Addressed as follows:

Inmate Name

Institution

Institution Legal Mail Address

(iii) Barcoded label provided by the Department.

(c) The Department will reject mail from an attorney that does not include a barcoded label and return such mail to the sender without opening it or delivering it to the inmate. The Department will notify the Committee for Public Counsel Services and Prisoners Legal Services when ACNs and barcoded labels are available. Incoming privileged legal mail will not be rejected for lack of a barcoded label for 90 days after such notification is sent.

(d) Prior to bringing the privileged mail to the inmate, the Department will remove the affixed barcoded label.

(e) Incoming privileged mail may not be opened by a Department employee except in the presence of the addressee inmate and for the sole purpose of ascertaining that its contents are free of contraband. Legal mail with a proper bar code is presumed to have no contraband and will not be investigated further or sent to a laboratory for testing absent other evidence that the lawyer is sending contraband to a client.

(i) If the Department has reasonable suspicion supported by articulated facts of the presence of contraband substances in barcoded mail, it may send the mail to a laboratory for testing. Neither a visual inspection nor field tests are sufficient, without more, to support reasonable suspicion.

(ii) No prisoner shall suffer any adverse consequences or lose any privileges upon suspicion that privileged mail contains a contraband substance unless and until an outside laboratory certifies the presence of a contraband substance on the incoming mail.

(iii) If a piece of barcoded privileged mail is sent for outside testing, the Department shall notify the attorney via the email address on record that the Department did not give the mail to the inmate because it was sent out for laboratory testing and articulate the facts that were the basis for seizure of the mail and its submission to a laboratory for testing.

(3) Incoming privileged mail may be required to successfully pass a fluoroscope examination for contraband material but shall not be opened by a DOC employee except in the presence of the addressee inmate and for the sole purpose of ascertaining that its contents are free of contraband. The purpose of the inspection will be to receive and receipt any funds enclosed for the inmate, to verify and record the receipt of permitted personal property, and to prevent the transmission of contraband to the inmate. The processing of funds, permitted personal property and contraband found in mail shall be in accordance with 103 CMR 403.00: *Inmate Property* and 103 CMR 481.00: *Inmate Mail*.

For those facilities authorized by the Commissioner, a photocopy of the privileged mail shall be made in the recipient inmate's presence and delivered to the inmate. Once photocopied, the original documents shall be shredded in the recipient inmate's presence, unless the recipient inmate requests that the original document(s) be sent back to the sender, in which case the postage for the return shall be at the recipient inmate's expense.

If a photocopy is not sufficient for future use, the Department will provide the recipient inmate with a photocopy of the original legal document(s) and store the original legal document(s) in accordance with 103 CMR 403.10(2)(c), *Inmate*

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~~*Property.*~~

~~Should an inmate challenge the non-retention of an original legal document(s), following their receipt of a photocopy, the inmate may file a grievance pursuant to 103 CMR 491.00, *Inmate Grievances*, regarding storage of the document in question. The original document(s) will be preserved until the grievance process has been completed.~~

481.12: Inspection of Non-privileged Correspondence and Packages

(A) Processing of non-privileged mail

(1) All outgoing, non-privileged/ correspondence and packages being sent from a maximum or medium security level facility shall be required to successfully pass a fluoroscope examination for contraband materials. All outgoing non-privileged correspondence and packages being sent from a minimum or pre-release security level facility may be required to successfully pass a fluoroscope examination for contraband materials when requested by the Superintendent and approved by the Commissioner. The opening and inspection of outgoing non-privileged mail and packages at all security level facilities shall be at the discretion of the Superintendent to prevent the transmission of materials and/or information which represents a threat to security, order, rehabilitation or public safety, or appears to contain material not addressed to the addressee, but rather, material intended for other parties.

(2) All incoming non-privileged correspondence and packages may be required to successfully pass a fluoroscope examination for contraband materials, and shall be opened and inspected before delivery to the inmate. The purpose of inspection will be to receive and receipt any funds enclosed for the inmate; to verify and record the receipt of permitted personal property; and to prevent the transmission of contraband to the inmate. The processing of funds, permitted personal property and contraband found in correspondence shall be in accordance with 103 CMR 403.00: *Inmate Property*.

(3) Notice shall be sent to the sender and the addressee, for both outgoing and incoming mail, whenever contraband is confiscated, provided that the address is known. Such notice shall satisfy the requirements of 103 CMR 481.15 and 481.16. Any money order confiscated as contraband shall be processed pursuant to 103 CMR 403.17(B).

(B) Institutional Monitoring of Non-Privileged Mail

(1) The Superintendent may authorize the reading or censoring of incoming and outgoing non-privileged correspondence only to prevent interference with institutional goals of security, order, discipline, or if it might facilitate, encourage or instruct in criminal activity. Authorization for reading correspondence shall never be based upon an employee's personal views or for retaliation against an inmate.

(2) In circumstances where staff have received specific information that a particular inmate's mail contains information which jeopardizes institutional security in accordance with the categories listed in 103 CMR 481.14(2)(a) through (h):

- (a) Staff shall submit a Request for Inmate Mail Monitor form via the security module of the Inmate Management System (IMS) to the Superintendent, which will include a detailed explanation as to the reason for the request in accordance with 103 CMR 481.14.2 and 481.15.2.
- (b) The Superintendent will approve or deny said request via IMS. The mail monitor will expire 90 days from the date of approval.
- (c) A one-time extension may be granted by the Superintendent for monitoring beyond the ninety (90) days contingent upon a substantial belief that the initial condition under which the mail monitor was initially approved still exists. The request for this extension will be completed via the extension tab located on the original mail monitor request form on the security module of IMS.
- (d) The expectation shall be that sought information would have been acquired upon conclusion of the ninety (90) day extension. If additional time is requested, the Superintendent shall be prudent and exercise conservative judgment when determining the necessity to continue the mail monitor. In this case, a new request via IMS will need to be initiated and approved for an additional ninety (90) days.

(3) Upon approval of a mail monitor by the Superintendent, the following recordkeeping and oversight will be established:

- (a) An approved mail monitor should not in any way delay delivery of incoming mail to the inmate or outgoing mail to the post office. The only exception to this time frame should be in those instances where mail is confiscated in accordance with 103 CMR 481.15 and 481.16.
- (b) A central file shall be established and maintained by the Inner Perimeter Security (IPS). This file shall include copies of any mail that included information supporting the original request.
- (c) An electronic log shall be maintained in the security module of IMS to be used whenever a staff member reads inmate mail pursuant to an approved mail monitor. Content of the log will include but is not limited to:
 - (1) Inmate name and commitment number
 - (2) Name of staff reviewing mail and date reviewed
 - (3) Dates of monitor approval and expiration
 - (4) Type of mail, i.e. incoming/outgoing
 - (5) Name and address of sender/receiver
 - (6) Type of intelligence received
 - (7) Superintendent review
- (d) The electronic mail monitor log shall be reviewed by the Superintendent every ninety (90) days and documented in the mail monitor log.

- (e) IMS will automatically close an approved mail monitor ninety (90) days from the date of the Superintendent's approval, if an appropriate extension was not filed and granted.

(C) Photocopying of Incoming Non-Privileged Inmate Mail

1. If the Commissioner makes a determination that incoming inmate non-privileged paper mail at a particular institution creates an unacceptable risk for introduction of contraband, the Commissioner may authorize that incoming non-privileged inmate mail at that institution shall be photocopied prior to distribution to inmates, and newly received paper mail shall be deemed contraband unless otherwise provided for in this regulation. The Commissioner may authorize a third-party vendor to photocopy and process incoming inmate non-privileged mail. When incoming non-privileged inmate mail is photocopied, the third-party vendor and/or Superintendent shall ensure that the following directives are followed:
 - (a) All inmates shall receive a photocopy of all authorized, non-privileged mail addressed to them. An electronic copy of the photocopy shall be sufficient if the inmate possesses an electronic tablet which permits the inmate to read and store the mail.
 - (b) All inmates shall receive a photocopy of authorized photographs mailed to them. Multiple pictures may be fitted to a standard size copy paper.
 - (c) In most instances, photocopies will be black/white photocopies of incoming non-privileged inmate mail. Color photocopies should be utilized for incoming non-privileged mail consisting of colored or crayon drawings, color photographs/pictures and greeting cards utilizing color. Color photocopies should not be used to photocopy colored paper or envelopes, yellow lined paper, letterhead, return address labels, signatures or postmarks appearing in color.
 - (d) Photographs emanating from verifiable photo-printing companies do not need to be photocopied. If the recipient inmate is housed at an institution for which the Commissioner has authorized a third-party to process incoming inmate non-privileged mail, photographs from a verifiable photo-printing company may be sent directly to the institution.
 - (e) Magazines, newspapers, and publications sent directly from publishers, shall not be photocopied when sent to an institution which is authorized by the Commissioner to photocopy incoming inmate non-privileged mail. However any inserts, flyers and/or advertising materials included within said publication, as well as any correspondence from publishers which includes all envelopes, may be photocopied. At institutions for which the Commissioner has authorized photocopying of incoming inmate non-privileged mail, the third-party vendor or Superintendent may provide either the original publication, work with the sender to obtain a digital copy of the publication, or create a single digital copy to forward to the recipient inmate electronically.

2. Contraband mail shall be processed in accordance with 103 CMR 403.15(1)(b), *Inmate Property*. Photocopies of contraband items may be made. Any third-party vendor that receives contraband items shall report the discovery of contraband to the Department.

An inmate shall receive notices of contraband as required by 103 CMR 403.15, *Inmate Property*, by way of paper or electronic notice, or electronic notification. The inmate may choose to have the original mail sent to a designated person at the inmate's expense.

3. If an inmate is transferred to a Department institution that is photocopying non-privileged inmate mail, photocopied mail and digital mail shall be transferred along with the inmate. Any original non-privileged paper mail that the inmate has within /their possession shall be deemed contraband and treated in accordance with 103 CMR 403.15 of *Inmate Property*, with the exception of previously authorized photographs (which the inmate may retain). The inmate may request that any original paper correspondence, previously approved for cell retention, be photocopied and transferred at the Department's expense (up to the amount that the inmate is authorized to maintain in cell).
4. For inmates being transferred to another jurisdiction that does not support digital mail, the inmate may request that digital mail and / or photographs be downloaded and printed at the Department's expense in order to allow for transfer of such mail.
5. Third-party vendors and Department institutions which photocopy mail shall ensure that the time frames set forth in 103 CMR 481.07(3) are adhered to, specifically:

"Outgoing mail shall be collected from the inmates and delivered to the post office, and incoming mail shall be picked up from the post office and processed in accordance with 103 CMR 481.07 (2), except when an article of mail is held pursuant to the provisions of 103 CMR 481.14 and 481.15."

481.13: Reading/Censoring/Disapproval of Incoming, Non-privileged
Correspondence/Publications

(1) Incoming Correspondence. It is the policy of the Department not to read, censor, or disapprove incoming correspondence, except where necessary to protect legitimate governmental interests.

(2) The Superintendent may authorize the reading, censoring or disapproval of incoming non-privileged correspondence only to prevent interference with institutional goals of security, order, discipline, or if the correspondence might

facilitate, encourage, or instruct in, criminal activity. Disapproval of incoming, non-privileged correspondence shall not be based upon an employee's personal views about the correspondence. The Deputy Superintendent or their designee may disapprove receipt by an inmate of non-privileged correspondence, the contents of which fall as a whole or in significant part into any one of the following categories:

- (a) The correspondence contains depictions or descriptions of procedures for the construction or use of weapons, ammunition, bombs or incendiary devices;
- (b) The correspondence contains depictions, descriptions or encouragement of methods of escape from correctional facilities, or contains blueprints, drawings or similar descriptions of any correctional institution within the Commonwealth;
- (c) The correspondence contains depictions or descriptions of procedures for the brewing of alcoholic beverages, or the manufacture of drugs;
- (d) The correspondence is written, in whole or in part, in code;
- (e) The correspondence contains depictions, descriptions or encouragement of activities that may lead to the use of physical violence or group disruption;
- (f) The correspondence contains encouragements or instructions in the commission of criminal activity;
- (g) The correspondence contains sexually explicit pictorial material or material which features nudity which, by its nature or content, poses a threat to the security, good order, or discipline of the institution.
- (h) The correspondence facilitates the introduction of contraband drugs and other contraband.

(3) Incoming Publications.

- (a) The Deputy Superintendent may reject a publication within a reasonable time of receipt to prevent interference with institutional goals of security, order, rehabilitation, or if the publication facilitates, encourages, and/or instructs in criminal activity. The Deputy Superintendent may not reject a publication solely because its content is religious, philosophical, political, social, or because its content is unpopular or repugnant. Publications which may be rejected by a Deputy Superintendent include, but are not limited to, publications which fall within one of the categories listed in 103 CMR 481.14(2)(a) through (h). An inmate may not receive more than one copy of a particular issue of a publication.
- (b) Publications may be excluded solely because they contain sexually explicit material or feature nudity as defined in 103 CMR 481.05. In addition, the Deputy Superintendent of the Treatment Center, with the approval of the Commissioner, may exclude additional types of material that may interfere with the treatment and rehabilitation process at that institution.
- (c) It is the Deputy Superintendent's decision as to whether or not a publication should be excluded.
- (d) Sexually explicit material does not include material of a news or information type, or material illustrative of medical, educational, or anthropological content.
- (e) Deputy Superintendents may not establish an excluded list of publications. Deputy Superintendents should review each issue of a subscription publication prior to rejection of the issue. Rejection of several issues of a subscription publication is not sufficient reason to reject the subscription in its entirety.
- (f) Where a publication is rejected, the procedural requirements of 103 CMR

481.15 shall be followed. The notice required by 103 CMR 481.15 shall contain reference to the specific article(s) or material(s) considered objectionable.

481.14: Reading/Disapproval of Outgoing Non-privileged Correspondence/Publications

It is the policy of the Massachusetts Department of Correction not to read or censor outgoing mail, except where necessary to protect legitimate governmental interests.

(1) The Superintendent may authorize the reading of outgoing non-privileged correspondence when in their opinion such action is necessary to prevent the transmission of materials and/or information which represents a threat to security, order, rehabilitation or to the public safety.

(2) For outgoing mail, such authorization may be granted when the Superintendent has received specific information that a particular inmate's mail contains information which may jeopardize security, order, rehabilitation or the public safety. Ordinarily, such specific information shall indicate that the contents of the outgoing correspondence fall as a whole or in significant part into any one of the following categories:

- (a) The correspondence contains a transmittal of plans for escape or to introduce contraband into the prison;
- (b) The correspondence contains plans for criminal activity or any activity which violates any Departmental or institutional rule, regulation, order or policy;
- (c) The correspondence is written, in whole or in part, in code;
- (d) The correspondence contains threatening or harassing language or material, including sexually explicit material, intended for unwilling recipients;
- (e) The correspondence contains or appears to contain unsanitary or hazardous material (*e.g.* feces, insects, dirt, debris);
- (f) The correspondence contains an extortion demand(s);
- (g) The correspondence contains cash, drugs, jewelry or other contraband for transmittal outside the prison;
- (h) The correspondence is addressed to a recipient who has previously requested not to receive correspondence from the inmate pursuant to 103 CMR 481.19;
- (i) The correspondence has an improper or no return address; or
- (j) The correspondence contains material not intended for the addressee, but rather, material intended for other parties.

Where outgoing mail is read pursuant to 103 CMR 481.13, and prohibited information is found, the mail or relevant portion thereof may be confiscated or copied in the furtherance of an investigation. Notice of a confiscation shall be given to the inmate in accordance with 103 CMR 481.16.

(3) No employee may read inmate mail unless authorized to do so by the Commissioner or the Superintendent.

(4) Any employee reading inmate mail pursuant to the Commissioner's or

Superintendent's authorization shall record such action in a log book maintained for such purpose.

481.15: Procedural Requirements for Disapproval of Incoming Correspondence/Publications

- (1) Correspondence. When any correspondence, or portion thereof, addressed to an inmate, is received at the institution, but is not delivered to the inmate for any reason set forth in 103 CMR 481.14, the inmate, and the sender when identifiable, shall be promptly notified, in writing, of the following:
 - (a) the reason(s) for refusing to deliver the correspondence or a portion thereof to an inmate;
 - (b) the fact that a written appeal may be submitted by the inmate or sender to the Superintendent.
- (2) Publications. When any publication addressed to an inmate is received at the institution but is not delivered to an inmate for any reason set forth in 103 CMR 481.14, the inmate, and the publisher when identifiable, shall be promptly notified, in writing, of the following:
 - (a) the reason(s) for refusing to deliver the publication to an inmate(s);
 - (b) the fact that a written appeal may be submitted by the inmate or publisher to the Superintendent.
- (3) A single notice of rejection to the publisher from a particular institution or the Department shall be sufficient where more than one inmate at the institution or within the Department receives the subscription publication.
- (4) The Deputy Superintendent may permit an inmate an opportunity to inspect, in the presence of correctional personnel, any disapproved material for purposes of filing an appeal unless such review may provide the inmate with information of a nature which is deemed a threat or detriment to the security, good order or discipline of the institution or which might encourage or instruct in criminal activity. An inmate has the right to appeal the disapproval to the Superintendent by submission of a written appeal within seven calendar days of receipt of the Disapproved Correspondence/Publication and Contraband Notice.
- (5) The Superintendent shall, within a reasonable time from receipt of such an appeal, make a decision and notify the inmate.
- (6) Where criminal activity is suspected, in addition to the foregoing procedures, the matter shall be referred to the appropriate law enforcement agency by the Superintendent (*e.g.*, U.S. Postal Service, F.B.I., State Police, district attorney), and the Commissioner shall be promptly notified.

481.16: Procedural Requirements for Disapproval of Outgoing Mail

- (1) When any mail, or a portion thereof, whether privileged or non-privileged, is not

mailed either because it fails to successfully pass a fluoroscope examination or its contents fall as a whole or in significant part into any one of the categories listed in 103 CMR 481.14(2)(a) through (g), the inmate shall be promptly notified in writing of the following:

- (a) the reason for the refusal; and
- (b) notice that a written appeal may be submitted by the inmate to the Superintendent or designee.

(2) The Superintendent or designee shall, within a reasonable time of the receipt of such an appeal, make a decision and notify the inmate.

(3) Where criminal activity is suspected, in addition to the foregoing procedures, the matter shall be referred to the appropriate law enforcement agency by the Superintendent (*e.g.*, U.S. Postal Service, F.B.I., State Police, district attorney), and the Commissioner shall be notified.

481.17: Return Address on Outgoing Mail

(1) It shall be the inmate's responsibility to place their return address on the outside of all outgoing letters or packages. The return address shall include the inmate's name and the address designated by the institution for inmate mail. Letters or packages without a return address, or where the inmate denies that he or she is the sender of outgoing correspondence bearing their name, will not be forwarded to the post office.

(2) In addition, all outgoing mail shall be stamped on the reverse side of the envelope with language indicating that the correspondence is sent from a correctional institution. Mail shall be stamped in blue ink only; the stamp shall read as follows:

"This correspondence is forwarded from a Massachusetts Correctional Institution. The contents may not have been evaluated and the Department of Correction is not responsible for the substance or content of the enclosed material. If you have received unwanted correspondence from this inmate, call 1-866-684-2846 to stop future correspondence."

481.18: COD Mail Prohibited

No collect-on-delivery (COD) letters or packages of any kind shall be sent or accepted for an inmate, except with the approval of the Superintendent or designee.

481.19: Prohibited Correspondence

Notwithstanding any other provisions of 103 CMR 481.00, an inmate may be prohibited by the Superintendent from corresponding with a particular person if that person, or the person's parent or legal guardian in the case of a minor, has requested in writing that such correspondence from the inmate be terminated. Whenever such

correspondence is not mailed, the inmate shall be notified. Such notice shall satisfy the requirements of 103 CMR 481.16

481.20: Prohibition on Inmate-to-inmate Correspondence

An inmate may be permitted to correspond with an inmate confined in any other correctional or penal institution in the Commonwealth only if the other inmate is either a member of the inmate's immediate family or is a party in a legal action in which both inmates are parties representing themselves. The Superintendent may approve such correspondence in other exceptional circumstances, with particular regard to the nature of the relationship between the two inmates, and the security level of the institution. The following additional limitations apply:

- (1) The Superintendents at both the sending and receiving institutions must approve of the correspondence;
- (2) Such incoming or outgoing correspondence at institutions of all security levels may, for reasons of safety or security, be inspected and read by staff at either the sending and/or receiving institution pursuant to the authorization of the Commissioner or institution Superintendent in accordance with applicable guidelines and requirements set forth in 103 CMR 481.12, 481.13 and 441.14.
- (3) When an inmate's request for inmate-to-inmate correspondence is approved by both Superintendents, a copy of the approval document(s) shall be placed in each inmate's six-part folder, and a copy shall be maintained in the mail room of both institutions.
- (4) Superintendents shall develop a logging process to show approvals and disapprovals for inmate-to-inmate correspondence. Approved inmate-to-inmate correspondence shall be reviewed every 90 days.
- (5) The prohibition on inmate-to-inmate correspondence applies only to Department of Correction inmates incarcerated in a Department of Correction or county facility in Massachusetts.

481.21: Forwarding Mail

- (1) Mail received for an inmate who has been transferred or released from the institution where the mail is received shall be forwarded promptly, whenever possible, or returned to the sender.
- (2) Change of address cards shall be readily available at each institution for issue to inmates, upon request, who are scheduled for transfer or release from the institution. Inmates shall be responsible for notifying their correspondents and the publishers of their subscriptions of any change of address.

(3) Mail for inmates who are on escape status shall have their mail marked "Return to Sender" and returned to the post office. Where appropriate, return may be delayed until such time as appropriate law enforcement officials are notified.

481.22: Time Limits

Time limits set forth in 103 CMR 481.15 and 481.16 are directory and may be modified by the Superintendent or the Commissioner, under appropriate circumstances.

481.23: Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 481.00, he or she may order such suspension, except that any such suspension lasting beyond 48 hours must be authorized by the Commissioner.

481.24: Responsible Staff

The Superintendent of each institution shall be responsible for implementing and monitoring 103 CMR 481.00.

481.25: Annual Review

103 CMR 481.00 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions or deletions which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

481.26: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 103 CMR 481.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 481.00.

REGULATORY AUTHORITY

103 CMR 481.00: M.G.L. c. 124, § 1(b), 1(c), 1(q), and M.G.L. c. 127, § 87.



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JOSHUA M. DOHAN
DIRECTOR,

Testimony of Joshua Dohan, Deputy Chief Counsel, Youth Advocacy Division

Before the Department of Corrections re: Proposed Amendments to

103 CMR 481 – Inmate Mail

January 29, 2021

Good morning. Thank you for taking our perspective into account as you amend these important regulations.

We appreciate that it is the responsibility of the Department to take reasonable measures to prevent the introduction of dangerous contraband into the prisons. Our purpose in speaking this morning is to urge you to make sure that the procedures you put in place are in fact reasonable. In considering what is reasonable in this situation, we think you need to balance the extremely low risk that an attorney will mail drugs to a client, with the State's obligation to safeguard the constitutional right of incarcerated people to have confidential communication with their attorneys. To this end I would like to offer 4 points for consideration:

- 1) Lawyers do not send in drugs. The D.O.C. has been closely monitoring mail for years. We have yet to hear of a single confirmed instance of an actual attorney mailing in drugs. I would guess that attorneys mail thousands of documents a year. So, if there is any problem at all, it is infinitesimal. A problem this small does not warrant any intrusion into the attorney client privilege.
- 2) The anecdotes communicated to us from the D.O.C. involve individuals who send in fake legal mail. This mail does not come from the lawyers themselves. The process we are proposing addresses this problem. By providing each attorney with individualized stickers it becomes almost impossible to send in fake mail. We did not dream up this approach. This is the process successfully adopted in Pittsburgh, PA. The details are in our written submission and are taken almost verbatim from the PA regulations. It is worth noting that the PA process was adopted after a lawsuit precipitated by the PA DOC attempting to implement a Mail Guard system for legal mail. It is our understanding that the expensive Mail Guard equipment is now sitting there unused, while this simple and cheap system is working flawlessly. In the PA DOC, they implemented a system using a number code. Each attorney gets a number that they write on the envelope. They also receive a number from the DOC that changes weekly. The Pittsburgh adaption was

created by a former DOC employee who moved over to the county facility and developed an even easier and more effective system.

- 3) Because real legal mail never has drugs in it, there is no reason to field test. We acknowledge that there is no way to know if there has ever been a time where a lawyer sent drugs. What is clear is that if it has happened it is so rare as to not warrant a testing procedure that unnecessarily violates the constitutional right to counsel. This problem is compounded by the nature of the field test. First of all, Narc 2 is not designed to work on paper and has an unacceptably high false positive rate. That means that the test is worthless without sending the mail to an outside lab. This puts confidential mail into the hands of an outside party. Given how rare it is that legal mail has drugs in it, this is an unjustified violation of the constitutional right to counsel. This is a classic case of the treatment being worse than the illness it is intended to cure.
- 4) The collateral consequences of the current and proposed DOC procedures are similarly unacceptable. Three in particular come to mind. First of all, prisoners to whom the “suspect” legal mail is addressed are immediately punished based on the unreliable field tests. This would be unacceptable even if the field tests were reliable, absent some additional evidence that the incarcerated person played some role in arranging for the delivery of the contraband. I have heard it argued that they are not punished, but merely placed in administrative segregation. Let’s be real. Segregation is punishment and involves the loss of access to programming and a host of other privileges. Second, prisoners are required to pay for the outside lab to do the testing. We all know how little money incarcerated people have. Not only is this profoundly unfair, but whether it is intended for the purpose or not, is a strongly coercive incentive for prisoners not to contest the allegations. And third, perhaps the most important, but also hardest to quantify, is the chilling effect that this procedure has on attorney client communication. Because it is so arbitrary and unpredictable what mail will be flagged (we have a colleague who had documents printed and mailed by UPS that resulted in a positive field test) lawyers are afraid to send clients important documents. They fear harming their clients, they don’t want the stress of being investigated themselves, and they don’t want the documents floating around in the DOC and the drug lab. None of this is justified by an effort to eradicate a problem which for all intents and purposes does not exist.

In summary. We have offered you an alternative to Mail Guard that is cheaper, that has been successfully implemented in at least one other jurisdiction, and which protects the constitutional right to counsel. By using this system not only do you avoid the cost of mail guard and the hassles of implementing it, but you are able avoid the pitfalls of using an ineffective field test and unfairly punishing prisoners. Our colleague Lisa Newman-Polk will share her personal experience with the current practices.

Thank you.



Joshua Dohan



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Testimony of Randy Gioia, Deputy Chief Counsel, Public Defender Division

Before the Department of Corrections re: Proposed Amendments to

103 CMR 481 – Inmate Mail

January 29, 2021

I appreciate the opportunity to comment on this important proposal to change how inmate mail is processed.

I want to focus on the changes to the processing of privileged mail.

We oppose the processing of privileged mail pursuant to the newly added language of 103 CMR. 481.11 (3) that requires the photocopying of privileged mail.

The proposed process infringes the constitutional rights of our clients and compromises the confidentiality of attorney-client communications.

A photocopier works by taking a photo of an original document and printing a copy from the photo – the photo image is retained in digital form on the copier hard driver Photocopier machines retain digitized copies of the original document.

The retention of a digitized copy of privileged mail that is at the core of the problem.

Although not directly identified in the proposed regulation, I am assuming the DOC intends to use Smart Communications MailGuard system.

The use of the MailGuard system for privileged mail is not an effective solution to the DOC efforts to prevent the introduction of illegal drugs into DOC facilities.

We are not aware of any known instances in which bona fide legal mail has been the source of illegal drugs.

The use of a MailGuard system to process privileged mail is an exaggerated response to a non-existent risk, i.e. that licensed attorneys are using privileged mail to smuggle drugs to their clients.

The Massachusetts Rules of Professional Conduct require a lawyer to “act competently to safeguard confidential information relating to the representation of a client against unauthorized access by third parties”.

Confidentiality has been described as the cornerstone of the attorney-client relationship.

If attorneys are aware that their privileged mail is being photocopied and digitized copies of the photograph are under the control of a third party, confidentiality would be compromised and attorneys would likely not be able to ethically communicate with their clients by mail.

Attorneys may be ethically prohibited from communicating by mail with their client, which would amount to a First and Sixth Amendment violation.

MailGuard is not a system that should be used for privileged mail.

The Federal DOC does not use MailGuard for privileged mail. Federal regulations prohibit the copying of attorney-client mail 28 CFR s. 540.18 (1994).

We are not aware of any statewide DOC that uses MailGuard for privileged mail.

The Pennsylvania DOC purchased MailGuard machines but never used them because they were sued by prisoner advocacy groups and entered into a settlement agreement that did not use the MailGuard system. PADOC still does not use MailGuard.

It is not clear whether there will be an inspection of the privileged mail for signs of drugs before the privileged mail is copied

The implementation of this policy for privileged mail may ethically prohibit attorneys from using the mail to engage in privileged communications with their clients.

We have another proposal that addresses the issue in a more focused way that does not infringe constitutional rights and confidentiality.

Sincerely,

Randy Gioia

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**Testimony of Prisoners' Legal Services in Opposition to Proposed Changes to 103 CMR
481 Department of Correction Mail Rules**

Prisoners' Legal Services of Massachusetts concurs with the many advocates, incarcerated individuals, family members, and community members who have urged the Department of Correction to reconsider their proposed changes to the mail regulations. The obvious infringement on the constitutionally safeguarded right to confidentiality between a client and their lawyer is just one aspect of the proposed regulatory changes that will do more harm than good. These changes will undoubtedly hurt the Department and tens of thousands of Commonwealth residents who are committed to the well-being of their incarcerated loved ones.

Prisoners' Legal Services sends and receives mail from incarcerated individuals every day. The thousands of pieces of paper sent to and from our office are multiplied by that from criminal defense attorneys and other civil rights attorneys throughout the state. Yet, because of a few instances (49 incidents reported in 2018) of imposter legal mail allegedly carrying contraband, the Department's response is to photocopy every single piece of paper coming into its 16 prisons and dispossess the recipient of the original mail intended for them. In addition, ostensibly to comply with confidentiality, the Department plans to purchase an army of mobile copy machines so that it can photocopy the mail in the presence of the recipient.

The majority of those incarcerated do not engage in efforts to introduce contraband, nor do their loved ones, or their attorneys, who are officers of the court. This approach to what is mostly a discrete problem has already been proven to be ineffective in other states in substantially reducing the introduction of contraband in prisons. It is also an enormous administrative burden on the Department and an irresponsible use of millions of dollars of taxpayer money (as indicated by the DOC's May 2020 Notice of Intent to Purchase).

DOC's proposal to manually copy every single piece of legal correspondence threatens attorney-client privilege, the oldest and most revered of the common law privileges. Perhaps highest among the principles undergirding this privilege is the necessity of full and frank communication for effective representation. As the Supreme Court has stated, attorney-client privilege recognizes that "sound legal advice or advocacy ... depends on the lawyer's being fully informed

by the client.”¹ Nowhere is this more vital than in the carceral context, where effective representation may determine whether an individual will face criminal charges or incarceration, or whether prison abuses will come to light. Attorney-client privilege is clearly jeopardized where each page of legal correspondence must pass through the hands of a Department employee or a third-party contractor before reaching the individual for whom it is meant.

Unlike most criminal defense cases, when PLS must file lawsuits to aggrieve violations of law on behalf of its clients (there are currently over 20 active cases on our litigation docket), the DOC and individuals who work for the DOC are named as defendants. While it would be convenient to trust that the handling and copying of all legal mail is no more intrusive than opening an envelope, conducting a simple contraband search, and handing it over to the recipient, that is simply not an assumption that any ethical lawyer or officer of the court can or should make.

PLS receives hundreds of reports every year of abuses in prisons across the Commonwealth, including inadequate medical and mental health care, guard assaults, and unconstitutional conditions of confinement. These reports unearth unlawful practices that would otherwise be hidden from public scrutiny, especially in light of the heightened restrictions on prison access during the COVID-19 pandemic. Many incarcerated individuals already fear retaliation for reporting violations; DOC’s proposed solution would have a further chilling effect on their willingness to seek out help for themselves or others, or to report unlawful actions. Scholars, advocates, and courts – including every single federal court of appeals that has addressed the issue – have recognized that it is a violation of an incarcerated individual’s First Amendment rights for prison officials to read legal mail.² DOC’s proposal will discourage individuals from exercising their constitutional right to expression, further isolating them and creating opportunities for unchecked abuse.

The DOC has also failed to consider the fact that nearly every digital copier on the market contains a hard drive that stores images of copied documents. Shredding originals, as the Department proposes, does not guarantee that they cannot be pieced together and read later. Further, we already know that under the current system of opening legal mail in the presence of the incarcerated person, inspecting the contents and handing the letter over, legal mail is illegally read by those who should not be privy to its contents. We also know that clients have suffered retaliation and abuse as a direct result of the contents being read by staff. Under the proposed changes, the propensity for such abuse is far greater and inevitable. Therefore, PLS strongly opposes these proposed changes to the legal mail regulations.

Perhaps what is most unconscionable about this proposal, however, is that it illustrates a long-standing problem with how the Department regards substance use behind the wall. Those who understand that substance use disorder is a mental health issue and a disease understand that, to eradicate substance use, the root causes of it must be treated and addressed. However, substance

¹ See *Upjohn Co. v. United States*, 449 U.S. 383 (1981).

² See Gregory Sisk et al., *Reading the Prisoner’s Letter: Attorney-Client Confidentiality in Inmate Correspondence* 109 J. CRIM. L. & CRIMINOLOGY 559 (2019); see also *Lemon v. Dugger*, 931 F.2d 1465, 1467 (11th Cir. 1991); see also *Al-Amin v. Smith*, 511 F.3d 1317, 1326–32 (11th Cir. 2008) (surveying legal mail decisions); see generally 3 MICHAEL B. MUSHLIN, *RIGHTS OF PRISONERS* § 12:26 (4th ed., 2012).

use treatment is still largely unavailable to those incarcerated, aside from some minimal access to medication assisted treatment for opioid use disorder for a tiny number of people in the DOC. Black and Brown prisoners are disproportionately cut off from substance use treatment, especially if it involved something other than opioid use disorder. Given that over 70% of the incarcerated population is known to have substance use and mental health issues that are largely untreated, it is no wonder there is such a desire to self-medicate.

Instead of providing treatment, programming, education and therapy – all of the basic things providers know are necessary to succeed in overcoming addiction – the focus is on supply of contraband coming into the DOC. This is why the proposed changes to the regulations are doomed to fail. As long as the Department continues to ignore the causes and demand for contraband, there will be a supply. Cracking down on visitation and now censoring mail is just adding insult to injury, and will not address the reason some people are self-medicating. There have been countless examples of staff introducing contraband into prisons and jails across the Commonwealth and that will surely continue.

Last legislative session, a bill was introduced calling for the establishment of a Commission to study substance use and contraband in prisons and jails. That bill is being refiled again this session. As the Department has often done in the past in situations like this, before we drastically change regulations that so seriously infringe upon confidentiality and restrict contact with loved ones, we should allow this Commission to study the contraband and substance use issues in the DOC and make evidence-based recommendations to address the root cause of the problem, rather than a symptom.

We also urge the DOC to bring its procedures in line with modern communication practices by making it possible for all incarcerated individuals to access electronic mail, a practice that has been successfully implemented in several states, many county jails, and by the Federal Bureau of Prisons. The DOC should provide individuals with tablets through which they can access electronic mail, including privileged legal mail. As with paper mail, access to tablets should be available to everyone free of charge and should not be contingent upon the individual's disciplinary record. While electronic mail cannot replace all paper mail, its availability would likely drastically reduce the enormous volume of paper mail coming into the DOC. This kind of system would not only narrow the scope of potential contraband, making it easier to detect, but would also avoid unfairly penalizing the vast majority of individuals who have not abused the mail system.

Electronic mail also satisfies the expediency that is necessary for communication regarding legal proceedings, where time is often of the essence, DOC's proposed system will likely impair individuals' communication with counsel in a timely manner. Worse yet, delayed receipt of legal mail is likely to jeopardize the ability of incarcerated individuals to comply with court deadlines and rules. In contrast, electronic mail is nearly instantaneous.

In addition to avoiding the heavy administrative burden of copying, shredding, logging, and (in some cases) storing thousands of pages of documents, electronic access would also improve access to mail for individuals with visual impairments who rely on screen readers. Electronic mail would also allow individuals to send and receive legal correspondence through a system

that protects privilege and confidentiality. Existing email technology would allow the DOC to sort legal and non-legal mail, and relatively low-cost encryption tools would help preserve attorney-client privilege.³

Finally, mail is a deeply important source of connection to loved ones and a lifeline for many of our clients. Electronic mail, which is readily accessible for most outside of prison, would enable incarcerated individuals to remain in more frequent contact with the friends and family who will ultimately support their return home. The Federal Bureau of Prisons has recognized that electronic communication can support rehabilitation, noting that “maintaining family ties will improve the likelihood of a successful reentry into the community, thus reducing the potential for recidivism.”⁴ We reiterate that electronic mail can only supplement, but not replace, paper mail. Handwritten letters, cards, and drawings bear the imprint of loved ones, including children, and are an irreplaceable source of emotional connection. In addition, paper mail may be the only accessible means of communication for family members who lack access to email, computers, and internet, or who might be hindered by age and disability barriers. However, as a supplementary system, electronic mail is a cost-effective solution that would target the discrete and limited problem of contraband, while preserving attorney-client privilege and constitutional protections, lowering DOC’s administrative burden, improving equal access to communication, and ensuring that individuals remain connected to the community.

³ NEW YORK COUNTY LAWYERS’ ASSOCIATION, REPORT ON ATTORNEY-CLIENT EMAIL MONITORING IN THE FEDERAL PRISON SYSTEM 2 (July 23, 2015), https://www.nycla.org/siteFiles/Publications/Publications1763_0.pdf.

⁴ FEDERAL BUREAU OF PRISONS, *Stay in Touch: Email*, <https://www.bop.gov/inmates/communications.jsp>.

HARVARD PRISON LEGAL ASSISTANCE PROJECT

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February 5, 2021

Kathleen Richard
Program Coordinator
Department of Correction
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Boston, MA 02110

**RE: HARVARD PRISON LEGAL ASSISTANCE PROJECT'S COMMENTS ON
PROPOSED REVISIONS TO 103 CMR 481 – INMATE MAIL**

Dear Ms. Richard:

Harvard Prison Legal Assistance Project (PLAP) appreciates the opportunity to comment on proposed changes to the regulations governing mail procedures in Massachusetts prisons, 103 CMR 481. Law students at PLAP hear from Massachusetts county and state prisoners about a variety of legal issues, and PLAP student attorneys represent state prisoners in disciplinary and parole matters, commutation petitions, and occasional other matters. In the course of our work, we correspond with hundreds of people in DOC custody each year. PLAP students represent prisoners in disciplinary hearings across multiple prisons; many of those cases involve direct allegations of misusing the mail process, such as alleged introduction of illicit drugs via mail, while others contain personal or privileged mail as evidence. We receive questions and complaints from people about disruptions to the mail. In the nearly eleven months since the COVID-19 global pandemic began, we have seen the processing of incoming and outgoing mail slow considerably.

In recent years, PLAP has observed an increase in allegations of drug introduction via legal mail. DOC's Office of Investigative Services has also documented an increase in fake legal mail containing illicit drugs following directives to photocopy non-legal mail at certain DOC institutions.¹ Although DOC has reason to seek to prevent the introduction of drugs by mail, its proposed revisions to 103 CMR 481 reflect misplaced priorities. Rather than indiscriminately photocopying all letters labeled as "legal mail," DOC should focus on differentiating authentic versus counterfeit legal mail.

Similarly, DOC's proposal to photocopy all incoming non-legal mail at designated institutions casts too wide a net for the intended purpose. Only a small fraction of prisoners are ever accused or found guilty of introducing illicit substances by mail, yet new photocopying directives will affect all prisoners at the institution and all of their loved ones.

¹ Chief David Shaw, DOC Office of Investigative Services. "MADOC Illicit Substance Introduction: Legal Mail." November 8, 2018.

Kathleen Richard

February 5, 2021

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Even as evidence and sound policy points in the direction of strengthening connections between prisoners and their loved ones, the Department seems to continually move in the opposite direction. More contacts with the outside community are known to improve post-release outcomes and reduce recidivism.² As time passes, however, DOC imposes greater and greater restrictions on inside-outside relationships. In 2018, DOC restricted visitation by limiting prisoners to a pre-approved visitation list.³ The Department adopted these regulations despite research finding that visitation decreases recidivism, improves mental health, reduces harm to children of incarcerated parents, facilitates successful reentry, and promotes public safety.⁴⁵⁶⁷ The DOC has developed new restrictive units such as MCI-Framingham's Accountability Program Unit, MCI-Concord's Secure Adjustment Unit, and SBCC's North Side that impose greater limitations on various privileges including contact and communication with others. Further, DOC phone rates increased from \$0.10 per minute (\$2.00 per 20-minute phone call) in 2019 to \$0.13 per minute (\$2.60 per 20-minute phone call) today.⁸ Each of these changes has further burdened a prisoner's ability to maintain a loving connection with supporters beyond the prison walls.

It makes little sense to sacrifice every other principle on the altar of drug interdiction. Preventing illicit drug use is only one job for the DOC; other missions and obligations must be recognized. To further its aim of reducing recidivism, DOC must address the demand for illicit substances rather than focusing exclusively on supply. DOC's finite resources would be better spent by expanding access to substance use therapy, mental health care, and medically-assisted treatment; and improving access to programming.⁹ These interventions, unlike DOC's proposed photocopying directives, are supported by medical literature on treating substance use disorder in prisons.¹⁰

² Alex Friedmann. "Lowering Recidivism through Family Communication." Prison Legal News. April 15, 2014. <https://www.prisonlegalnews.org/news/2014/apr/15/lowering-recidivism-through-family-communication/>

³ Jean Troustine. "Prison Visiting Policies are About to Change in Massachusetts." Boston. March 2, 2018. <https://www.bostonmagazine.com/news/2018/03/02/massachusetts-doc-prison-visiting-hours/>

⁴ Minnesota Department of Corrections. "The Effects of Prison Visitation on Offender Recidivism." November 2011. https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy_tcm1089-272781.pdf

⁵ Emily Mooney and Nila Bala. "The Importance of Supporting Family Connections to Ensure Successful Re-Entry." R Street Shorts No. 63. October 2018. <https://www.rstreet.org/wp-content/uploads/2018/10/Final-Short-No.-63-1.pdf>

⁶ Chesa Boudin, Trevor Stutz & Aaron Littman, "Prison Visitation Policies: A Fifty State Survey," 32 Yale L. & Pol'y Rev. (January 2014). <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi>

⁷ Grant Duwe and Valerie Clark. "Blessed Be the Social Tie That Binds The Effects of Prison Visitation on Offender Recidivism." Criminal Justice Policy Review 24(3):271-296. May 2013. https://www.researchgate.net/profile/Valerie_Clark2/publication/258129537_Blessed_Be_the_Social_Tie_That_Binds_The_Effects_of_Prison_Visitation_on_Offender_Recidivism/links/55bf510e08ae9289a099ff65.pdf

⁸ Compare <https://www.prisonphonejustice.org/state/MA/history/> to rate as of January 28, 2021.

⁹ Additional programming is especially needed at SBCC. Paradoxically, prisoners found guilty of drug offenses are routinely classified to this facility, where access to programming and substance use treatment is more restricted than at lower-security facilities.

¹⁰ Heino Stöver and Caren Weilandt. "Drug use and drug services in prisons." Health in prisons: A WHO guide to the essentials in prison health. World Health Organization - Europe. 2007.

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Prior to implementing sweeping mail processing restrictions, DOC should critically evaluate the efficacy of photocopying protocols in other prison systems. Pennsylvania, for instance, spends \$4 million each year to have incoming prisoner mail photocopied by a third-party vendor.¹¹ This expenditure of taxpayer funds resulted in only a meager reduction in the percentage of mail bearing illicit substances (from 0.7% to 0.6%).¹² The staffing and equipment needed to implement DOC's proposal for photocopying legal mail will also cost Massachusetts taxpayers. (In May 2020, DOC estimated that it would cost the Department \$101,544 per year to implement mail photocopying at a single facility for one year. They estimated that it would cost \$1,076,664 per year to implement the system at all DOC facilities.¹³) DOC should study the impact of the various photocopying systems implemented in the Federal, Pennsylvania, and Virginia systems; a closer look should give the DOC pause about the wisdom of investing in such a program here in Massachusetts.

DOC, however, has apparently already entered an agreement with a vendor for photocopying services¹⁴ and appears to have installed photocopying infrastructure shortly before completing this amendment process. By installing this equipment in advance of the public comment, DOC undermines the public's faith that their concerns will be heard and threatens the perceived legitimacy of the notice and comment process. This approach is ultimately self-defeating when dealing with an issue that directly affects each prisoner's community of loved ones and advocates. It fosters distrust and is ultimately disappointing.

In addition to these general concerns, PLAP also submits the following comments concerning the proposed revisions to 103 CMR 481:

1. DOC should not eliminate time limits on mail processing in 103 CMR 481.07(3).

The proposed revisions would eliminate the requirement under 103 CMR 481.07(3) that outgoing mail be delivered to the post office within 24 hours of collection and that incoming mail be delivered to incarcerated persons within 24 hours of receipt by DOC. Instead, the revised regulation refers to 103 CMR 481.07(2), which requires mail distribution to occur at least daily according to a schedule. Daily distribution schedules are not sufficient to ensure timely mail processing because incoming mail could still be held for days prior to distribution without violating the proposed regulation. 103 CMR 481.07(2) says nothing about outgoing mail. PLAP opposes

¹¹ Rakia Raven. "Pennsylvania Prisons Hired a Private Company to Intercept and Store Prisoners' Mail." The Appeal. September 24, 2018. <https://theappeal.org/pennsylvania-prisons-hired-a-private-company-to-intercept-and-store-prisoners-mail/>

¹² Dave Chappell. "BOP to Implement Paperless Mail System in Attempt to Stop Drugs," Prison Legal News. February 4, 2020. <https://www.prisonlegalnews.org/news/2020/feb/4/bop-implement-paperless-mail-system-attempt-stop-drugs/>

¹³ Notice of Intent to Purchase a Product or Service: Due Diligence Posting of Notice of Intent to Accept a Best Value Offer for Processing of Incoming Privileged and Non-Privileged Inmate Mail with Electronic Delivery to Correctional Institutions for Inmates in Custody of the Department of Correction. May 28, 2020.

¹⁴ Executive Office of Public Safety & Security. "Request for Response (RFR): Inmate Mail Services." COMMBUYS Bid#: BD-21-102-DOCFS-FISM-53234. Agency Document Number: RFR # 21-DOC-1000-Digitized Electronic Mail Services. Issue Date: July 15, 2020.

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these changes because timely mail delivery is essential to allow prisoners to meet various deadlines and to maintain trust in the DOC mail process.

Prisoners rely on timely mail processing for a host of reasons, including compliance with external deadlines, and providing assurances and updates to loved ones about their status and well-being. With restrictions on in-person visitation due to COVID-19, PLAP has had to rely heavily on correspondence by mail to complete important client paperwork, such as signed release forms. Because PLAP student attorneys often rely on client mail to obtain information and evidence, delays in incoming and outgoing mail processing lead to delays in the disciplinary process.

Time limits on mail processing are also necessary to foster trust in the DOC mail system. PLAP frequently hears concerns about lost or delayed mail from prisoners who suspect interference from DOC employees; concerns (of prisoners or others) about missing mail will be allayed if there is a Department-wide standard to be followed, a provision in the regulation that is clear and understood by all. After the Pennsylvania DOC adopted a third-party mail photocopying process, the Pennsylvania Prison Society reported an increase in prisoner complaints about lost and delayed mail.¹⁵ Prisoners and their loved ones rely on the expectation that mail will be delivered in a timely manner; DOC's proposed elimination of mail processing timelines will only undermine the reliability of the mail system. Further, mail delivery delays will lead to mail being re-sent, which only adds to DOC's mail processing burden.

Even if DOC adjusts time limits for processing incoming mail to accommodate a new photocopying system, the 24-hour requirement should remain in place for outgoing mail. Firstly, 103 CMR 481.07(2), the section referred to for mail processing time limits in the proposed revisions to 103 CMR 481.07(3), says nothing about outgoing mail. Some regulatory requirement is needed to ensure that prisoner mail is transferred to the post office in a timely manner. Furthermore, DOC is proposing no changes to the outgoing mail process since outgoing mail would be subject to none of the scanning or photocopying procedures outlined elsewhere in the proposed regulations. DOC therefore has no reason to eliminate the requirement that outgoing mail be delivered to the post office within 24 hours of collection by the DOC. There is no reason why the DOC should not have a deadline for mail processing. Delays benefit no one.

2. The provision for photocopying all incoming legal mail should be eliminated and replaced with a system to verify the source of legal mail.

The proposed revisions to 103 CMR 481.11(3) pose an unacceptable risk of breaching the confidentiality of attorney-client communications. The changes would allow the DOC to photocopy legal mail in front of the recipient. The prisoner could then choose to have the mail shredded in front of them, stored with their legal property, or mailed back to the sender at their own expense. The right to confidential attorney-client communications is essential and must be preserved, particularly in an environment where the person in custody may well be involved in legal proceedings with the Commonwealth regarding his underlying conviction, or with the

¹⁵ Mia Armstrong. "Is This What Prison Mail Looks Like Now?" Slate. December 5, 2018. <https://slate.com/technology/2018/12/pennsylvania-prison-scanned-mail-smart-communications.html>

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Department that has him in its custody. Rather than imposing blanket provisions for photocopying all incoming legal mail, DOC should adopt a system to authenticate legal mail, like that proposed by CPCS in its comments on these amendments.

First, current photocopying technology cannot ensure full confidentiality. Modern copiers have internal memory, which would allow the documents to be printed again later. PLAP likewise opposes any system which would digitize legal mail by storing it on a tablet or kiosk, as there has been no information provided that would give confidence to clients or attorneys about the security of that system.¹⁶ In addition, the DOC has not specified a secure system for disposing of the shredded material, which could be re-assembled.

Second, the proposed photocopying process creates a much greater risk that a DOC employee will inadvertently read privileged legal materials than the previous inspection protocols. Even if the recipient rather than the DOC employee is tasked with photocopying the materials themselves, this process still creates an unacceptable risk because the photocopying would still be carried out in the DOC employee's presence and under their supervision.¹⁷ It lengthens considerably the interaction between prisoner and staff member, with the legal mail opened. The proposed system will interfere with the attorney-client relationship and is untenable.

Third, the proposed regulation does not require the Commissioner to make any finding before imposing this blanket photocopying of legal mail. Contrast the non-privileged mail amendments, where at least the Commissioner has to find an unacceptable risk of contraband entering via that means. Before imposing a blanket rule like this, which puts a presumption of guilt on all lawyers and clients, DOC should require some finding by the Commissioner that the measure is needed at a particular institution.

Finally, DOC can avoid the need for photocopying by implementing a legal mail verification system. PLAP endorses CPCS's proposed system to authenticate incoming legal mail, and would endorse other measures that similarly allow the Department to distinguish authentic legal mail from counterfeit legal mail, so that authentic original legal mail can simply be delivered. If DOC seeks to eliminate the introduction of illicit substances by fake legal mail, then the problem can best be avoided by authenticating incoming legal mail. Once an attorney is verified as the sender, DOC should require that the inspecting correction officer have a reasonable suspicion that contraband is present before any action is taken to search or photocopy legal mail. If the correction officer has a reasonable suspicion of the presence of contraband, the incarcerated person should be afforded the opportunity to consent in writing to return the mail to the sender, to receive a photocopy of the mail, and/or to send the original mail to a lab for testing.¹⁸ Such a system would

¹⁶ Executive Office of Public Safety & Security. "Request for Response (RFR): Inmate Mail Services." COMMBUYS Bid#: BD-21-102-DOCFS-FISM-53234. Agency Document Number: RFR # 21-DOC-1000-Digitized Electronic Mail Services. Issue Date: July 15, 2020.

¹⁷ Executive Office of Public Safety & Security. "Request for Response (RFR): Inmate Mail Services." COMMBUYS Bid#: BD-21-102-DOCFS-FISM-53234. Agency Document Number: RFR # 21-DOC-1000-Digitized Electronic Mail Services. Issue Date: July 15, 2020.

¹⁸ This language is based on 103 CMR 486.07(6)'s procedures for when an attorney is suspected of having contraband during a legal visit.

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also eliminate the need for NARK-II field testing - a test which, in PLAP's experience, is incredibly unreliable and leads to a high number of false positives.¹⁹²⁰²¹

3. Should DOC choose to adopt a practice of photocopying all incoming legal mail, the agency should provide a means for privileged digital communication.

If DOC adopts the practice of photocopying all legal mail, clients and their attorneys will require an alternative means of communication that preserves the confidentiality and privilege that is the cornerstone of the attorney-client relationship. PLAP submits that this alternative should take the form of a privileged digital communication platform.

DOC currently grants incarcerated individuals access to email via the Corrlinks platform, but Corrlinks is inadequate for attorney-client communications. Corrlinks allows incarcerated individuals to *respond* to email but does not allow them to initiate email contact. Corrlinks also charges for each email sent. Most importantly, though, Corrlinks does not differentiate privileged emails from other prisoner emails. This means that *all* emails on the platform, including those to and from attorneys, are subject to DOC monitoring. Providing a free means for privileged digital communication between attorneys or law students and their clients addresses the concern at the root of the proposed mail regulations – preventing contraband from getting into prisons – without depriving incarcerated people of the right to confer confidentially with counsel.

PLAP submits that providing incarcerated persons and their counsel a privileged digital means of communication is of even greater importance in light of the COVID-19 pandemic. Public health precautions preventing in-person visits have made it difficult for law students to confer with incarcerated clients; DOC's decision to remove student attorneys from their clients' attorney phone lists has only exacerbated the problem. Privileged digital communication can be an effective way for law students and their clients to have time-sensitive, confidential conversations that would normally be carried out via phone or during in-person visits.

4. The DOC should not eliminate its practice of providing photocopies of mail suspected of transmitting contraband.

Under the existing regulations, if DOC suspects that contraband is being introduced through the mail, the agency is required to provide the intended recipient a photocopy of the original correspondence. The changes proposed to Section 481.12(A)(2) of the regulations would eliminate that requirement. PLAP strongly opposes this amendment because it exposes prisoners to arbitrary decisions by individual officers about alleged contraband, and because it is excessively restrictive of incarcerated individual's ability to correspond with family and friends.

¹⁹ JB Nicholas. "NY State Prisons Abruptly Suspend Drug Tests for Contraband." Gothamist. August 26, 2020.

<https://gothamist.com/news/ny-state-prisons-abruptly-suspend-drug-tests-contraband>

²⁰ Ryan Gabrielson and Topher Sanders. "How a \$2 Roadside Drug Test Sends Innocent People to Jail." New York Times. July 7, 2016. <https://www.nytimes.com/2016/07/10/magazine/how-a-2-roadside-drug-test-sends-innocent-people-to-jail.html>

²¹ Alysia Santo. "Jolly Ranchers, Sage and Breath Mints." The Marshall Project. April 2, 2015. <https://www.themarshallproject.org/2015/04/02/jolly-ranchers-sage-and-breath-mints>

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To the first point, PLAP submits that without the requirement that DOC provide photocopies of mail suspected of transmitting contraband, the agency will be empowered to arbitrarily classify mail as suspicious without providing specific information as to which materials raise suspicion and why.

As to the second issue, this change is more burdensome than is necessary to control the introduction of contraband through the mail. Denying incarcerated individuals access to photocopies of mail does not serve the regulation's stated purpose of preventing the transmission of contraband to the prisoner. That purpose is fully served by the discretion that DOC is granted to inspect and retain the original correspondence. Even where DOC suspects that the paper on which a letter is sent may introduce contraband, there is no justification for interfering with the intended recipient's ability to read the words of that letter from a friend or a loved one.

The proposed change to 481.12 (A)(2) would exacerbate distrust between prisoners and DOC without providing any added benefit. Continuing to provide photocopies of intercepted mail, on the other hand, preserves to a greater extent the ability of incarcerated individuals to communicate with their loved ones without in any way undermining DOC's ability to control the introduction of contraband into its prisons.

5. The DOC should specify that mail monitoring records are discoverable in disciplinary proceedings.

Mail monitoring recordkeeping, codified in proposed regulation 103 CMR 481.12(A), is presumably intended to identify and sanction prisoners who seek to introduce contraband into DOC facilities. The information collected in the proposed mail monitoring electronic log should therefore be discoverable at any resulting disciplinary hearings. Disciplinary hearings are supposed to be genuine fact-finding missions. In order to determine whether a disciplinary report's allegations are valid, it is essential to know whether the evidence was gathered properly. That includes determining whether the decision to monitor the prisoner's mail was made based on legitimate concerns of institutional safety. Furthermore, the information collected in digital mail monitoring records provides context to understand the allegations against the prisoner, and such records may contain vital exculpatory evidence.

6. The DOC should not authorize third parties to photocopy all incoming mail at approved facilities.

The Commissioner should not be permitted to allow third parties to photocopy all incoming mail at approved facilities and provide prisoners with only the photocopies, rather than the original mail. 103 CMR 481.12(C)(1). Prisoners are separated from their families and other loved ones for incredibly long periods of time, and often the only physical connection they are able to have with them is to be able to touch the same handwritten card that they touched, or the drawing that their child drew them. In her decision directing DOC to amend 103 CMR 481, the Massachusetts Superior Court Justice wrote that "the ban on the receipt of original mail certainly impacts prisoners as well as their family and friends and members of the public that correspond with them.

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Indeed, in this digital age, when most communication is electronic, the receipt of a handwritten message can bring great joy on happy occasions, and deep solace on somber ones.” *Wright v. Mass. Dep’t of Corr. & Steven Silva*, 2020 Mass. Super. LEXIS 120, 18 n.9 (2020). The COVID-19 pandemic has made mail even more important, as prisoners have had to remain separated from their loved ones without opportunities for visits for an extraordinary period of time. DOC seeks to impose a blanket rule which would, in large part, punish prisoners, spouses, children, pen-pals, and other loved ones who have done nothing wrong.

The proposed authorization of a third-party photocopying vendor is also likely to lead to long delays in mail delivery. Pennsylvania Prison Society reports that the adoption of such a system in Pennsylvania caused an increase in prisoner complaints about lost and delayed mail.²² As prisoners are faced with an exceptionally long period of time without being able to see their loved ones, these policies would further separate prisoners from the people they love.

Some may argue that the safety benefits of these photocopy procedures outweigh the downsides. However, there is little evidence that these procedures actually make a difference in the amount of drugs that are introduced into prisons. Drugs enter prisons through many different routes, including via staff members and visitors. When Pennsylvania introduced a similar photocopying system in state prisons, the amount of incoming prisoner mail that was tainted with drugs went from 0.7% to 0.6%.²³ This change is miniscule, and both amounts are incredibly small.

Should the DOC decide to authorize a third-party photocopying vendor, additional regulatory safeguards are needed to ensure the quality and timely delivery of incoming mail. The current proposed regulations provide no remedy for poor copy quality, lost mail, or delayed delivery. These problems are inevitable, and DOC should not authorize mass mail photocopying unless they are prepared to provide a remedy.

Any photocopying scheme adopted by DOC should specify how long document scans will be retained by DOC and any third-party vendor. One prison mail photocopying vendor advertises on its website that their service “creates a searchable database and opens a whole new field of intelligence.”²⁴ Prisoners and their loved ones are already subject to invasions of privacy when they communicate by mail; they should be told how long their communication will be subject to DOC surveillance.

If adopted, the proposed regulations should be revised so that the DOC may not pursue disciplinary action for contraband sent to a third-party vendor. Firstly, disciplinary action in such cases would be unfair because there would be no risk that the mailed contraband would ever be introduced into the facility. Secondly, allegations leveled by a remote third-party vendor would

²² Mia Armstrong. “Is This What Prison Mail Looks Like Now?” Slate. December 5, 2018.

<https://slate.com/technology/2018/12/pennsylvania-prison-scanned-mail-smart-communications.html>

²³ Dave Chappell. “BOP to Implement Paperless Mail System in Attempt to Stop Drugs,” Prison Legal News. February 4, 2020. <https://www.prisonlegalnews.org/news/2020/feb/4/bop-implement-paperless-mail-system-attempt-stop-drugs/>

²⁴ Smart Communications. “MailGuard® Postal Mail Elimination.” <https://www.smartcommunications.us/mailguard.cfm>

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pose evidentiary issues at disciplinary proceedings, including requests for discovery and witnesses from the vendor.

The Commissioner also should not be permitted to designate as contraband the physical mail possessed by anyone who moves into a facility using the photocopy procedures. 103 CMR 481.12(C)(3). This measure simply does not provide any safety benefit. If a piece of mail was deemed safe for the prisoner to possess in one facility, there is no principled reason to believe it would not be safe for the prisoner to possess it at another. Prisoners should not be forced to relinquish original copies of sentimental items, such as handwritten letters, original art, or holiday cards. Such a process is certain to increase frustration, decrease morale, and weaken an important source of emotional strength for many prisoners.

Lastly, PLAP appreciates the allowance of third-party publishers to send color photos. Like DOC's system of allowing books and publications sent directly from a publisher, this system lowers considerably the risk of contraband introduction via printed photos. However, the Commissioner should issue broad approval of multiple entities, so as to create competition that keeps prices reasonable. Further, DOC should extend this rule to include non-privileged mail sent directly from third-party printers. If a service prints and mails a letter for the sender, it should not be subject to any of the proposed photocopying restrictions. This provision would allow for loved ones the opportunity to control the quality and speedy delivery of mail sent by approved vendors.

7. The DOC should not provide for scanned mail to be solely delivered to prisoner tablets.

Under the proposed 103 CMR 481.12(C)(1)(a), scanned mail may be delivered electronically to people's tablets. If it is delivered electronically, the originals are contraband. PLAP strongly opposes the delivery of mail only to tablets and the destruction of the originals for a number of reasons. First, the proposed regulations do not specify whether a prisoner would have access to physical mail if they lose access to their tablet for disciplinary reasons. Prisoners can lose tablet access as disciplinary sanctions for any disciplinary offense. This means someone could lose access to all incoming digital mail for 30 days due to a level 4 (lowest level) infraction. With physical mail, an incarcerated person can only lose mail access in disciplinary segregation. Thus, PLAP believes that restricting mail to tablets may result in unduly punitive disciplinary sanctions, especially as compared to sanctions under the physical mail regime.

Second, PLAP is concerned that the proposed regulations do not provide mechanisms for a prisoner to access their mail in the event that they lose access to their tablet for another reason, such as a correctional officer or another prisoner either accidentally or intentionally breaking a tablet. Unless prisoners also have access to physical mail, destruction of tablets would deny a prisoner mail access for no fault of their own and without a proper disciplinary process. The proposed regulations provide no tablet entitlement and it is unclear what the outcome would be for an indigent prisoner whose tablet is broken. Would the Department then provide printed versions of all mail previously stored on the tablet? Would the prisoner be entitled to a free replacement tablet with the same digital mail? What would be the process and timeline for furnishing a replacement?

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Lastly, PLAP disagrees with the photocopying and digital delivery of direct-from-publisher publications. 103 CMR 481.12(C)(1)(e) seems to allow facilities to provide only the digital copy of magazines, newspapers, and publications sent directly from publishers if they choose. For many readers, there is a considerable difference between a paper copy and a digital copy of a publication. Given that there is no risk of contraband when these materials come directly from publishers, there is no reason to substitute electronic materials for physical ones.

8. DOC should extend unlimited free postage for indigent prisoners to include all mailings required for a case.

The existing regulations do not provide enough support for indigent prisoners with respect to mailings. Right now, 103 CMR 481.09 only allows unlimited postage to “any court official.” Thus, the section does not appear to include postage for copies to opposing counsel, counsel of other parties, and other relevant persons. People in DOC custody may have pending matters in a variety of different courts, at the state and federal level, with varying requirements concerning service of copies on other parties or counsel. Therefore, limiting an indigent prisoner to free postage only for mailings to court officials does not sufficiently enable an indigent prisoner to proceed with their case. PLAP urges the DOC to amend the regulation and allow for unlimited free postage for all mailings related to a case.

Thank you for your consideration of these comments. Harvard PLAP would be happy to discuss any of the comments, or the regulations in general. Our office can be reached at (617) 495-3969 or our Policy Directors can be reached by email at jsteffen.jd22@hlsclinics.org and scunningham.jd21@hlsclinics.org.

Sincerely,



Joan Steffen
Policy Director
Harvard Prison Legal Assistance Project



Sheridan Cunningham
Policy Director
Harvard Prison Legal Assistance Project

From: Steffen, Joan-HLSCLINICS [REDACTED]
Sent: Friday, February 05, 2021 3:38 PM
To: Richard, Kathleen J. (DOC)
Cc: Cunningham, Sheridan-HLSCLINICS
Subject: Harvard Prison Legal Assistance Project's Written Testimony on
Proposed Revisions to 103 CMR 481 - Inmate Mail
Attachments: 2021.02.05 PLAP Testimony re Proposed Revisions to 103 CMR 481
FINAL.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Please find attached the Harvard Prison Legal Assistance Project's written testimony on the proposed revisions to 103 CMR 481 - Inmate Mail.

Thank you,
Joan Steffen

Policy Director
Harvard PLAP

To Kathleen Richards and the Massachusetts Department of Corrections re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Solidarity Supply Distro unites with the call to stand against the new Department of Corrections mail rules, and we condemn in the strongest possible terms the proposed changes to the regulations.

As an organization rooted in the Boston working class, we have seen firsthand the obstacles that these proposed changes will create for the communities who make up the overwhelming majority of the incarcerated population, principally the oppressed black and chicano nations.

In addition to being a key link for accessing the legal resources they require to navigate the labyrinthine difficulties of the court system, the mail system is a critical lifeline for maintaining the connection between incarcerated people and their communities on the outside. Adding *any* further burden to that process is reprehensible, but the particular character of these proposed changes goes beyond that, and represents nothing less than the base cruelty of the white supremacist prison system laid perfectly bare.

The ban on mail containing language thought to be a threat to the “good order” and “discipline” of these institutions of bourgeois class rule is especially egregious; the “order” and “discipline” of prisons is only a testament to the degree of oppression and violence executed by the lackeys of the state. We stand against any expansion of the ability of administration to surveil and repress political organizing on the inside.

We call on our comrades and supporters to reject any changes to the prison mail system and to unite with the struggle to dismantle the bourgeois system of incarceration brick by brick.

Solidarity with all incarcerated people!

As comrades Ho Chi Minh and George Jackson taught us, when the prison gates fly open, the real dragons fly out!

It is right to rebel!

From: bostonsolidaritysupplydistro
Sent: Friday, January 29, 2021 3:48 PM
To: Richard, Kathleen J. (DOC)
Subject: Open Letter to the DOC in response to New Mail Rules
Attachments: Open letter to the MA DoC.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

On behalf of Solidarity Supply Distro, here is an Open Letter in response to the New Mail Rules proposed by the DOC.

Regards,

Solidarity Supply Distro.

Sent with [ProtonMail](#) Secure Email.



MACDL
Massachusetts Association of
Criminal Defense Lawyers

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Christian Williams
Chauncey Wood

January 22, 2021

Commissioner Carol Mici
Department of Correction
50 Maple Street
Milford, MA 01757

RE: COMMENTS ON PROPOSED 103 CMR 481

Dear Commissioner Mici,

We write on behalf of the Massachusetts Association of Criminal Defense Lawyers. MACDL is an incorporated association representing more than 1,000 experienced trial and appellate lawyers who are members of the Massachusetts Bar and who devote a substantial part of their practices to criminal defense. MACDL devotes much of its energy to identifying, and attempting to avoid or correct, problems in the criminal justice system. It regularly advocates on raising questions of importance to the administration of justice. A substantial portion of our membership represents people incarcerated by the Department of Correction.

Our primary concern is the regulation's impact on confidential attorney-client communication. However, we also offer comments on regular mail to incarcerated persons because the physical and emotional well-being of our clients has a direct impact on our representation of them. Consistent, reliable and timely contact with friends and family is essential for our clients' mental health, physical safety, and eventual reintegration into society.

Our comments will be by section, seriatim, with citations to the page of the PDF found at <https://www.mass.gov/doc/103-cmr-481-redline-version-for-public-hearing/download> (accessed January 22, 2021). Your regulation refers to our clients as "inmates." We shall refer to them as "people."

§ 481.11(3) (page 6):

This section provides for the copying and shredding of correspondence “in the recipient inmate’s presence.” The photocopying of privileged mail is simply unacceptable because it violates the attorney-client privilege. There are no modern copiers that do not have a memory.¹ As criminal defense lawyers, we have an ethical duty to ensure that our communications with our clients are not collected and stored by a third party. The DOC has a duty to ensure that we can communicate with our clients in a confidential manner. Copied legal mail is not confidential and therefore flatly impermissible.

The attorney-client privilege is at least two hundred years older than our constitution. *Hartford v. Lee*, 21 Eng. Rep. 34 (Ch. 1577); *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981) “The attorney-client privilege is a fundamental component of the administration of justice. Today, its social utility is virtually unchallenged.” *Suffolk Const. Co. v. Div. of Capital Asset Mgmt.*, 449 Mass. 444, 446 (2007); *DaRosa v. City of New Bedford*, 471 Mass. 446, 453 (2015). The attorney-client privilege encourages “full and frank communication between attorneys and their clients and thereby promotes broader public interests in the observance of law and the administration of justice.” *Swidler & Berlin v. United States*, 524 U.S. 399, 403 (1998) It is not hyperbole to suggest that the attorney-client privilege is a necessary foundation for the adversarial system of justice. *In re Lott*, 424 F.3d 446, 450 (6th Cir. 2005). The privilege is so strong that it survives even the death of a client under investigation. *Matter of John Doe Grand Jury Investigation*, 408 Mass. 480, 485 (1990); *Swidler*, 524 U.S. at 408–11.

The Supreme Judicial Court has refused to lend even “tacit approval” to “interference with the attorney-client relationship. We prefer to view the ‘role of the lawyer ... as an aid to the understanding and protection of constitutional rights,’ rather than ‘as a nettlesome obstacle to the pursuit of wrongdoers.’” *Commonwealth v. Mavredakis*, 430 Mass. 848, 860 (2000) (citation omitted); see *Commonwealth v. Manning*, 373 Mass. 438, 440, 443 (1977) (discouraging attorney-client relationship by disparaging counsel is unconstitutional).

Interference even by those not acting in concert with the prosecution is still impermissible. *Commonwealth v. Murphy*, 448 Mass. 452, 467 (2007). Intrusion on the privilege by private parties — much less the Department of Correction — “corrode[s] the overarching metal of the attorney-client structure that rests on the bedrock of the constitutional right to effective representation.” *Commonwealth v. Downey*, 65 Mass. App. Ct. 547, 554 (2006).

¹ A memory is indeed necessary on all modern copiers. It allows for collation of documents and re-printing of copies that have gotten jammed in the copier.

We note further that the regulation should bar asking for consent to open privileged mail outside the recipient's presence. To wit, "a recipient shall not be asked to consent to the opening of privileged mail outside of their presence." We are aware of attempts by DOC staff to ask recipients to consent *post hoc* to the opening of privileged mail outside the recipients' presence.

The DOC's concern is the sending of narcotics via legal mail. To our knowledge, there has not been one single case of legitimate legal mail actually containing drugs. Regardless, attorneys and clients who have done nothing wrong should not have to simply endure the routine violation of one the oldest and most treasured protections in our legal system. Again, this is flatly unacceptable.

In addition to attorney-client privilege, copying of legal mail may violate protective orders. Protective orders on sensitive material such as gang-related discovery often require that the material not be shared beyond the client. Copying in the proposed manner actual places attorneys, clients, and the DOC in danger of contempt of court.

Further, it is unsafe to require people to leave their units during a pandemic and stand in line while mail is processed and shredded under the proposed regulations. Legal mail is often lengthy and will require long periods to copy. Legal mail also often includes bound materials like briefs that, if removed, create damaged paper that is not easily copied.

People with physical disabilities may have difficulty standing in a line while lengthy materials are copied. They may also have trouble being able to see to verify whether a document has indeed been shredded without coming unnecessarily close to the staff person.

People with intellectual or emotional disabilities may also undergo extreme distress if others are copying their privileged mail. We discuss some of the most sensitive details of our clients' lives with them via legal mail. We must sometimes bring them hard news via legal mail. Such communications must remain privileged not only as a matter of law, but as a matter of basic decency. The proposal is, again, unacceptable.

The final paragraph of this section provides for the preservation of a privileged document if its destruction is the subject of a grievance. First, it is not clear that a person would be able to file a grievance in time to prevent a privileged document's destruction. Second, the proposed regulation does not provide for the retention of the document in such a manner as to maintain its confidentiality.

§ 481.12:

Subsection (B) (page 7) purports to authorize the reading of non-privileged mail “to prevent interference with institutional goals of security, order, discipline, or if it might facilitate, encourage or instruct in criminal activity.” The proposed regulation is far too broad. What level of “interference” is required? Complaints about food, water sanitation, medical care and the like could easily be construed by staff as interfering with institutional security, order, or discipline. This is not a hypothetical. Many of our clients use non-privileged mail to advocate for themselves regarding conditions of their confinement and to ask family and friends to advocate for them.

Subsection (C) (page 8): The proposed section proposes to authorize the copying of incoming non-privileged mail and to authorize the subcontracting of that copying to a private, third-party company. There are numerous problems with the proposal.

First, subsection (C)(1) purports to authorize the Commissioner to make a suspicionless determination that the non-privileged mail of *all* people at a particular institution is a contraband risk. This kind of suspicionless, group-based invasion of correspondence for an entire institution is unacceptable.

Second, this same subsection purports to authorize the use of an outside vendor to scan such mail. We have reached out to other jurisdictions who have experience with one prominent vendor, MailGuardTracker, and the people affected report a delay in receiving mail of up to *three weeks*. (That vendor’s particular facilities are located in Florida.) The unacceptable nature of such a delay is obvious. People deserve to be informed of important events in their lives in a timely manner: deaths, births, graduations, or planned visits, for example.

The proposed regulation is flawed in its very conception. It should be withdrawn.

Sincerely,

DAVID J. NATHANSON

CHAUNCEY B. WOOD
Wood & Nathanson, LLP
50 Congress Street, Suite 600
Boston, MA 02109
(617) 248-1806

dnathanson@woodnathanson.com

JOHN G. SWOMLEY

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50 Congress Street, Suite 600
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jswomley@swomleyandtennen.com

From: David Nathanson [REDACTED]
Sent: Friday, January 29, 2021 9:05 AM
To: Richard, Kathleen J. (DOC); Victoria Kelleher
Subject: Comments on proposed mail regulations
Attachments: MACDL CommentsMail.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

On behalf of the Massachusetts Association of Criminal Defense Lawyers, we submit the attached comments on the proposed mail regulations. We oppose them. Please let me know if you have any problems opening the attached PDF.

Sincerely,
David Nathanson

--

David Nathanson
Wood & Nathanson, LLP
Boston: 617-248-1806
Salem: 978-744-2695



1035 Cambridge Street
Suite 28A
Cambridge, MA 02141
617.945.0762

January 29, 2021

Commissioner Carol Mici
Department of Correction
50 Maple Street
Milford, MA 01757

RE: New England Innocence Project Objections to Proposed Changes to 103 CMR 481

Dear Commissioner Mici,

I write on behalf of the New England Innocence Project (NEIP), as well as the numerous clients we serve, to raise strong objections to the proposed changes to 103 CMR 481 regarding mail received by incarcerated people serving sentences in the Department of Correction.

NEIP is a non-profit organization whose responsibility it is to correct wrongful convictions. Our organization has successfully represented innocent individuals who were wrongfully convicted of crimes they did not commit and who have now been exonerated in court. The vast majority of our applicants are incarcerated in facilities of the Massachusetts Department of Correction.

We rely heavily on mail to communicate with our incarcerated clients throughout the state. As a law practice, those communications are privileged and confidential. The sanctity of that privilege, and the consequences of its violation, cannot be overstated. In order to represent people, we and our clients must be assured that our privileged communications are safeguarded.

The proposed changes to 103 CMR 481 hamper the attorney-client relationship and may violate the attorney-client privilege. Furthermore, the changes are overly broad and are not tailored to the stated concerns. Finally, implementation of the proposed changes will have additional consequences to the wellbeing of those who are incarcerated and their families, presenting significant obstacles to successful reentry. For these reasons, the New England Innocence Project opposes the changes and urges you to abandon them.

(1) Attorney-Client Relationship

The proposed changes – opening, copying/scanning, and allowing third party access to privileged mail – will undeniably interfere with a bedrock principle of the legal system, attorney-client confidentiality. Not only would officers – agents of the Commonwealth – be able to observe legal, privileged communications while processing mail, but the storage of the materials in the copier's/scanner's memory is itself a violation of the sacred attorney-client relationship.

The proposed changes represent a departure from long-held rules and values of the legal system – a system where DOC plays an enormous part and bears an enormous responsibility for its proper functioning. Every person in this system, especially the incarcerated, is entitled to have privileged communications with their attorney for the purpose of vindicating and upholding their rights. This is a fundamental right rooted in hundreds of years of legal tradition and operation. The proposed changes violate this principle and undermine the legitimacy and integrity of the system. Where a

chorus of attorneys and incarcerated individuals stand together opposed to these changes, they should be reconsidered.

(2) Overbreadth

With the stakes so high, any changes to the rules that may implicate the attorney-client relationship must be narrowly tailored to achieve its goals. The proposed regulation is far too broad and far too vague. These rules punish the vast majority of the prison population who do not have contraband in their mail in order to attempt to stop the very few who might receive it through the mail.

There is no data accompanying the proposed changes, demonstrating that (a) a significant percentage of the contraband (with confirmatory tests, not unreliable field tests) coming into the prison is delivered through mail, including privileged mail, and (b) implementing these changes would reduce the amount of contraband in the prison despite evidence that contraband is most often introduced through staff. Before overhauling the mail process for this stated reason, with the corresponding impact on attorney-client relationships and significant additional consequences, there should be evidence demonstrating both the need and that this proposal is narrowly tailored for that purpose.

(3) Additional Consequences

If attorneys are unable to be assured that their privileged communications will be safe if sent by mail, attorneys will have to make significantly more in-person visits to the prisons and will have to bring their privileged documents with them to share and review with clients. An exponential increase in visits, based on an inability to trust the mail, will overwhelm the current infrastructure at DOC that relies on only periodic attorney visits. Further, during the pandemic, when it is not safe for attorneys to visit in such numbers, attorneys deprived of the ability to have privileged communications will need to seek relief from the court to adequately represent their clients.

The proposed changes are at odds with a recognition of the importance of mail as a means for incarcerated people to maintain connections with the community. Those connections are *essential* to a successful reentry upon release, a responsibility squarely on the shoulders of the Department of Correction. These proposed changes will negatively impact incarcerated peoples' physical and mental health, their relationships with loved ones, and their dignity. A photocopy is simply not a substitute for a letter or photo sent by a loved one or friend. Additionally, we have seen – especially during this pandemic – that physical mail builds trust and connections between us and our clients. We know that these connections help our clients to be more responsive, engaged, and involved in their families and communities as well as with their legal cases. This connection is a critical component of a healthy and productive reentry. Indeed, anything that strains or severs connections between incarcerated people and their advocates, including their loved ones, sabotages their future success and should be considered a last resort. For all of these reasons, we strongly object to the proposed changes, without reservation or qualification.

Sincerely,

Radha Natarajan

Radha Natarajan
Executive Director

From: Radha Natarajan [REDACTED]
Sent: Friday, January 29, 2021 3:05 PM
To: Richard, Kathleen J. (DOC)
Subject: Written Comments to Proposed Changes to 103 CMR 481
Attachments: NEIP Objections to Proposed Changes to 103 CMR 481.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,
Please find attached comments by the New England Innocence Project to DOC's proposed changes to 103 CMR 481. Should you have any questions, do not hesitate to reach out to me.
Thank you.
Radha

--

Radha Natarajan
Pronouns: she/her/hers
Executive Director
New England Innocence Project
1035 Cambridge St., Suite 28A
Cambridge, MA 02141
617-945-0777



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Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110

February 04, 2021

Re: 103 CMR 481, proposed changes to mail regulations

Hello, my name is Elijah Patterson and I am the Communications and Outreach Coordinator for Black and Pink Massachusetts, an organization working with LGBTQ people in prison. I am writing to express Black and Pink Massachusetts's strong objection to the new mail rules proposed in 103 CMR 481.

There are several aspects of the "new" rules that we are concerned about but first, we want to note that these regulations are a response to a lawsuit about the ongoing practice of photocopying legal mail at Souza-Baranowski. As a representative from the DOC, Heidi Handler, stated in her beginning testimony at the Zoom hearing on January 29th, 2021, this practice has been going on for some prisoners since 2016. This and other very troubling regulations supposedly being introduced with this redline draft-- including the widespread photocopying of all non-legal mail in the majority of prisons-- are already in place. Therefore, Black and Pink Massachusetts is concerned about the appearance that the disastrous hearing held on January 25th and call for testimony is simply procedural and requests that **regulations under discussion at this hearing be suspended until the DOC receives all new testimony and an official ruling on them.** The DOC must stop operating outside the parameters in the current mail rules.

As organizers doing work around the prison industrial complex, Black and Pink MA's volunteers have read letters from thousands of incarcerated LGBTQI people in Massachusetts and across the country. Something I personally have found from those prisoners is that paper mail is precious. For an isolated prisoner, the stack of mail in their locker means something. And for me, reading the letters I got back, the uneven handwriting. The painstaking script. The ripple of pressure. The smudge of tears. The gum paper dragons. The thank you cards colored with M&Ms. --It's all been precious, too. It means so much to me to touch the same paper as people suffering in prisons, and when I trace my hand and they place theirs over it, it means a lot for them, too. In that moment, we are together.

Photocopying or scanning mail needlessly removes this small human connection while doing nothing to increase safety. The DOC says these rules are a response to attempts to smuggle



page 2/3

drugs into prisons. **We must remind you that the vast majority of contraband is carried into prisons by guards and staff**, not smuggled in in the wax of a child's crayon drawing. In order to curtail the spread of contraband into prisons, the DOC must turn its focus to the people it employs.

Having participated in our local prison book program and watched years of censorship of material sent in, we know that a change to tablets is never good. With tablets, even when they are supplied for free to all prisoners, the DOC has a literally captive audience. Every e-mail, every song, every book benefits the prisons at the expense of the prisoner. And in some places the costs can be absurd: You may pay to buy a book available for free in the public domain, then have to pay by the minute and to re-read, plus you can't share tablets so you can't pass on a good book to a friend. This extortion of incarcerated people will have an affect on their mental health and education, as well as community connections.

Black and Pink has sent countless seriously depressed and suicidal people small distractions: sudoku, crosswords, a therapy worksheet. They need these in a form they can touch and fill in. A tablet takes this away, too. With the DOJ's recent finding of the violation of the Eighth Amendment rights of people in restrictive housing for mental health reasons, strengthening outside contact and care to support a person's mental health is even more important.

We also want to highlight that prisoners who are sent to segregation have their tablets taken away, effectively removing their access to legal and other mail. The new policies do not address this loss of access to legal and personal information, particularly for people who receive low-level tickets (level 4) for whom access to mail would not usually be infringed.

For the many reasons outlined above, a person simply does not get the full legal access or therapeutic effect of their mail when it is delivered through tablets or photocopies.

Black and Pink Massachusetts is further concerned about the surveillance system being codified in the new mail rule 481.12 (B) (3). Reading incoming and outgoing mail, recording the names and addresses of sender and addressee, and requiring the recording of "intelligence received" puts pressure on the guard reading the mail to find something wrong with all pieces of mail a surveilled person receives. It also puts in place conditions to create a huge security apparatus tracking what free and incarcerated people are saying to different people. By scanning prisoner



page 3/3

mail, the DOC can convert handwritten letters to electronic text, making a searchable database of all letters entering all prisons.

Moreover, the photocopying or scanning of legal mail has a chilling effect on the communication between attorneys and their clients. We are also aware of many incarcerated people currently working on their cases from inside, including cases against the DOC. Allowing the Superintendent to enact surveillance of prisoners at their sole discretion is unacceptable and likely illegal because it requires such a low bar while collecting a very large amount of information on prisoners, as well as those who have not been convicted of any crime, are not incarcerated, and not under the DOC's supervision. This affects both party's First Amendment rights to freedom of speech and association, and criminalizes free people for their contact with an incarcerated person.

Finally, we understand that the DOC does not usually hold meetings on its regulations, but the failures of technology we saw in the 3½ hour Zoom "hearing" on January 29th, 2021 causes us to question how the DOC can possibly manage scanning all of the mail entering all prisons and keep accurate electronic surveillance logs when they cannot run a Zoom room. With the legal and personal mail of more than 10,200 people in their hands, 11 months into a pandemic that moved everything online, the DOC shows a shocking lack of technical know-how that we fear impinges on their ability to accurately, quickly, deliver mail. The DOC seems to realize this itself, hoping to remove a clause requiring that mail is processed and mailed out within 24 hours. This will affect prisoners filing court documents (possibly against the DOC itself), sending money home for bills, or hoping to get a birthday card home in time.

For the many legal reasons we have outlined, as well as the burden the redline regulations included in this draft will place on DOC staff, budget, prisoners, and prisoners' loved ones, Black and Pink Massachusetts strenuously opposes the proposed mail rules in 103 CMR 481.

Best,

Elijah Patterson

pronouns: they/them/their

Communications and Outreach Coordinator

Black and Pink Massachusetts

eli@blackandpinkMA.org

From: Elijah Patterson [REDACTED]
Sent: Thursday, February 04, 2021 6:53 PM
To: Richard, Kathleen J. (DOC)
Subject: Comments opposing 103 CRM 481 changes
Attachments: Black and Pink Massachusetts - OPPOSE 103 CMR 481 (1).pdf

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Kathleen--

Please find attached Black and Pink Massachusetts' testimony opposing changes to 103 CMR 481, mail rules and regulations. Our comments are also copied below.

Thank you,
Elijah Patterson
pronouns: they/them/their
Communications and Outreach Coordinator
[Black and Pink Massachusetts](#)

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110

February 04, 2021

Re: 103 CMR 481, proposed changes to mail regulations

Hello, my name is Elijah Patterson and I am the Communications and Outreach Coordinator for Black and Pink Massachusetts, an organization working with LGBTQ people in prison. I am writing to express Black and Pink Massachusetts's strong objection to the new mail rules proposed in 103 CMR 481.

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been going on for some prisoners since 2016. This and other very troubling regulations supposedly being introduced with this redline draft-- including the widespread photocopying of all non-legal mail in the majority of prisons-- are already in place. Therefore, Black and Pink Massachusetts is concerned about the appearance that the disastrous hearing held on January 25th and call for testimony is simply procedural and requests that **regulations under discussion at this hearing be suspended until the DOC receives all new testimony and an official ruling on them.** The DOC must stop operating outside the parameters in the current mail rules.

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Photocopying or scanning mail needlessly removes this small human connection while doing nothing to increase safety. The DOC says these rules are a response to attempts to smuggle drugs into prisons. **We must remind you that the vast majority of contraband is carried into prisons by guards and staff**, not smuggled in in the wax of a child's crayon drawing. In order to curtail the spread of contraband into prisons, the DOC must turn its focus to the people it employs.

Having participated in our local prison book program and watched years of censorship of material sent in, we know that a change to tablets is never good. With tablets, even when they are supplied for free to all prisoners, the DOC has a literally captive audience. Every e-mail, every song, every book benefits the prisons at the expense of the prisoner. And in some places the costs can be absurd: You may pay to buy a book available for free in the public domain, then have to pay by the minute and to re-read, plus you can't share tablets so you can't pass on a good book to a friend. This extortion of incarcerated people will have an affect on their mental health and education, as well as community connections.

Black and Pink has sent countless seriously depressed and suicidal people small distractions: sudoku, crosswords, a therapy worksheet. They need these in a form they can touch and fill in. A tablet takes this away, too. With the DOJ's recent finding of the violation of the Eighth Amendment rights of people in restrictive housing for mental health reasons, strengthening outside contact and care to support a person's mental health is even more important.

We also want to highlight that prisoners who are sent to segregation have their tablets taken away, effectively removing their access to legal and other mail. The new policies do not address

this loss of access to legal and personal information, particularly for people who receive low-level tickets (level 4) for whom access to mail would not usually be infringed.

For the many reasons outlined above, a person simply does not get the full legal access or therapeutic effect of their mail when it is delivered through tablets or photocopies.

Black and Pink Massachusetts is further concerned about the surveillance system being codified in the new mail rule 481.12 (B) (3). Reading incoming and outgoing mail, recording the names and addresses of sender and addressee, and requiring the recording of "intelligence received" puts pressure on the guard reading the mail to find something wrong with all pieces of mail a surveilled person receives. It also puts in place conditions to create a huge security apparatus tracking what free and incarcerated people are saying to different people. By scanning prisoner mail, the DOC can convert handwritten letters to electronic text, making a searchable database of all letters entering all prisons.

Moreover, the photocopying or scanning of legal mail has a chilling effect on the communication between attorneys and their clients. We are also aware of many incarcerated people currently working on their cases from inside, including cases against the DOC. Allowing the Superintendent to enact surveillance of prisoners at their sole discretion is unacceptable and likely illegal because it requires such a low bar while collecting a very large amount of information on prisoners, as well as those who have not been convicted of any crime, are not incarcerated, and not under the DOC's supervision. This affects both party's First Amendment rights to freedom of speech and association, and criminalizes free people for their contact with an incarcerated person.

Finally, we understand that the DOC does not usually hold meetings on its regulations, but the failures of technology we saw in the 3½ hour Zoom "hearing" on January 29th, 2021 causes us to question how the DOC can possibly manage scanning all of the mail entering all prisons and keep accurate electronic surveillance logs when they cannot run a Zoom room. With the legal and personal mail of more than 10,200 people in their hands, 11 months into a pandemic that that moved everything online, the DOC shows a shocking lack of technical know-how that we fear impinges on their ability to accurately, quickly, deliver mail. The DOC seems to realize this itself, hoping to remove a clause requiring that mail is processed and mailed out within 24 hours. This will affect prisoners filing court documents (possibly against the DOC itself), sending money home for bills, or hoping to get a birthday card home in time.

For the many legal reasons we have outlined, as well as the burden the redline regulations included in this draft will place on DOC staff, budget, prisoners, and prisoners' loved ones, Black and Pink Massachusetts strenuously opposes the proposed mail rules in 103 CMR 481.

Best,

Elijah Patterson

pronouns: they/them/their

Communications and Outreach Coordinator

Black and Pink Massachusetts



"While there is a lower class, I am in it, while there is a criminal element, I am of it, and while there is a soul in prison, I am not free." --Eugene V. Debs



From: Elijah Patterson [REDACTED]
Sent: Tuesday, February 02, 2021 8:04 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.



THE COMMONWEALTH OF MASSACHUSETTS
House of Representatives
24 Beacon Street
State House, Boston 02113 - 1054

LINDSAY N. SABADOSA
STATE REPRESENTATIVE
1ST HAMPSHIRE DISTRICT

Commissioner Mici
Department of Correction,
70 Franklin Street, Ste 600
Boston, MA 02110

Dear Commissioner,

Thank you for conducting this virtual hearing for 103 CMR 481.00. I am writing to express concerns regarding the proposed changes to the handling and monitoring of mail for individuals currently incarcerated in Massachusetts' prisons and jails. These changes raise privacy and potential security issues and would result in longer delivery times at immense additional costs.

The proposed changes require privileged and non-privileged mail, with few exceptions, to be copied and the originals shredded. This would obviously add to the amount of time between mail arriving at the DOC facility and reaching the person to whom it's addressed. Original documents would only be stored if a photocopy is deemed insufficient for legal use. The onus would be placed on individual inmates to either request the return of an original document to the sender at their own expense or to formally challenge non-retention of the original.

The process of copying mail would delay receipt of mailed items, even with the copying occurring entirely at the DOC facility. The proposal allows for the photocopying and storage of mail to be contracted to outside third-party vendors, which further complicates mail delivery and adds time to process inmates' mail. Additional staff hours and transportation resources would be necessary to take mail from the DOC facility to and from any third-party site.

Further, the proposal would allow commissioners to authorize all non-privileged mail to be photocopied in order to prevent "unacceptable risk". There are a series of alternative measures that can be taken to ensure that contraband materials are not included within inmate mail, which are much more cost-effective and less labor intensive than this proposal. To argue that broadscale photocopying of almost all mail would be the best option requires much more evidentiary support than is provided within the proposal. This is especially true as the expectation that all or most of a facility's mail would be transferred between sites and parties would constitute a security risk of its own.

DOC monitoring is stated to only be implemented in order to prevent interference with institutional goals or if the mail may facilitate a crime. It is prohibited from being based on an employee's personal views or as a means of retaliation. The decision of what constitutes sufficient reason for monitoring is left fully to the Superintendent. This places an excessive and novel burden on Superintendents, as well as necessitating additional resources and another labor-intensive process to be implemented. Further, there has not been sufficient reason given for why this process, in addition to the photocopying, would be necessary. While privacy rights are to some degree limited for incarcerated persons, the proposed measures infringe upon even those rights inmates are recognized to have, especially with regard to privileged communications.

Ultimately, the proposed changes to 103 CMR 481.00 are purported to provide increased security, yet more cost-effective measures which are less invasive are available. This proposal is overly broad, not targeted to identified risk areas, and its detriment to human privacy rights outweighs any potential benefit.

Thank you very much for your consideration of this testimony and I remain available to answer any and all questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Lindsay N. Sabadosa".

Lindsay N. Sabadosa

State Representative, 1st Hampshire

By email: Kathleen.Richard@state.ma.us

January 29, 2021

Kathleen Richard, Program Coordinator
Mass. Dept. of Correction
70 Franklin Street, Suite 600
Boston, MA 02110

RE: **Proposed changes to prison mail regulations, 103 CMR 401**

Dear Ms. Richard:

I write to you as the Civil Rights Director at the Massachusetts chapter of the Council on American-Islamic Relations (CAIR-MA), the only organization in the state that provides free legal services to the Muslim community in a wide range of matters. I am often in contact with Muslim prisoners in the state prison system. CAIR-MA is deeply troubled by and strongly opposes certain aspects of the proposed regulations concerning both legal mail and non-privileged mail. Here are our main concerns.

Legal mail.

Compelling need must be shown. Before getting to specific proposals, what is the need that could justify such an intrusion on attorney-client privilege? The Department's January 5, 2021 Notice of Hearing gives no rationale for the proposed regulations, although I assume the concern is that drugs might enter a prison by way of legal mail.

One might conclude that this a serious problem Massachusetts prisons, given the proposed rules. Yet I was unable to find a single case on the Board of Bar Overseers' [website](#), which lists cases from the past 10 years, where an attorney was publicly disciplined for trying to smuggle drugs into a prison.¹ Granted, an attorney can be *privately* disciplined but it seems unlikely that an act which constitutes a serious crime would be treated so lightly. See also, "[Mass. Lawyers Say State Falsely Accused Them Of Sending Drugs To Prisoners By Mail](#)," WBUR (Oct. 30, 2020) ("If there really were a problem with a large number of lawyers sending drugs to their clients in

¹ These is one case where a lawyer was disciplined for a 2009 incident when she brought an envelope to her incarcerated client from a third party, not realizing it contained narcotics. *In the Matter of Belle Soloway*, Public Reprimand #2013-20. She was disciplined for failing to be familiar with the Department's rules on prison visits and the materials that may be delivered to a prisoner.

prison, then an investigation should be done and criminal charges should be brought ... [b]ut that's never done.”) Before trampling on attorney-client privilege, the Department must first show that there is a compelling need and that there are no less restrictive means to meet that need.

Perhaps the Department has seen instances where someone who *falsely claimed* to be an attorney tried to mail drugs to a prisoner. A far less restrictive means exists to address potentially fake legal mail, which I’ve experienced. When I first wrote to a prisoner at a facility that had never previously seen mail from my office, the staff looked me up and called to confirm that I had indeed sent mail to the prisoner. Problem solved.

Likelihood of faulty copying. Under the proposed regulations, legal mail would be photocopied in the presence of the prisoner, who then would be given the copy while the original is shredded. Anyone who has ever operated a copy machine understands how frequently there are problems with the feeder, toner, paper jams, and other mechanical issues that result in incomplete, missing, or illegible pages. This is especially true with multi-page documents and/or documents printed on both sides. By the time a prisoner realizes that something is wrong with the copy, the original may have been destroyed. Or perhaps the prisoner won’t realize that something is missing, but will instead rely on an incomplete document.

Likelihood of confidentiality breach. Even if the copying goes smoothly, Department staff will still know that the document concerns confidential matters, which invites a closer look, even if “only” a quick peek. This will be especially problematic if the document concerns current litigation or potential claims against the Department itself. It is disingenuous to expect that DOC employees will not take note of documents concerning their DOC co-workers. Would the Department allow an opposing party’s employees to copy its confidential legal mail? I doubt it – and for good reason. The confidentiality of privileged communications is a bedrock principle of our legal system that cannot be so casually weakened.

In addition, an increasing number of copy machines allow the user to scan and copy at the same time.² This doubles the likelihood of a breach of confidentiality.

Non-privileged mail.

Monitoring of non-privileged mail – need for data collection. This new program would allow scrutiny of a prisoner’s mail for 90 to 180 days based on “specific information” that the prisoner’s mail contains information which may jeopardize institutional security. Unfortunately, Muslims are all too familiar with automatically being seen as suspicious, with rumors or religious/cultural misconceptions taking the place of actual facts – or in this context, specific information. The detailed log of the prisoner’s mail that is proposed would describe the

² See, e.g. [“Simultaneous Scan & Copy,”](#) [“Solved: Copy/Scan at Same Time?”](#)

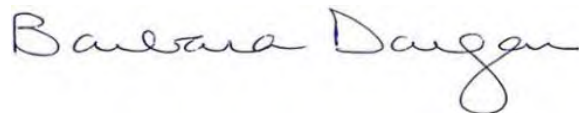
content of all mail received, including the sender and their address. Again, Muslims know too well the “guilt by association” that such a log will imply. If the Department intends to use this type of monitoring, then it is *critical for data to be collected on the race, religion, and ethnicity of those selected* in order to evaluate the system for discriminatory use.

Copying mail by third-party vendors. The proposed regulations do away with the current 24 hour requirement for mail delivery and collection, which will certainly lead to increased delays before prisoners receive their mail. If incoming mail is sent to an off-site location to be copied, that is a recipe for lengthy delays and lost mail. There is no way for the Department to know if the copies are complete or legible. Perhaps more significantly, the Department will have no control over third-party vendors or their employees who may share a prisoner’s private mail with others. It is easy to imagine private correspondence showing up on social media or a Facebook page, where the violation of privacy essentially lives on in perpetuity.

Mail is a lifeline between prisoners and the outside world, sometimes the *only* connection between prisoners and their loved ones. If the Department is worried about contraband, this is a heavy-handed resource-intensive approach that punishes all prisoners. The Department currently has procedures to zero in on those who deserve extra scrutiny.

Thank you for considering our concerns. If you have any questions, I can be reached at bdougan@cair.com or 781-281-9992.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Dougan". The signature is fluid and cursive, with the first name "Barbara" and last name "Dougan" clearly legible.

Barbara J. Dougan, Esq.
Civil Rights Director

From: Barbara Dougan [REDACTED]
Sent: Friday, January 29, 2021 2:08 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony on proposed regulations concerning inmate mail
Attachments: CAIR-MA Testimony re prison mail (1-29-21).pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Ms. Richard.

Attached please find testimony from my organization on the proposed regulations for inmate mail.

Please let me know if you have any questions.

Have a good weekend.

Barbara J. Dougan, Esq.
Civil Rights Director
she/her



Council on American-Islamic Relations-Massachusetts (CAIR-MA) | 123 South Street, 3rd Floor | Boston, MA 02111

Please note: temporary address during COVID: P.O. Box 28, Arlington, MA 02476
(781) 281-9992 (direct) | bdougan@cair.com | www.cairma.org

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1035 Cambridge Street
Suite 28A
Cambridge, MA 02141
617.945.0762

January 29, 2021

Commissioner Carol Mici
Department of Correction
50 Maple Street
Milford, MA 01757

RE: New England Innocence Project Objections to Proposed Changes to 103 CMR 481

Dear Commissioner Mici,

I write on behalf of the New England Innocence Project (NEIP), as well as the numerous clients we serve, to raise strong objections to the proposed changes to 103 CMR 481 regarding mail received by incarcerated people serving sentences in the Department of Correction.

NEIP is a non-profit organization whose responsibility it is to correct wrongful convictions. Our organization has successfully represented innocent individuals who were wrongfully convicted of crimes they did not commit and who have now been exonerated in court. The vast majority of our applicants are incarcerated in facilities of the Massachusetts Department of Correction.

We rely heavily on mail to communicate with our incarcerated clients throughout the state. As a law practice, those communications are privileged and confidential. The sanctity of that privilege, and the consequences of its violation, cannot be overstated. In order to represent people, we and our clients must be assured that our privileged communications are safeguarded.

The proposed changes to 103 CMR 481 hamper the attorney-client relationship and may violate the attorney-client privilege. Furthermore, the changes are overly broad and are not tailored to the stated concerns. Finally, implementation of the proposed changes will have additional consequences to the wellbeing of those who are incarcerated and their families, presenting significant obstacles to successful reentry. For these reasons, the New England Innocence Project opposes the changes and urges you to abandon them.

(1) Attorney-Client Relationship

The proposed changes – opening, copying/scanning, and allowing third party access to privileged mail – will undeniably interfere with a bedrock principle of the legal system, attorney-client confidentiality. Not only would officers – agents of the Commonwealth – be able to observe legal, privileged communications while processing mail, but the storage of the materials in the copier's/scanner's memory is itself a violation of the sacred attorney-client relationship.

The proposed changes represent a departure from long-held rules and values of the legal system – a system where DOC plays an enormous part and bears an enormous responsibility for its proper functioning. Every person in this system, especially the incarcerated, is entitled to have privileged communications with their attorney for the purpose of vindicating and upholding their rights. This is a fundamental right rooted in hundreds of years of legal tradition and operation. The proposed changes violate this principle and undermine the legitimacy and integrity of the system. Where a

chorus of attorneys and incarcerated individuals stand together opposed to these changes, they should be reconsidered.

(2) Overbreadth

With the stakes so high, any changes to the rules that may implicate the attorney-client relationship must be narrowly tailored to achieve its goals. The proposed regulation is far too broad and far too vague. These rules punish the vast majority of the prison population who do not have contraband in their mail in order to attempt to stop the very few who might receive it through the mail.

There is no data accompanying the proposed changes, demonstrating that (a) a significant percentage of the contraband (with confirmatory tests, not unreliable field tests) coming into the prison is delivered through mail, including privileged mail, and (b) implementing these changes would reduce the amount of contraband in the prison despite evidence that contraband is most often introduced through staff. Before overhauling the mail process for this stated reason, with the corresponding impact on attorney-client relationships and significant additional consequences, there should be evidence demonstrating both the need and that this proposal is narrowly tailored for that purpose.

(3) Additional Consequences

If attorneys are unable to be assured that their privileged communications will be safe if sent by mail, attorneys will have to make significantly more in-person visits to the prisons and will have to bring their privileged documents with them to share and review with clients. An exponential increase in visits, based on an inability to trust the mail, will overwhelm the current infrastructure at DOC that relies on only periodic attorney visits. Further, during the pandemic, when it is not safe for attorneys to visit in such numbers, attorneys deprived of the ability to have privileged communications will need to seek relief from the court to adequately represent their clients.

The proposed changes are at odds with a recognition of the importance of mail as a means for incarcerated people to maintain connections with the community. Those connections are *essential* to a successful reentry upon release, a responsibility squarely on the shoulders of the Department of Correction. These proposed changes will negatively impact incarcerated peoples' physical and mental health, their relationships with loved ones, and their dignity. A photocopy is simply not a substitute for a letter or photo sent by a loved one or friend. Additionally, we have seen – especially during this pandemic – that physical mail builds trust and connections between us and our clients. We know that these connections help our clients to be more responsive, engaged, and involved in their families and communities as well as with their legal cases. This connection is a critical component of a healthy and productive reentry. Indeed, anything that strains or severs connections between incarcerated people and their advocates, including their loved ones, sabotages their future success and should be considered a last resort. For all of these reasons, we strongly object to the proposed changes, without reservation or qualification.

Sincerely,

Radha Natarajan

Radha Natarajan
Executive Director

From: Radha Natarajan [REDACTED]
Sent: Friday, January 29, 2021 3:05 PM
To: Richard, Kathleen J. (DOC)
Subject: Written Comments to Proposed Changes to 103 CMR 481
Attachments: NEIP Objections to Proposed Changes to 103 CMR 481.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,
Please find attached comments by the New England Innocence Project to DOC's proposed changes to 103 CMR 481. Should you have any questions, do not hesitate to reach out to me.
Thank you.
Radha

--

Radha Natarajan
Pronouns: she/her/hers
Executive Director
New England Innocence Project
1035 Cambridge St., Suite 28A
Cambridge, MA 02141
617-945-0777



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Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Rachel Abbott [REDACTED]
Sent: Saturday, January 16, 2021 10:15 PM
To: Richard, Kathleen J. (DOC)
Subject: Regulation 103 CMR 481 amendments

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am writing in regards to proposed amendments to regulation 103 CMR 481 regarding inmate mail.

I believe the switch to photocopying on mail is highly detrimental for inmates and their loved ones, and at an unnecessary cost to the state. I have a loved one incarcerated in a facility where all mail is photocopied. The facility made the switch recently after she arrived there. Here is what I have observed:

1. Especially now, when visiting is so restricted, being able to touch the same piece of paper that your friend, family member, CHILD touched is a small but crucial form of connection. Taking that away is severing parents from children, husbands from wives, etc. This is at great emotional cost.
2. The photocopied mail is then destroyed in the inmates presence. This is such a sad thing, to think that the birthday cards and letters I've sent are destroyed and never actually in my loved

ones hands. More heartbreaking is imagining someone watching a beautiful color photo of their child or loved one shredded while they are handed a poor photocopy.

3. Photocopies are often poor. Photocopiers break, staff are rushed and make errors, photos are copied in black and white. This is absolutely horrible- imagine that you can't even see your child's face in color. All you have is a black and white image. Why must we inflict this unnecessary cruelty? We may make a law that says photos have to be in color, but please have some common sense and know that there will absolutely be times the color copier is out of ink and people get a black and white photo.

If photocopiers are broken, inmates should not be deprived of their legal US Mail.

The switch to photocopying mail is cruel, unnecessary, and costly. Please, avoid this dehumanizing practice and allow inmates to have some dignity in their relationships with family and friends.

Thank you,

Rachel Abbott

--

Rachel A

she/her

[REDACTED]

--

Rachel A

she/her

[REDACTED]

From: Rachel Abbott [REDACTED]
Sent: Saturday, January 16, 2021 10:15 PM
To: Richard, Kathleen J. (DOC)
Subject: Regulation 103 CMR 481 amendments

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

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1. Especially now, when visiting is so restricted, being able to touch the same piece of paper that your friend, family member, CHILD touched is a small but crucial form of connection. Taking that away is severing parents from children, husbands from wives, etc. This is at great emotional cost.
 2. The photocopied mail is then destroyed in the inmates presence. This is such a sad thing, to think that the birthday cards and letters I've sent are destroyed and never actually in my loved ones hands. More heartbreaking is imagining someone watching a beautiful color photo of their child or loved one shredded while they are handed a poor photocopy.
 3. Photocopies are often poor. Photocopiers break, staff are rushed and make errors, photos are copied in black and white. This is absolutely horrible- imagine that you can't even see your child's face in color. All you have is a black and white image. Why must we inflict this unnecessary cruelty? We may make a law that says photos have to be in color, but please have some common sense and know that there will absolutely be times the color copier is out of ink and people get a black and white photo.
- If photocopiers are broken, inmates should not be deprived of their legal US Mail.

The switch to photocopying mail is cruel, unnecessary, and costly. Please, avoid this dehumanizing practice and allow inmates to have some dignity in their relationships with family and friends.

Thank you,
Rachel Abbott

--

Rachel A
she/her



From: Leah Ackerman [REDACTED]
Sent: Thursday, February 04, 2021 4:36 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

From: Elizabeth Adams [REDACTED]
Sent: Tuesday, January 19, 2021 8:02 PM
To: Richard, Kathleen J. (DOC)
Subject: Public comment regarding DOC photocopying incoming mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Libby and I'm a resident of Arlington, MA. I currently have a pen-pal in MCI Shirley, he is someone that I have had the great pleasure of getting to know. I hear that the Department of Corrections is potentially going to start photocopying letters and other documents sent to those incarcerated in Massachusetts instead of giving the prisoners the actual letter/document sent to them from the outside. This seems like an unnecessary step that introduces complexity where none is needed and, especially, makes those who are imprisoned feel that much more isolated from the people who are sending them messages.

I know that letters are not as popular these days, with texting and emailing being so prevalent, but the art of letter writing is something that is dear to me as someone who is a bit older and wrote and received many letters across the years from friends and family. A great portion of the excitement of receiving a letter is not just reading the words on the page, it is also knowing that you are holding something that a loved one has held as well. It is the fact that a document has travelled a long distance and becomes a physical link to the person who means a great deal to you. Receiving a photocopy of a letter or a drawing is not the same as receiving the original.

It also means that people who work at the prisons are reading private letters and potentially confidential documents (that can be sent by an imprisoned person's lawyer). There is no good reason for this infringement of privacy by the Department of Corrections. People who are imprisoned already have almost no privacy, it seems like a small thing to at least allow them to keep their letters private.

I am hoping that the Department of Corrections will re-think this idea and find that it unnecessarily creates even more barriers between those who are imprisoned and the people who they depend on, love, and trust. Thank you for taking the time to read this comment.

Elizabeth (Libby) Adams
[REDACTED]

From: Mas Money [REDACTED]
Sent: Thursday, January 07, 2021 4:02 PM
To: Richard, Kathleen J. (DOC)
Subject: I OPPOSE!!!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I would like to oppose the proposed changes to the Department of Corrections Inmate Mail Regulations. The proposed changes are unnecessary and grant the D. O. C. unchecked authority while removing any and all protections for the inmate population and their families.

I strongly disagree with this and any other actions that will strip away the little rights and protections that an inmate is allowed.

Sincerely,
Xavier Adorno

The Real Cost of Prisons Project

Lois Ahrens

Director

5 Warfield Place, Northampton, MA 01060

lois@realcostofprisons.org • www.realcostofprisons.org

January 27, 2021

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

I am writing to you about my concern about the proposed revisions to 103 CMR 481 Department of Corrections mail rules.

I am the Founding Director of The Real Cost of Prisons Project. Over the last twenty years, I have written hundreds of letters to people incarcerated in Massachusetts' prisons. I believe the proposed regulations will do little if anything to stop contraband from entering prisons. They will eliminate important connections between people who are incarcerated and their loved ones, increase surveillance of prisoners and significantly slow the timely receipt of mail which has been made even worse by the on-going crisis of the U.S. postal service.

I am especially concerned about the proposed revisions concerning non-legal mail.

I correspond with people incarcerated in Pennsylvania and so I am familiar with their privatized mail system, Smart Communications. Smart Communications is in St. Petersburg, FL. Mail must first be sent there where it is scanned or copied and then sent to prisoners in Pennsylvania. Mail is often lost. Now rather than a letter between MA and PA taking four or five days, it can take more than two weeks. Ostensibly, this was to stop contraband from PA prisons. Contraband, even with no visits due to COVID and with the costly Smart Communications mail system, is still in Pennsylvania's prisons brought in by guards and staff. I adamantly oppose the privatization of any mail delivery system.

One has to wonder why the DOC is proposing these rule changes now. Does the DOC suspect or fear that incarcerated people are communicating more with their families and advocates about the conditions at Massachusetts' prisons? Are the proposed rules changes an attempt to intimidate correspondents and control the flow of information? Friends, family and allies are in need of information more than ever when so many prisoners are infected with COVID. Being able to communicate now is especially crucial since loved ones are quarantined or hospitalized and

some people as you know have been sent to die outside of the prisons without any information given to family members.

Is this another misguided and punitive attempt by the DOC to control contraband? Has the amount of contraband decreased now that only staff and guards can enter prisons?

Or is the DOC working to ensure that incarcerated people use tablets rather than continuing to use letters. Tablets can be very costly with kickbacks going to the DOC. As we all know, an electronic tablet is no substitute for an actual letter. An actual letter keeps people connected. If the DOC is concerned, as it repeatedly says, in ensuring connections between incarcerated people and their loved ones, eliminating actual letters, undermines these connections. And, what will happen to "letters" if the tablet is lost or damaged? Does this mean that the DOC or a private mail company will electronically store letters for years, even decades with every digitized letter in a DOC cloud or a privatized cloud? How will someone re-read a letter ten years from now, as one can do with a letter? Still, another egregious rule change is digitizing magazines, and newspapers which will further curtail and restrict the amount of information that prisoners can receive. It appears that the proposed regulations reflect still more ways the DOC is attempting to further control and isolate the people in your care.

I oppose the proposed damaging and costly rule changes.

Sincerely,

Lois Ahrens

From: Lois Ahrens <[REDACTED]>
Sent: Wednesday, January 27, 2021 1:07 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481 Department of Correction Mail Rules
Attachments: Proposed new mail regulations.dotx

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Dear Ms. Richard,

In advance of the hearing on Friday, please find attached my letter on the DOC proposed mail changes.

For people wishing to testify, is there a way to sign up to speak prior to Friday and is there a time limit on testimony?

Sincerely,

Lois Ahrens
[The Real Cost of Prisons Project](#)
[The Real Cost of Prisons Project on Facebook](#)

From: Samantha Akiha <[REDACTED]>
Sent: Friday, February 05, 2021 2:11 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathleen,

I am a Medford resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Samantha

From: Katie Aldrich <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Protect Incarcerated People

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Katie Aldrich and I live in Boston, MA. I am writing to voice my opposition to the Department of Corrections' proposed change to 103 CMR 481: Inmate Mail.

The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Please join me in opposing the DOC's proposed change to 103 CMR 481, and be in touch if you have any questions.

Thank you,
Katie Aldrich
Boston, MA
[REDACTED]

Dear Kathleen Richard,

From: Lili Allen <[REDACTED]>
Sent: Wednesday, January 26, 2022 7:50 PM
To: Richard, Kathleen J. (DOC)
Subject: I am writing to share with you how horrified I am by the 103 CMR 481 Department of Corrections mail rules. I am a concerned about the impact of the new rules on mail for people who are incarcerated, for several reasons.

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe. Insecure mail affects mental health: people absolutely need regular mail from loved ones to maintain their mental health and their connections with their families. This is important not just for mental health but for ensuring successful reentry upon release.

Mail is essential to letting incarcerated people know updates on their cases. These regulations will destroy confidentiality and cause delays in incarcerated people getting critical information about their cases.

Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Keep time limits on mail processing so mail is delivered as quickly as possible
- Ensure confidentiality by prohibiting photocopying
- Ensure confidentiality by eliminating the log of incoming mail

Regular communication with incarcerated people is essential to their mental health, re-entry, and active participation in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Lili Allen

Kathleen Richard, Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Jan 29, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

We are writing to you on behalf of Prison Book Program, one of the oldest free-books-to-prisoners organizations in the country located in Quincy, MA, in opposition to 103 CMR 481 mail restrictions.

We are alarmed that these proposed mail regulations follow a trend that we have seen across the country: Departments of Corrections (DOC) making prisoners rely on tablets to access their mail and reading material.

Tablets are unreliable. They break and take time to be repaired or replaced. Losing access to one's tablet is a common punishment for prisoners. Currently, people who cannot afford a tablet or have lost access to theirs use shared kiosks in their units, and because of the high demand to use these kiosks and limited time outside of their cells, prisoners do not have time to thoughtfully read or respond to CorrLinks emails using the kiosks.

We are concerned that by digitizing personal and legal mail, newspapers, and magazines, prisoners will have similarly unreliable access to what they receive in the mail. We are worried that these restrictions would lead to a move where books are only accessible by tablet, as facilities in other states have implemented, which require incarcerated people to pay in order to read.

Prisoners in Massachusetts make between 14 cents and \$1 per hour (<https://www.prisonpolicy.org/blog/2017/04/10/wages/>), people living in poverty are incarcerated at a disproportionate rate (<https://www.prisonpolicy.org/reports/income.html>), and incarceration leads to additional expenses and reduced income for prisoners and their families. This trend of making prisoners rely on tablets adds an additional burdensome expense for prisoners and their support networks. There is no excuse for the DOC and private companies to profit off the incarceration of our neighbors across the Commonwealth of Massachusetts.

It is an irresponsible use of taxpayer money during an already challenging economic period to devote staffing and resources to photocopying and digitizing the mail in a supposed attempt to solve a problem that does not appear to exist. Throughout the COVID-19 lockdowns, drugs have not disappeared from prisons despite visits being suspended and prisoners already

receiving photocopies of their personal mail. It is also disturbing that materials that are already in a prisoner's possession will be taken away and copied. It is unacceptable that the DOC has already purchased equipment in order to implement these proposed mail restrictions well in advance of this public hearing.

Prison Book Program has served tens of thousands of prisoners across the country for almost 50 years, and from this work we know how vitally important connections and communication with the outside world are for prisoners' mental and emotional wellbeing. The vast majority of Massachusetts prisoners will return home, and personal mail communications with loved ones while incarcerated is critical to maintaining relationships for a successful return.

Looking at a photocopy or reading from a tablet is just not the same as holding an original, handwritten letter. The texture and scent of a letter written by a spouse or a crayon drawing from a child add details that help with emotional impact and memory. Even a high-quality colored copy cannot compare to holding the same piece of paper that your child held.

One of our recent book recipients wrote to us:

"Being in prison is very hard. It is tougher than I have ever imagined. Being away from loved ones and locked away, sometimes forgotten with little to nothing to stimulate your mind can be depressing. The joy of having my own books is overwhelming. The library at our facility has been closed since March and to say that life has been slowly passing is an understatement. I'm going to truly enjoy these books. Your generous gift brought me to tears. It arrived with promise and hope that I will in fact survive because people do care."

People in prison are already isolated. Now is not the time to be taking away anything that can connect them to their support networks and aid in their return to their communities.

Thank you for your time,

Emma Lathan, Quincy
Alison Demong, Norwell
Erin Wentz, Somerville
Khadejeh Al-Rijleh, Boston

From: Khadejeh Al-Rijleh <[REDACTED]>
Sent: Friday, January 29, 2021 10:13 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony from Prison Book Program re: 103 CMR 481: Inmate Mail
Attachments: PBP Mail Restriction Testimony Jan. 2021 (1).docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen,

Please find attached Prison Book Program's testimony in opposition to 103 CMR 481. Let me know if you have trouble opening the document.

Sincerely,
Khadejeh Al-Rijleh

From: Craig Altemose <[REDACTED]>
Sent: Friday, January 29, 2021 11:11 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Prisoners are people too

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kay,

Thank you for taking the time to acknowledge and appreciate my comments. I am glad to go you are giving an extensive review of these regulations.

All my best,

Craig

--

Craig S. Altemose, M.P.P., J.D. (he/his)
Executive Director, Better Future Project
craig@betterfutureproject.org | (201) 841-7105

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On Fri, Jan 29, 2021 at 7:44 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Craig Altemose [mailto:]
Sent: Wednesday, January 27, 2021 9:40 PM
To: Richard, Kathleen J. (DOC)
Subject: Prisoners are people too

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen,

I have dedicated the last fifteen years of my life to fighting climate change, as I see it as the greatest threat facing humanity. Yet I find myself increasingly drawn to the movement around reforming our criminal justice system, given the grossly unequal distribution of penalties that fall upon Black and Brown people. While you cannot by yourself fix this problem, you can help ensure those imprisoned with Massachusetts are treated with as much dignity and respect as possible.

I am writing to you to please:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

Thank you for considering my request.

Craig

--

Craig S. Altemose, M.P.P., J.D. (he/his)
Executive Director, Better Future Project
craig@betterfutureproject.org | (201) 841-7105

[350 Mass](#), [CREW](#), and [Divest Ed](#) are programs of [Better Future Project](#).
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TO: The Dept. of Correction,
Legal Division
ATTN: Ms. Kathleen Richard,
Program Coordinator
70 Franklin Street, Suite #600
Boston, MA 02110

21 January 2021

RE: Objection to Proposed Changes of 103 CMR 481: Inmate Mail

Ms. Richard:

I'm writing to submit Objections to the proposed changes requested to **103 CMR 481: Inmate Mail**, and to inquire as to why inmates such as myself were not told of the Public Hearing in a more timely manner or allowed access to the Draft of the proposed changes more timely.

Ma'am, attached are my Objections and you should be aware that I'd been making the argument to the Courts already that the SOP allowing photocopying had been in vioaltion of **M.G.L. Ch. 30A, §2**.

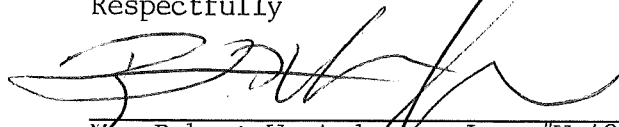
Upon receipt of this document I'd ask that a Receipt of Acknowledgement would be sent to me confirming your Receipt. (I'm also mailing it to two (2) Advocacy Groups I work with who are located in your Zip Code as a means of ensuring it's timely accepted.)

Also, I'd like answers to the following:

- a) The Memorandum is dated 5 January, why didn't we get thirty (30) days notice and why wasn't it posted until 11 January;
- b) Why didn't the DOC post it via e-mail to inmates considering that we are currently locked-in our Units due to COVID-19 and unable to have regular access to the Law Library;
- c) Why weren't inmates allowed to send Objections via e-mail as we have the ability for Staff E-mails once a "Contact" is established; and,
- d) Why doesn't DOC Legal Division list a "Contact" for inmate e-mails.

Thank you for your time and attention to this matter and I'll be anxiously anticipating your response in accordance with **103 CMR 491: Informal Complaint Resolutions SOP (2)** in an "expedient manner."

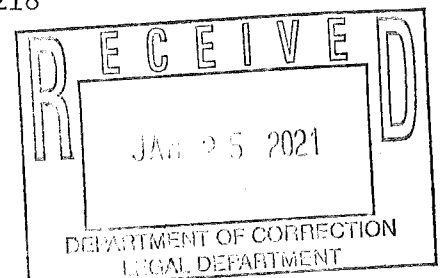
Respectfully



Mr. Robert W. Anderson Jr., #W-49457
MCI Shirley (Medium)
Harvard Rd., P.O. Box 1218
Unit D-1/09B
Shirley, MA 01464-1218

RWA/rwa

cc: Ms. Rebecca Schapiro, Prisoners' Legal Services
Ms. Nina Loewenstein, Esq. Disability Law Center
File
Encl:



**Objections to Proposed Changes of
103 CMR 481: Inmate Mail**

481.09 (3):

Proposed Change: REMOVAL OF: "delivered to the inmates, within 24 hours of collection and"

OBJECTION This would mean that Staff could take any amount of time to deliver an inmate's mail, and is especially concerning "time sensitive" documents going to or coming from a Court or Legal Advocate. Currently, they are required to deliver them to inmates and the Post Office within 24 hours of collection. There is NO valid penological purpose to change this.

481.11 (3):

Proposed Change: ADDITION: Procedures to photocopy incoming privileged (Legal) mail.

OBJECTION a) If the inmate is indigent he/she has no means to return original documents back to the sender;
b) Photocopiers today have MEMORY therefore a copy of the legal papers would be electronically stored in the copier's memory accessible to anyone who uses the machine and thus violating confidentiality;
c) Storing original legal work in accordance with **103 CMR 403.10 (2)(c)** again does NOT ensure safety and/or confidentiality as both Staff and inmates have access to the areas where the storage occurs; and,
d) Grieving the non-retention of legal work would be as futile as any other grievance because Institutional Grievance Coordinators aren't fair and unbiased.
Request to be informed how many times in past year ANY type of drug or other illegal substance came in through privileged mail, and how many instances Correctional Staff were found to be introducing some contraband or illegal substance.

481.12 (C)(1)(a):

Proposed Change: REMOVAL OF: "This includes the envelope."

OBJECTION This seeks to remove photocopying of incoming mail envelopes and should NOT be removed for the following reasons:

- a) Sometimes a correspondent an inmate doesn't know, I had a sister and cousin I didn't know begin to write me, will write them and the only way to know the Return Address is by the envelope. The same applies to a business/organization which may be writing an inmate for the first time;
- b) The postmark allows an inmate to know how long the article has taken to reach him, and not having access to it would allow a facility to hold onto an article of mail indefinitely and the inmate wouldn't be aware of it;
- c) Sometimes relatives will put a caring message or picture on the cover of the envelope; and,
- d) **There is no valid penological purpose served to warrant the change.**

481.12 (C)(1)(e):

Proposed Change: ADDITION: "At institutions for which the Commissioner has authorized the photocopying of incoming inmate non-privileged mail, the third party vendor (emphasis added) or Superintendent may provide either the original publication, work with the sender to obtain a digital copy of the publication, or create a single digital copy to forward to the recipient inmate electronically."

481.12 (C)(1)(e) (Cont.):

- OBJECTION: a) The DOC obviously plans to hire a "third party vendor" to process incoming inmate mail, however, this would mean there's no real accountability for lost or misdelivered mail. DOC will often tell an inmate he has to lodge a complaint with the vendor and there's no "on-site" representative to do so, or when writing a vendor an answer will never be received;
- b) Hiring a "third party vendor" to process incoming mail will only be a waste of taxpayer funds which should be allocated to toward rehabilitative programs;
- c) Currently, there's no means for publications with pictures to be downloaded to an inmate's Tablet. Therefore, an inmate would be denied part of the publication he has paid for.

PRIORITY ISSUE

481.12 (C)(1):

Proposed Change: ADDITION: "... The Commissioner may authorize a third-party vendor (emphasis added) to photocopy and process incoming inmate non-privileged mail. When incoming non-privileged inmate mail is photocopied, the third-party vendor and/or Superintendents shall ensure that the following directives are followed:"

- OBJECTION: a) USE OF A THIRD PARTY VENDOR! This means that a non-Correctional Staff person shall have access to inmate family addresses and/or photographs. There's nothing within the regulation which ensures these "third-party vendor employees" are screened with regards to possibly being sex-offenders or having psychological issues. Despite that personal information and addresses shall readily be accessible to those individuals with NO official supervision by the Dept. of Correction. Additionally, there's no accountability for lost or misdirected articles of mail. Currently, whenever an inmate attempts to address an issue to DOC's Contract Overseers the issue (or contract violation) will be disregarded. This will place inmate families at risk;
- b) This is a waste of taxpayer funds and misspent DOC funds which would be better allocated towards Inmate Rehabilitative Programs to assist with reentry;
- c) Currently Correctional Officers have difficulty when processing inmate mail and they are trained individuals, and mail is viewed as a "climate" issue by DOC Administrators. So placing mail in the hands of low scale third-party vendor employees would create a penological security issue which could incite inmates to be disruptive when mail is lost and there's no means to address it; and,
- d) There's no penological purpose served by this, and in fact it is DETRIMENTAL towards maintaining a positive penal environment.

103 CMR 481.12 (C)(2):

Proposed Changes: ADDITION: "An inmate shall receive notices of contraband as required by 103 CMR 403.15, **Inmate Property**, by way of paper or electronic notice, or electronic notification. The inmate may choose to have the original mail sent to a designated person at the inmate's expense."

OBJECTION: a) A paper copy may be need as an Exhibit in any legal proceeding so if only an electronic notice is provided this would deny an inmate the ability to present the notice in a legal proceeding; and,
b) Inmate Tablets "dump" messages and e-mails after six (6) months so these notices would not be preserved.

OMITTED SECTION:

Omitted from any part of the Draft Proposal is the schedule for destroying any non-privileged correspondence. Currently said Schedule is listed as part of 481's Standard Operating procedures and the omission implies that upon arrival any/all originals would be destroyed. **This needs to be addressed.**

From: Valerie Anderson <[REDACTED]>
Sent: Friday, February 05, 2021 4:37 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: [REDACTED]
Sent: Thursday, February 04, 2021 1:34 PM
To: Richard, Kathleen J. (DOC)
Subject: Prisoner's communications

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richard,
I am outraged that officials are proposing the destruction of inmate's original communications. Digitizing will make it so easy to alter information. No one should trust penal institutions to make these decisions. This makes it so easy to hide official misconduct in a system that is already highly secretive.
Furthermore, you deny inmates seeing their loved one's written word. In many cases that's the only connection they have.
Stop this dangerous act!
Thank you.
Debba Andree
Brookline

Sent from my iPhone

From: Joanna Anyanwu <[REDACTED]>
Sent: Thursday, February 04, 2021 5:52 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts affiliate writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Best,
Joanna

From: Gisele Aoun <[REDACTED]>
Sent: Wednesday, January 27, 2021 11:00 AM
To: Richard, Kathleen J. (DOC)
Subject: DOC mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Gisele Aoun and I live in Boston MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a pen pal with Black and Pink and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because this creates a barrier of communication between my pen pal and I. This is cause for concern when it comes to important legal documents that may need to be shared. These changes create a lot of uncertainty in the traceability and location of these documents. Additionally, these changes increase surveillance on prisoners without increased security.

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge you to consider different modifications that protect the prisoners access to reliable communication.

Thank you for your time,

Gisele

R

From: Arapi, Fjora <[REDACTED]>
Sent: Thursday, February 04, 2021 6:24 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

My name is Fjora Arapi and I am a student at Harvard Law School.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and future legal practitioner and the new rules for mail have created hardship for me, incarcerated people, and lawyers seeking to represent their clients.

Photocopying and monitoring personal and legal mail has a negative impact on me because as a student representative who works with those incarcerated in the Massachusetts DOC, I can't effectively represent my clients if I can't rely on the confidentiality of our correspondence. Attorney-client privilege is an ethical standard that the DOC should not be able to break through these changes. Moreover, every person has a right to privacy, whether or not they're incarcerated, and monitoring personal mail will undoubtedly have a negative impact on those incarcerated.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the Department of Correction to consider not making these changes.

Thank you for your time,

Fjora Arapi
J.D. Candidate 2023
Harvard Law School

Ms. Kathleen Richards
Program Coordinator
70 Franklin St Suite 600
Boston Ma. 02110-1300

January 10, 2021

Re: Objections to hearing and Mail regulations

Dear Ms. Richards,

I am objecting to the proposed Zoom meeting proposed for January 29, 2021 as substitute Public hearing on the mail regulations. The scheduled hearing violates APA Act. G.L.c.30A §2 as it is not a public hearing and deprives the general public without zoom or video access from participating in the public discourse over the mail regulations adoption.

Your January 5, 2021 memo notice does not identify the Executive Order number that allows the DOC to hold the hearing in this manner. The existing Executive order #31 mandates that everyone wear mask in public spaces, wash hands and social distance. This order however doesn't allow the Governor nor DOC to change the legislative format of the public hearing. Instead, it requires you to locate a space and adequate time for citizens to attend and voice their dissent or support.

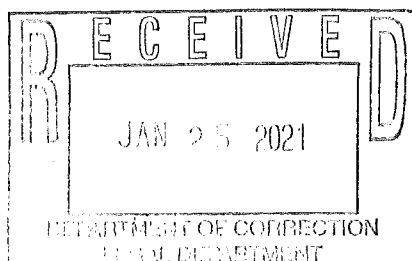
Lastly, the changes that the DOC seeks to add to the mail regulations exceed the Department's authority as authorized by the Legislators. Officials must advocate for these changes to be made through the legislative body for whatever the reasons it seeks these changes. Thus the present attempt violates G.L.c. 127 §87 as the legislators has not authorized this conduct.

Therefore, I request that the hearing be postpone until a public space and time will permit attendance for everyone who desires to be physically present to voice their dissent or support. Also that DOC do not move forward on the proposed regulations as they exceed the Commissioer's authority.

Sincerely

Randy Arias
Randy Arias

cc: File



From: Robin Armstrong <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed Changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am writing to express my opposition to the Department of Correction's proposed changes to 103 CMR 481: Inmate Mail. These changes will create possibilities for abuse, delay, isolation, and mistreatment of prisoners, with a serious impact on their mental health, connection to loved ones, access to information, and attorney-client privilege. As a resident of Massachusetts, I urge the MA DOC not to implement these changes.

Sincerely,

Robin Armstrong

From: paula a <[REDACTED]>
Sent: Wednesday, January 27, 2021 10:19 AM
To: Richard, Kathleen J. (DOC)
Subject: Stop violating incarcerated people's right to privacy and attorney-client confidentiality

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Paula Atkeson at [REDACTED] I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Thank you.

Sincerely,
Paula Atkeson

From: [REDACTED]
Sent: Friday, February 05, 2021 10:40 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. These new regulations take away basic human dignity of prisoners in the commonwealth.

Thank you.

Richard, Kathleen J. (DOC)

From: Annie Atwater <[REDACTED]>
Sent: Friday, February 05, 2021 2:41 PM
To: Richard, Kathleen J. (DOC)
Subject: No changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

When my best friend was prison, our letters back and forth were our lifelines. The tangible visual, tactile words on paper . Tablets delete messages after 30 days and you can't keep them when you leave . People need access to their messages of hope , advice , reminders of love without having to pay for them

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

From: Brittany Bahamon <[REDACTED]>
Sent: Wednesday, February 03, 2021 8:38 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sincerely,
Brittany Bahamon

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

January 29, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Lauren Bard and I live in Boston, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned citizen and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it violates basic dignity of those that are incarcerated. We should be seeking to CONNECT incarcerated people with their families and communities. They will return home! By delaying and depersonalizing their mail, they will be more disconnected from their loved ones, as timely information about rites of passage such as births, marriages, and deaths are such an important part of community. Not to mention, they will miss deadlines for court filings and other official business!

This proposed mail change is a waste of time and taxpayer money to address a problem of contraband entering by mail, that doesn't seem to actually exist to the extent you imagine.

I am opposed to the proposed changes to the regulations. Instead, I make the following suggestions:

- Develop policies to hold DOC staff members accountable, as they are the primary source of contraband inside DOC facilities.
- Eliminate the use of NARK-II field tests, which result in false positives and unduly deprive people of the right to receive harmless mail.
- Address substance abuse issues in real ways through treatment programs instead of practices that violate people's dignity and do nothing to address the actual issue.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Lauren Bard

From: Amy Baron <[REDACTED]>
Sent: Thursday, February 04, 2021 4:15 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Amy Baron
Needham, MA

From: Kathleen Bean <[REDACTED]>
Sent: Friday, January 29, 2021 3:05 PM
To: Richard, Kathleen J. (DOC)
Subject: DOC & mail delivery

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

This letter is to express my opposition to the DOC decision to change the way mail is delivered to people in prison. We know that mail, in the form of cards, letters and pictures, is essential to an inmate's connection to family and friends and also crucial to successful re-entry into the community, all of which lowers recidivism rates. Legal documents allow an inmate to be an important part of his/her court case. Shredded personal mail is simply not the same as receiving the original. Shredding documents is unacceptable and illegal.

Thank you for your attention to this important matter,

Kathleen Bean
[REDACTED]



Virus-free. www.avg.com

From: JP Beckta <[REDACTED]>
Sent: Sunday, January 10, 2021 2:29 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern: I wish to make public the following comments on the proposed changes:

1. 481.07 1 & 2: Outgoing mail should remain DOC employee; "Department" is legally meaningless;
2. 481.07 3: Should remain 'within 24 hours'. The USPS is slow enough without further delaying mail within the institution;
3. 481.11 3: Changes are completely unacceptable. You should not be writing about destroying original documents unless the inmate specifically asks you not to. There are many agencies that require originals of documents such as birth and death certificates. **A PHOTOCOPY IS NOT ACCEPTABLE**, EVEN WHEN ACCOMPANIED BY A NOTE FROM THE DOC SAYING 'WE SWEAR THAT THIS PERSON HAD THE ORIGINAL, HONEST. SIGNED, THE KEEPER OF RECORDS'. If you really think it is a problem, find a better solution.
4. 481 et seq: leave in "institutional" security. 'Security' alone implies security at other institutions, over which any given Superintendent does not have authority;
5. 481 et seq: "Their" is grammatically incorrect when referring to one person. Leave it he or she, his or her.

Thank you,
Joan P. Beckta

"If 50 million people say a foolish thing, it is still a foolish thing."-Anatole France

From: Amy Belger <[REDACTED]>
Sent: Thursday, February 04, 2021 4:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to 103 CRM 481 are unlawful

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts attorney writing to express my objection to the proposed changes to 103 CRM 481.

These proposed changes violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons.

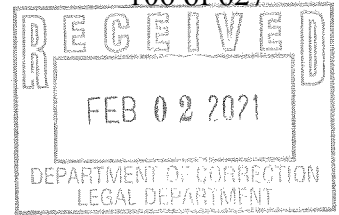
Please rethink this proposal so as to avoid needless litigation. It is an ill-conceived initiative.

Thank you.

Amy Belger

Public Comments Submitted to Department of Correction
Regarding proposed changes to 103 CMR 481

106 of 627



Ms. Kathleen Richards
Program Coordinator DOC
70 Franklin St Suite 600
Boston Ma 02110-1300

January 9, 2021

Re: Objections on proposed mail regulations

Dear Ms. Richards,

I oppose the new mail regulation changes authorizing photocopying of all incoming mail without any individual determination or reliable suspicion of wrong doing or contraband; third party electronic mail without individual consent for the service; and prior received mail treated as contraband upon transfer to another prison. Please note my objections as follows:

The removal of photocopying of a letter suspected of being contraband in 103CMR481.12(2) provisions to be replaced with proposed section 12(C) Photocopying of Incoming Non-Privilege mail section, allowing copying of all incoming mail as a matter of process removes the 1st amendment protections and state rights to privacy from the unlawful reading of incoming mail. The passage of provision 12(C) will render authorization for reading mail or replacing mail with copying determination by either the superintendent or Commissioner, as found in provisions 12(1) and 12(B) meaningless. As officers will have access to the letters wherever they're stored at. Thus there is no way to safeguard against this type of infringement under the proposed changes.

Even more troubling is how to understand 12(1) provision, if the Commissioner is the only person that can authorize photocopying of mail for those who pose serious concerns in relationship with 12(1)(a) which allows for photocopying of all mail at all prisons. The two provisions conflict as it appears section(a) seemingly suggest 12(1) is really obsolete or there's been a determination made against me that I haven't been informed of nor able to challenge.

In any case, the allowance of photocopying all incoming mail violates mail provisions 12(1) and 12(B) as proposed and is not authorized by the enabling statute of G.L.c. 127 §87.

Third party mail vendor as proposed by the mail regulations raises the same objections and should be only optional upon a inmate consent. To maintain the proposed vendership and use as presented violates the enabling statute of G.L.c.127 §87.

Scanned

2. of objections letter

As a result of the latter objections, I submit the forced disposal of all previous mail in a inmate's property to be eletronically down loaded or destroyed violates 103CMR403.10 property rights for retention of personal property permitted and again is not authorized by the enabling statute G.L.c.127 §87

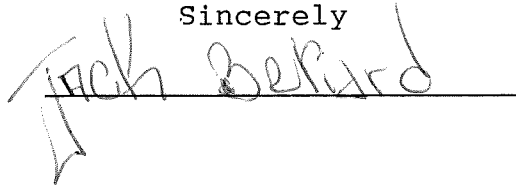
In other words, the Commissioner does not have authority to change the mail statute. She must seek these changes through legislators.

Lastly, the Commissioner's schedule January 29, 2021 zoom/ video meeting violates G.L.c.30A §2. As the memo presented dated January 5, 2021, indicates that Governor Baker's executive order permits this action makes no mention of what executive order authorizes this conduct. The only existing Executive order #31 mandates that everyone wears a mask in a public space, handwash, and socially distance. Mr. Baker has no authority to change the legislative process of G.L.c.30A§2. Therefore the schedule video/zoom meeting does not constitute a Public Hearing. The Commissioner must conduct the Public hearing in a forum that allows access to those interested to attend and observe the Executive order mandates or otherwise delay these proceedings until the conclusion of the pandemic.

Thank you for your attention in this matter.

cc:

Sincerely

A handwritten signature in dark ink, appearing to read "Jack Berard", is written over a horizontal line.

From: Caroline <[REDACTED]>
Sent: Friday, February 05, 2021 11:03 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Caroline Belle Stewart

From: Lauren M. Bellis <[REDACTED]>
Sent: Wednesday, January 27, 2021 3:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Lauren and I live in Lowell, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with incarcerated loved ones and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it violates the rights of my incarcerated friends and family. They have the right to have their legal mail kept private. They have the right to access their personal mail to communicate with their loved ones. It is essential for their mental health and prosperity.

An example of a negative experience I have had with DOC mail is when I sent my incarcerated loved one a letter and one of the pages was not photocopied. He had to read the letter with a page missing and the information on the page was important & personal.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Provide intensive substance abuse programs to incarcerated individuals in an effort to eliminate the demand for drugs and the need to photocopy mail.
- Allow non-photocopied hard-copy mail to be distributed so that incarcerated people with disabilities do not have to use symptom triggering tablets.
- Involve people who are currently incarcerated at the DOC in this conversation so that you can better understand how these changes impact them personally.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an improvement that I urge the Department of Correction to consider.

Thank you for your time,

Lauren

Happy
Holidays!



From: MASC coalition account <[REDACTED]>
Sent: Friday, January 29, 2021 10:00 AM
To: Richard, Kathleen J. (DOC)
Subject: card from my daughter
Attachments: IMG-1892.jpg

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.



This card is from my daughter when I was inside, I kept it from 2007 it meant the world to me. All family mail is personal and important. It is a connection to the family you left behind to touch it made me feel closer to them. I feel it is a federal violation and just awful for the DOC to keep or copy anyone's mail. It should be illegal and there are many ways the prisons already violate the rights of the people. Let us not allow them to do this to people. Mail call and getting mail is something everyone looks forward to. It is a major part of our lives. Just as it is when you receive mail at home. Let us not go down this road and try to keep from causing more harm to people. Thank you for reading this.

Cassandra Bensahih

MASC statewide coordinator and Senior Organizer, UU Mass Action

masccordinator@gmail.com

" Without inner change, there can be no outer change, without collective change, no change matters." - Rev. Angel Kyodo Williams, Sensei

From: Cara Bergantino <[REDACTED]>
Sent: Friday, February 05, 2021 4:27 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident, and I have several friends and loved ones who are incarcerated in DOC facilities. I am writing to express my strong objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order.

I am also deeply concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

In addition, removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

Sincerely,
Cara Bergantino
Boston, 02130

--

Cara Bergantino Assistant Director Camp Encore/Coda [REDACTED]

From: Owen B [REDACTED]
Sent: Friday, January 29, 2021 9:02 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Owen Berson and I live in Somerville.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it creates further disconnection and isolation between incarcerated people and their loved ones and support systems, creating additional barriers to mental health and re-entry.

I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. A scanned version of personal mail is also no substitute for touching and holding the same piece of paper a loved one held. I urge the Department of Correction not to implement these new detrimental mail restrictions.

Thank you for your time,

Owen Berson

From: Gabrielle Cool <[REDACTED]>
Sent: Thursday, February 04, 2021 6:23 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Gabrielle Bertrand

From: Amanda Benwell <[REDACTED]>
Sent: Thursday, February 04, 2021 7:43 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Maine resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Amanda Benwell

Sent from my iPhone

From: Joseph Betsy <[REDACTED]>
Sent: Thursday, February 04, 2021 4:56 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Betsy Joseph

From: Tamiko Beyer <[REDACTED]>
Sent: Wednesday, January 27, 2021 10:05 AM
To: Richard, Kathleen J. (DOC)
Subject: Photocopying mail of incarcerated people

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

• Dear Ms. Richard,

I am writing to express my concern about new regulations that would give the Department of Corrections the authority to open, read, and photocopy all incoming mail, both legal and personal. This practice poses a huge threat to incarcerated people's protected rights to attorney-client confidentiality and to privacy. As you may know, a [similar practice was overturned in Pennsylvania](#) several years ago because of its violation of incarcerated people's constitutional right to receive mail.

I am writing to ask the following:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense. Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

I look forward to hearing back from you on this matter.

Sincerely,
Tamiko Beyer
Dorchester, MA

--

Tamiko Beyer
she/her

Tamiko Communications
tamikobeyer.com

From: Melissa La Bianca <[REDACTED]>
Sent: Sunday, January 31, 2021 1:24 PM
To: Richard, Kathleen J. (DOC)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I'm a concerned member of the community and I have significant objections to the proposed rule changes for DOC mail processing put forth in 103 CMR 481: Inmate Mail.

Not only will the proposed regulations create unnecessary hardship for incarcerated people with no corresponding increase in public safety, they also represent a significant waste of my tax dollars.

Regulations should allow incarcerated people regular access to mail from friends, family, loved ones, and legal professionals. Imagine getting a scan of your child's crayon drawing rather than the drawing itself? It is cruel—and not beneficial to the community—to continually erode any meaningful connections between incarcerated people and the support systems they need for mental health, successful reentry into society, and full participation in the legal system.

I urge the department to reconsider and reject these unnecessary and wasteful changes.

Sincerely,
Melissa LaBianca
Hyde Park, MA

--

Melissa LaBianca

Safer Beauty Ambassador
<https://www.beautycounter.com/melissalabianca>
FB: <https://www.facebook.com/groups/223094085057762/>
IG: <https://www.instagram.com/mammastrying/?hl=en>

From: Ciana Biasi-Smiley <[REDACTED]>
Sent: Friday, February 05, 2021 4:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

--

Ciana Biasi-Smiley
She/Her/Hers
Harvard College, Class of 2021

From: Helena Bigelow <[REDACTED]>
Sent: Friday, February 05, 2021 8:01 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Helena Bigelow

From: Sarita Biswas <[REDACTED]>
Sent: Friday, February 05, 2021 4:40 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Olivia Blackmon <[REDACTED]>
Sent: Monday, March 29, 2021 4:43 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Olivia Blackmon

From: Tommy Blain <[REDACTED]>
Sent: Friday, February 05, 2021 2:27 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Tommy Blain and I live in Jamaica Plain.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community, and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because I believe that everyone has the right to send and receive correspondence, even while incarcerated. I also correspond with members of the correctional system, and this places an undue burden on our ability to write to each other.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- All are able to send legal mail without being photocopied or monitored.
- The DOC does not implement this new policy, and instead maintains the current policy allowing the exchange of mail without monitoring and photocopying.
- The DOC finds other ways to ensure health and safety that don't infringe on personal liberties.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

From: Emily Bloomenthal <[REDACTED]>
Sent: Tuesday, February 02, 2021 11:44 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Emily Bloomenthal and I live in Boston, MA.

I am writing to oppose the proposed changes to Department of Corrections mail rules (103 CMR 481).

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the DOC to revise the proposed changes to the regulations in order to address the concerns raised by people who are incarcerated and the people who care about them.

Thank you for your time,
Emily Bloomenthal



Virus-free. www.avast.com

From: Kira Bornemann <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:26 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen,

My name is Kira Bornemann and I live in Salem, Massachusetts. I am writing to you to express my issue with the Department of Corrections's proposed change to 103 CMR 481: Inmate Mail. I know these changes are being proposed with the claim that they will improve security. The reality is they will provide more opportunities to abuse, isolate, and mistreat incarcerated people, including a dear friend of mine who is currently in prison. It would harm my friend's mental health along with that of his comrades, damage their connections to loved ones, access to information, and attorney-client privilege.

Sincerely,
Kira Bornemann

From: Angelique Bouthot <[REDACTED]>
Sent: Saturday, January 30, 2021 11:06 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 DOC Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathleen,

My name is Angelique Bouthot and I live in Millbury, MA. I'm writing to share the impact of the 103 CMR 481 DOC mail rules. I'm a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends, loved ones, and community members.

Photocopying and monitoring personal and legal mail has a negative impact because it compromises emotional and legal privacy that correspondence provides to incarcerated people. I'm opposed to the proposed changes to the regulations, because we should be encouraging correspondence more readily. Maintaining relationships over the wall facilitates positive re-entry experiences and keeps incarcerated people involved and informed of their legal, familial, and community commitments.

Regular communication with incarcerated people is essential to their mental health, re-entry, and active participation in the legal system. We need regulations that allow incarcerated people regular access to mail from their legal professionals, friends, and loved ones. Their health and wellbeing depend on it, and these proposed changes allow for many opportunities for legal mail to be compromised.

Please consider community suggestions to these regulations.

Thank you,

Angelique Bouthot

From: Catey Boyle <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposing DOC change to 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Catey Boyle, resident of Cambridge, MA. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Thank you for reading,
Catey Boyle

--

--

Catey Boyle
[REDACTED]

From: Matthew Bramall <[REDACTED]>
Sent: Thursday, February 04, 2021 4:55 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Matthew Bramall

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

January 29, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Lauren Bard and I live in Boston, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned citizen and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it violates basic dignity of those that are incarcerated. We should be seeking to CONNECT incarcerated people with their families and communities. They will return home! By delaying and depersonalizing their mail, they will be more disconnected from their loved ones, as timely information about rites of passage such as births, marriages, and deaths are such an important part of community. Not to mention, they will miss deadlines for court filings and other official business!

This proposed mail change is a waste of time and taxpayer money to address a problem of contraband entering by mail, that doesn't seem to actually exist to the extent you imagine.

I am opposed to the proposed changes to the regulations. Instead, I make the following suggestions:

- Develop policies to hold DOC staff members accountable, as they are the primary source of contraband inside DOC facilities.
- Eliminate the use of NARK-II field tests, which result in false positives and unduly deprive people of the right to receive harmless mail.
- Address substance abuse issues in real ways through treatment programs instead of practices that violate people's dignity and do nothing to address the actual issue.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Lauren Bard

From: Jen Bray <[REDACTED]>
Sent: Friday, February 05, 2021 8:16 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Jen McCarthy

From: Gracie Brett <[REDACTED]>
Sent: Thursday, March 04, 2021 5:10 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

--

Gracie Brett (she)
Sr. Campus Organizer, Divest Ed
gracie@betterfutureproject.org | (817) 983-1434

[350 Mass](#), [CREW](#), and [Divest Ed](#) are programs of [Better Future Project](#).
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From: BP Legal <[REDACTED]>
Sent: Friday, January 29, 2021 4:26 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Thank you for the opportunity to provide input on the proposed changes to 103 CMR 481 regarding inmate mail. While there are several concerns, there are a few which have the potential for significant, widespread, detrimental impact.

481.11(3) Changes to the privileged mail regulation effectively render the mail as unprivileged. The copy machine has memory and storage capabilities which means that the sensitive, legal documents would be for mass disbursement. Allowing the DOC to hold onto originals, return to send at inmate expense or shred originals is unacceptable. Having to file a grievance in order to get the original is an exercise in futility, because in addition to this being a lengthy process, the revised regulation supports the withholding of original legal mail.

481.12(B) The DOC already photocopies all non-privileged mail. Sending the mail out to a third-party vendor adds an unnecessary delay. Incarcerated persons enjoy keepsakes such as cards and drawings from children. This is a simple pleasure with a huge impact on state of mind. While it is not optimal, a photocopy replication of a greeting card is better than an electronic version.

481.07(3) Removal of the 24-hr delivery requirement allows opportunity for staff to abuse and threaten incarcerated persons by withholding mail from family and friends. Imagine getting a birthday card a month or two after your birthday. In addition, removing the 24-hr requirement for mail to be collected from incarcerated persons and delivered to the post office poses similar results. Imagine the disappointment Mother's Day card mailed timely but received on Halloween.

This restriction poses a further hinderance on an incarcerated person's ability to effectively pursue pro se litigation. The court allows a small window for mail. Removing the 24-hr collection to post office requirement allows for a pro se litigant to negatively and directly affect the outcome of the legal matter.

Thank you for your time and consideration
The family and supporters of Brian J. Peixoto

From: Bridger Gordon <[REDACTED]>
Sent: Friday, February 05, 2021 12:28 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Bridger Gordon

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Lori Brizuela, B.S. in Biostatistics, and I live in Brookline, MA.

I would like to start by stating how inappropriate and unlawful it was to suddenly end the live testimony Zoom call this morning without letting people know where and when we can join the call again. This is not what a democracy looks like.

Now that I have said that, I am writing to share with you how I am personally impacted and why I do not support the 103 CMR 481 Department of Corrections mail rules.

I am the daughter of a formerly incarcerated person and the new rules for mail are concerning and ultimately, have disturbed me enough that I am taking the time to write to you today.

The proposed mail changes, such as photocopying and increased monitoring of personal and legal mail, infringes on the constitutional rights of incarcerated peoples and those who write to them. The proposed changes violate lawyer and client confidentiality laws and puts incarcerated peoples at a higher risk of being harassed and violated by correctional officers (COs). This will give third parties and COs the power to withhold mail that should actually not be flagged- we cannot trust the DOC and their employees to be fair and just when deciding if mail should be flagged or not. Further, photocopying mail takes away the little human connection and comfort incarcerated people are given through hand-written letters, drawings made by their children, and being able to see where someone smeared or dropped a tear while writing to their incarcerated loved one.

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Lori B.

From: Lori Brizuela <[REDACTED]>
Sent: Friday, January 29, 2021 12:36 PM
To: Richard, Kathleen J. (DOC)
Subject: Public Hearing on 103 CMR 481 Department of Correction Mail Rules
Attachments: Letter_to_DOC_RE_mail_rules.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen,

Please see my attached testimony against the proposed mail rules by the DOC.

Thanks,
Lori B.

B.S. in Biostatistics
R.A. at Boston Children's Hospital
[REDACTED]

From: Lydia Broderick <[REDACTED]>
Sent: Thursday, February 04, 2021 4:48 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

January 22, 2021

Kathleen Richard
Program Coordinator
Department of Correction
70 Franklin Street, suite 600
Boston MA 02210

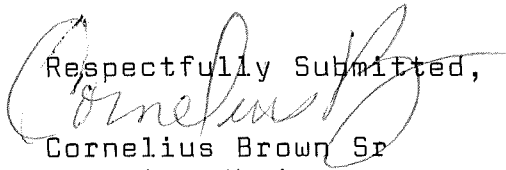
RE: 103 CMR 481: INMATE MAIL
PUBLIC HEARING OPPOSITION

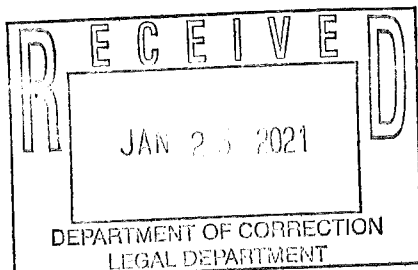
Dear Ms. Richard,

Please accept the enclosed letter as my opposition to the January 29, 2021, Public Hearing for 103 CMR 481: INMATE MAIL.

Thank you for your cooperation into this matter.

Respectfully Submitted,


Cornelius Brown Sr.
Minority Chairman
Norfolk Inmate Council



Dear Concerned Parties,

My name is Cornelius Brown and I am currently housed at MCI-Norfolk. I am submitting this opposition to the proposed amendments for 103 CMR 481: INMATE MAIL.

In my official capacity as MCI-Norfolk's Minority Chairman. I have witnessed the many failures associated with the illegal SOP which gave the Department of Corrections (DOC) the authority to copy all in-coming mail except for all Privileged Mail. The DOC overstepped their boundaries, whereas, Non-Privileged Mail was being copied without care. Prisoners were receiving correspondence which weren't addressed to the. Letters were very difficult to read due to the fact the photocopies were not copied in its complete entirety. Not only that, personal cards were not copied in color and were incomplete just as the letters. Multitudes of Grievances and Lawsuits were filed to combat these blanket punitive policies.

I am completely opposed to any Correction Officer at any facility being allowed to photo copy Privileged Mail (period). The fact that the DOC wishes to perform the illegal act in the Prisoners presence, does not negate its wrongdoing. Moreover, in the case of a faulty copy. It is alleged that the original shall be stored in the machines's memory and can be re-copied if an Inmate complains of missing, lost or incomplete content. This procedure turns Privileged Mail into Non-Privileged Mail by the act alone. For example: shall a Prisoner trust that each designated Correction Officer whom performs the copy will erase the legal content from the copy machines and or never view the material. In my opinion, one cannot ensure that this will never happen. I also believe that Legal Mail needs to arrive as the original document in case courts require so. So therefore, I emphatically oppose 103 CMR 481:11 (3).

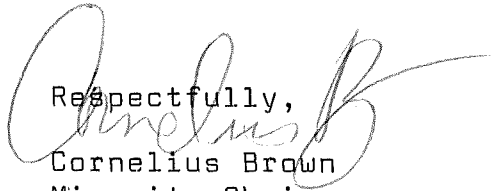
I have the same sentiments in regards to 103 CMR 481.12(c).1(a). At no time should my CORI be violated by allowing a third party to scan my mail. Regardless or not if the material is uploaded unto tablet device which is so cruelly outlined in 103 CMR 481.12(C).1(a).

- (a) All inmates shall receive a photocopy of all authorized non-privileged mail addressed to them. An electronic copy of the photocopy shall be sufficient if the inmate possesses an electric tablet which permits the inmate to read and store mail.

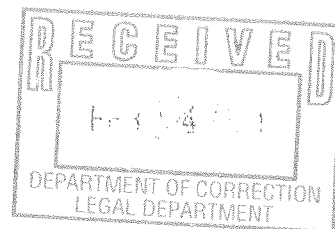
Photocopies alone devalue letters, cards, etc. Yet, the DOC choses to add salt to the wounds even further by implementing sub-section (a). All the sentimental purpose of mail has been destroyed. The mere simplicity of perfume scent can and is monumental to the incarcerated. So on their behalf and mines. Please do not promulgate the proposed amendments.

I trust that this addresses your concerns.

Respectfully,


Cornelius Brown
Minority Chairman,
Norfolk Inmate Council

Kathleen Richard Program Coordinator
Department of Correction
LEGAL DIVISION
70 FRANKLIN STREET SUITE 600
BOSTON MA 02110



RE: 103 CMR 481: Inmate Mail Comments

Dear Kathleen Richard, Program Coordinator

Salutations.

I thank you for the Public Notice and Draft of 103 CMR 481: Inmate Mail. I hereby make comments.

1) At 103 CMR 481:1(3) paragraphs 2,3&4 should not be adopted.
"2.. Inmates also have the right to send and receive information, subject to limits "reasonably related" to legitimate penal interests. Specifically, incoming correspondence may be prohibited if it is "detrimental to the security, good order, or discipline of the institution or, " might facilitate criminal activity." (41 Geo. L.J. Ann. Rev. Crim. Proc. (2012) p1033).

The proposed wording has to do with not providing the inmate with the original privileged mail sent to the inmate. A photocopy of said originals shall be provide. The danger that a letter from an attorney, an officer of the court, will contain contraband is ordinarily too remote and too speculative to justify the 103 CMR 481 Inmate Mail to not allow providing the original privileged mail to an inmate. What the proposed wording implies is that the Commissioner, Governor, Judges, Attorneys, Senators, Representatives are dishonest, rogues, black-guards, scamps, knave, snake in the grass, wolf in sheep's clothing, sneak, scum of the earth, scally wags, etc. That includes Doc attorneys.

When an attorney mails original documents to an inmate the attorney should expect that those original documents are given to the inmate.

(1)

Wherefore, the proposed wording should not be adopted.

2) At 103 CMR 481.12(C) Photocopying of Incoming Non-Privileged Inmate Mail, there is wording about photocopying non-privileged inmate mail. That should not be allowed, especially with the suggested third-party vendor. Inmates should receive the original mail sent to them.

Further, it states "An electronic copy of the photocopy shall be sufficient if the inmate possesses an electronic tablet which permits the inmate to read and store the mail." 103 CMR 481.12(C)(1)(a). That interferes with U.S. Postal Mail.

I recently got a Score 5 (tablet) which I named Johnny 5. Johnny 5 needed input. At this time Johnny 5 has Access Catalogs, 11 songs, 4 Access Corrections videos, 1 Additional Game, 64 Books and we watched one movie. Johnny 5 does not want any electronic copy of letters. Johnny 5 does not have a feature for electronic copy of letters.

Furthermore, staff break inmate tablets. The proposed wording shall encourage staff to keep breaking tablets.

I hereby petition to adopt this wording at 103 CMR 481.12(C)(1)(a). "Any officer or employee in any correctional institution of the commonwealth who breaks a tablet shall be forthwith removed by the commissioner pursuant to M.G.L.c. 127 § 12. The inmate shall be given triple damages."

Perhaps it is time to have a U.S. Postal employee deliver the US mail to inmates.

Thank you for your consideration.

Date: 01/15/2021
pc file

Stay Safe

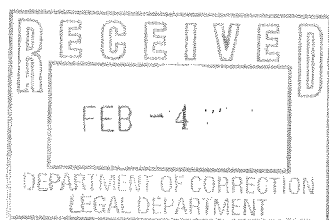
Howard B Brown

HOWARD B BROWN W34824

SBCC

PO BOX 8000

SHIRLEY MA 01464-8000



From: J blanco <[REDACTED]>
Sent: Thursday, January 07, 2021 12:07 PM
To: Richard, Kathleen J. (DOC)
Subject: Prison lives matter

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

My name is Giovanni Buchanan and I am currently a inmate at MCI-Norfolk. This letter is in regards to 103 CMR 481: Inmate Mail. Nothing about the current Covid-19 Explosion should be a surprise. As the virus spread throughout summer and fall, experts repeatedly warned winter would be worse. The Massachusetts D.O.C failed to take precautions and protect thousands of prisoners. During this recent surge there has been no visitation in M.C.I Norfolk. The Mail and E-mail correspondence is how prisoners are still able to have connections to family and friends. By the D.O.C photo copying all in coming mail it takes away the sentimental value of the mail. Every prisoner is not trying to smuggle drugs through the mail into the facilities and every prisoner has been treated as if that was the case. There are times where the mail is not photocopied correctly and missing words or cut off. We are denied being able to receive a card from our loved ones and the question we should really be asking is Why? Photocopying the mail adds to the many dilemmas that makes our prisons hostile environments. Has photocopying the mail stopped what it was designed for? The answer is no it has not, so why is it that we do not want to allow a father or mother to receive a picture their child drew or a birthday card or even a anniversary card? inmates are charged for all corresponding that they engage in, video visits, phone calls, emails, and mail. The families of these people don't deserve to be punished and neither do the inmates that are incarcerated for the sole purpose of rehabilitation not punishment which we seem to confuse the two. We would like for all incoming mail to be delivered to the recipient as is, unless there is some form of evidence or investigation that ignites suspicion that a inmate is smuggling drugs into a facility. The administration of these facilities has hired and trained officers to do investigations. As of now every prisoner has basically been deemed guilty to the allegation of smuggling drugs. Please take into consideration the times we are in and how this pandemic has effected all of our physical health and mental health. The D.O.C should be planing how to keep inmates in contact with loved ones now more then ever. In reality the D.O.C has failed to follow the protocols and regulations that were put in place in regards to this matter as is. Help us make it through this time of hardship and show transparency for those incarcerated and their families. Thank you.

Giovanni Buchanan
C.E.O Of Prison Lives Matter

Sent from my iPhone

From: Ehab Buhaisi <[REDACTED]>
Sent: Tuesday, February 02, 2021 6:48 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Ehab Buhaisi, and I live in Dracut, MA. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Correction mail rules.

I am a concerned member of the community, and the new rules for mail have created hardship for me and my incarcerated friends and loved ones. Photocopying and monitoring personal and legal mail has a negative impact on me because incarcerated people are still people. It is unconscionable to put them in cages to begin with, but to then strip them of the basic human rights to decency, privacy, and agency is evil, hateful, and oppressive. I am not incarcerated, but I am governed by the Commonwealth of Massachusetts, which includes its Department of Correction. As a human being governed by your Department, I *do not* consent to these new rule changes, and **that to which I do not consent for myself is the same as that to which I do not consent for the incarcerated population of Massachusetts**. In simpler terms, I want for them what I want for myself, and, frankly, you should too.

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health. It is necessary for their re-entry, and it is necessary in order for incarcerated people to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, loved ones, and anyone else who cares about their status as members of our human society. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Ehab Buhaisi

From: Bridget Burgoyne <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathleen,

My name is Bridget Burgoyne, living in Jamaica Plain, MA. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Folks who are incarcerated are an extension of our community and deserve to be treated with basic human decency.

Thank you for your consideration of my feedback and for re-considering these changes.

Bridget

--

Bridget Burgoyne
[REDACTED]

From: salvation burnette [REDACTED]
Sent: Friday, February 05, 2021 8:48 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Sal Burnette, and I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search the guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline (particularly for queer and trans people) and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you for your time.

-sb

From: Soph <[REDACTED]>
Sent: Thursday, February 04, 2021 5:54 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Sophia and I am a community member.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because I have to come to terms with the fact that our government and community is not respecting people's rights in the corrections department by violating attorney-client privilege and create potentially damaging delays in communication.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Regulate what mail is photocopied (ex. no legal communication is photocopied)
- Create a system where photocopying is done without anyone getting an opportunity to read mail that is not for them
- Better testing and upkeep of the incarcerated's health so that photocopying mail is not seen as "necessary"

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

From: M Capwell <[REDACTED]>
Sent: Sunday, January 31, 2021 6:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Don't change the mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

I am writing to express my opposition to changing the DOC mail regulations to monitor and photocopy incoming mail and to eliminate the time limit on DOC mail processing. All of the proposed changes in mail regulations violate the privacy of incarcerated people and their loved ones, endanger attorney-client privilege, and will result in further isolation for incarcerated people. In addition to these concerns about privacy, I believe that the potential for increasing isolation for people inside through enacting this policy cannot be understated. Incarceration is already isolating in and of itself, and eliminating a tangible way that people can remain connected with their communities through holding physical mail (especially during a pandemic which has caused so much increasing harm and isolation) is unconscionable. If we ever hope for those incarcerated to find healing, we must do everything we can to support their continued community connections, not diminish them with harsh new mail regulations.

Please consider halting the proposed changes to the DOC mail regulations.

Thank you,
Mac Capwell
Roslindale, MA

From: Gary Carlson <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Gary Carlson from Arlington. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Thank you for your attention to this matter.

-Gary Carlson

From: Madaline Carnabuci <[REDACTED]>
Sent: Thursday, February 04, 2021 10:07 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Madaline Carnabuci
Brockton, MA

From: Matt Carroll <[REDACTED]>
Sent: Friday, January 29, 2021 3:55 PM
To: Richard, Kathleen J. (DOC)
Subject: MA DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richards:

Preventing prisoners from receiving paper mail is unacceptable. Scanning and reading mail sent to prisoners is unacceptable. Shredding mail sent to prisoners is unacceptable. Keeping tabs on who writes to prisoners is unacceptable. Not delivering mail from prisoners in a timely fashion is unacceptable.

Sincerely, Matt Carroll

From: Amanda <[REDACTED]>
Sent: Thursday, February 04, 2021 4:12 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Ellie Carver <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 Change

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am Ellie Carver a Cambridge Resident. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impacts on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Thank you for considering, Kathleen.

Best,
Ellie

From: Anthony Cason Davis-Pait <[REDACTED]>
Sent: Friday, February 05, 2021 11:46 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. As someone who has written incarcerated individuals, this issue feels very personal for me.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Anthony Davis-Pait, Somerville

From: Ethan Casteel <[REDACTED]>
Sent: Thursday, February 04, 2021 11:08 AM
To: Richard, Kathleen J. (DOC)
Subject: I object to the implementation of new rules under 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello-

I'm writing to voice my objection to the changes to the rules for sending mail to DOC facilities under 103 CMR 481. I write to a friend who is incarcerated at MCI Shirley and it is important to both of us to be able to have permanent paper copies of the letters we send and also to have the additional connection of having shared the same piece of paper.

Thanks for your consideration

Ethan Casteel,
Somerville MA

From: Elsa Catil <[REDACTED]>
Sent: Friday, February 05, 2021 5:45 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Samantha Caveny <[REDACTED]>
Sent: Saturday, January 30, 2021 11:22 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Dear Kathleen Richard,

My name is Samantha Caveny and I live in Somerville. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules. I am a person with incarcerated loved ones and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it prevents me and my incarcerated loved ones from receiving mail that has been physically touched by one another, especially art and letters that help us feel close to one another.

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health and re-entry and is necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Samantha Caveny

From: marci cemenska <marci_ [REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Protect Incarcerated People

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I understand that MA DOC is lobbying to extend their control of incarcerated people's communications - specifically 103 CMF 481: Inmate Mail.
But we all know that staying in touch with loved ones is key to mental health and successful re-entry.
These proposed changes represent a racist and punitive extension of surveillance.
Please stop reading, photocopying, and confiscating incoming mail, and stop violating incarcerated people's right to privacy and attorney-client confidentiality.

Marci Cemenska
Lexington, MA

Kathleen Richard, Program Coordinator
Department of Corrections
70 Franklin Street, Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

January 28, 2021

Re: 103 CMR 481 Department of Correction Mail Rules – Public Hearing

Dear Kathleen Richard,

My name is Betsey Chace and I live in Cambridge. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am friends with some incarcerated people, who I sometimes correspond with by mail, and know many loved ones of incarcerated people as well as lawyers who work with people behind bars. I also believe deeply that government should never pass regulations that are designed purely to cause distress, inconvenience and cruelty against our citizens and have no actual utility. The new rules for mail have created hardship for me and the additional proposed rules not yet implemented are even worse and more problematic. It is just one more attempted abuse of power by DOC.

Photocopying and monitoring personal and legal mail is unnecessary, cruel, and very susceptible to abuse by DOC staff.

I know mail is already being used by perverse staff to harass people who should be receiving mail. I have heard several reliable accounts from people I know personally of false accusations and faked test results where staff pretend reputable lawyers are sending drugs on legitimate legal correspondence. These corrupt staff then use the fake violation to intercept the mail and punish the intended recipient. This bullying behavior is unacceptable, and the new regulations will just promote more of it.

I am strongly opposed to the proposed changes, including those already implemented.

When DOC makes it easier for incarcerated people to receive original mail from their loved ones and legal counsel without bogus obstruction, society benefits by nourishing the mental health of people behind bars, better preparing them for release. It also avoids violating constitutional rights. I object to the regulations which serve no true purpose but cruelty.

Sincerely,

Betsey Chace

From: Betsey Chace <[REDACTED]>
Sent: Friday, January 29, 2021 11:19 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Testimony opposing 103 CMR 481 DOC mail rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Ms. Richard,

It is very risky to open a public Zoom meeting with the basic security settings turned off. I don't know how Zoom bombers find the unsecured meetings, but they do. The host should always be sure the security settings are correct before the meeting begins. "Security" is one of the icons along the bottom menu that the host sees. Always be sure to set it so that participants cannot share their screen. There was a lot of Zoom bombing back in March when so many people new to Zoom were using it, but the security protocols have been very visible options at least since April.

If someone is using the sound (not the video function) to bomb, or even if a participant forgets their mic is on, so background noise is disrupting, the host can, at a click, "mute all" and can also set it so participants cannot unmute themselves unless invited. All public meetings are run this way generally.

While the basic tools above mean that an individual response is never needed, there are also individual options (ways to manage one participant at a time):

Go into "Participants" off the bottom menu, type in the screen name of anyone disruptive in the search at the top (to save having to scroll through the whole list looking for them) and then to the right of their name, click "remove". This takes the person out of the meeting.

The host can also just click on the box of any single person who forgot their mic is on and click "mute" in the upper right corner. The person still has the power to unmute themselves, but in most cases, they didn't mean to have their mic still on so they will not unmute again until it is their turn.

Also, it is essential not to be using the free basic plan with the limit of 100 participants. It is quite cheap to have plans for 300 or 500 participants or more. You can upgrade in a matter of minutes.

All of this information is also available by quickly googling.

Best,

Betsey

On Fri, Jan 29, 2021 at 8:22 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Betsey Chace [mailto:]
Sent: Thursday, January 28, 2021 5:59 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony opposing 103 CMR 481 DOC mail rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Attached please find my testimony opposing the DOC mail rules, which are unnecessary and cruel.

Sincerely,

Betsey Chace

Cambridge, MA

From: Devyn Chaves <[REDACTED]>
Sent: Thursday, January 21, 2021 10:45 PM
To: Richard, Kathleen J. (DOC)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

the MA DOC has been photocopying incarcerated people's mail without their permission. CO's have been using this policy to confiscate communications, especially from legal counsel, on the terms of "drug contamination". This is abuse of power and white supremacy.

Richard, Kathleen J. (DOC)

From: Kevin Chen <[REDACTED]>
Sent: Friday, February 05, 2021 12:28 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Sincerely,
Kevin Chen

From: Lisa Christie <[REDACTED]>
Sent: Thursday, February 04, 2021 6:46 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you. Lisa Christie, Newburyport, MA

From: Natalia Christie <[REDACTED]>
Sent: Wednesday, February 03, 2021 5:30 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Catherine Chun <[REDACTED]>
Sent: Friday, January 22, 2021 3:39 PM
To: Richard, Kathleen J. (DOC)
Subject: Public Comment: Protect Incarcerated Peoples' Privacy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Re: Proposed changes to MA DOC mail regulations

My name is Katie Chun and I am a lifelong resident of Massachusetts and a student at Boston University. I am extremely troubled by the proposed stricter and invasive regulations the DOC is attempting to implement. Incarcerated people deserve the same respect and privacy for their mail as any other resident of Massachusetts. Particularly concerning is that the DOC wants to photocopy and read legal mail which violates peoples' right to attorney-client confidentiality. In a time when incarcerated people are more isolated than ever, I find this attack on one of the only ways they can stay in touch with the outside world extremely unnecessary and, frankly, cruel. I urge all who are involved in this decision to think about the rights and privacy of incarcerated people just as they would non-incarcerated people. Put these atrocious proposed policies to rest immediately.

Sincerely,

Katie Chun
[REDACTED]

From: Allie Cislo <[REDACTED]>
Sent: Friday, February 05, 2021 4:27 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

Sincerely,
Allie Cislo
Worcester, MA

From: Rachael Claborn <[REDACTED]>
Sent: Friday, February 05, 2021 3:27 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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To Whom It May Concern:

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Bryana Clark <[REDACTED]>
Sent: Thursday, February 04, 2021 4:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Alex Coats <[REDACTED]>
Sent: Friday, January 29, 2021 3:13 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Alexandra Coats and I live in Arlington, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it hurts my larger community. As incarcerated persons will have less trust in the mail system, it will make community building more difficult. It is vital for incarcerated persons to make strong connections to the community outside of prison in order to have a less traumatic transition out of prison.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Idea #1 Please do not open incarcerated person's mail. Instead give them their original mail.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Alexandra Coats

Richard, Kathleen J. (DOC)

From: clay cobbles <[REDACTED]>
Sent: Friday, February 05, 2021 10:32 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am an Ohio resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
-Clay Miller

From: coda <[REDACTED]>
Sent: Thursday, February 04, 2021 11:42 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Nancy Coda
Medford MA

Richard, Kathleen J. (DOC)

From: E.E. Rucker <[REDACTED]>
Sent: Friday, January 29, 2021 8:39 AM
To: Richard, Kathleen J. (DOC)
Subject: Wayland Coleman Testimony

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am submitting this written testimony re: proposed changes to the CMRs around mail regulations for incarcerated people:

THE ABUSE OF POWER

My name is Wayland "X" Coleman. I've been an incarcerated member of society for nearly twenty four years. Throughout my time of being incarcerated, oppressed, abused, and isolated from the world, the ability to send and receive mail has provided a relevant and necessary means of communicating beyond the walls. Mail is an extremely personal, and sensitive part of an incarcerated person's life, because it's the main means of communication that connects us to a larger part of society. For example, phonecalls and visits limit our ability to communicate to only a handful of loved ones (only ten personal phone numbers are allowed for approval, and only eight visitors, which forces us to choose between loved ones for communication). Mail, however, has been a gateway for us to meet new people and build new relationships and bonds across a wider spectrum of society.

Receiving original mail personalizes the relationship. The reduced quality of the copied letters that I receive often abate my motivation to respond. It's just not the same. From the original ink on the paper, to the actual paper that we receive (different qualities of notebook paper and writing papers that people in society write on are reduced to typing paper, and this bland, institutional typing paper is the only quality of paper we experience). Even beautiful greeting cards that loved ones send for birthdays, holidays, and other occasions are reduced to the mere poor quality, bland DOC typing paper, where we receive a copy of the outside of the greeting card on one piece of paper, and a copy of the inside of the greeting card on a separate sheet. It's just not the same. I don't even want any greeting cards anymore. It's become a waste of mail. The quality of our personal letters are reduced so badly, that they are often hard to read, and many times, portions of the letters are cut off at the margins, making us have to guess at the missing words.

The mail regulation states that non-privileged mail can be copied if it is suspicious of containing contraband. The DOC has chose to abuse the regulation by blanket copying ALL incoming non-privileged mail, which accuses ALL mail of being suspicious, and by extension, accuses ALL of society whom communicates with incarcerated people of possible criminal activity. The DOC, via their abusive policies and regulations, has effectively criminalized communications between incarcerated people and society. With this new proposed regulation that's being heard today, the DOC is attempting to extend its accusations of criminal activity to all legal institutions, suggesting that they too (meaning the courts,

clerks, lawyers, the governor, etc.) are smuggling, or attempting to smuggle contraband—essentially drugs—into the prisons. Everybody are criminals, except perhaps, the prison guards.

Stop oppressing, repressing, depressing, and suppressing us! Stop severing out ties to our communities and loved ones! Stop violating our rights to attorney-client privileges, and stop criminalizing communications with incarcerated people!

I am in firm opposition to the proposed changes to the DOC mail regulation, 103 CMR 481, and demand that the proposal be denied.

In the struggle, Wayland "X" Coleman

Elizabeth / Ruckus

she/her - [REDACTED]

*But the day will come—
You are sure yourselves that it is coming—
When the marching feet of the masses
Will raise for you a living monument of love,
And joy, and laughter,
And black hands and white hands clasped as one,
And a song that reaches the sky—
The song of the life triumphant
Through the kids who die.
-"The Kids Who Die," Langston Hughes*

From: Jessica Connors <[REDACTED]>
Sent: Friday, February 05, 2021 9:38 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Brendan Conroy <[REDACTED]>
Sent: Friday, January 29, 2021 3:55 PM
To: Richard, Kathleen J. (DOC)
Subject: Public Comment: Virtual public hearing on 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Brendan Conroy, a voter and taxpayer in Lowell, and I'd like to express my strong objection to the new mail rules laid out in 103 CMR 841. I find them cruel, invasive, unnecessary, and perhaps most importantly, they are very likely to be challenged in court. I object greatly to the policy, and even more to the thought of my taxes paying for the Commonwealth to hire lawyers to defend it from the inevitable lawsuit. Please do not implement these changes.

--

Brendan Conroy

[REDACTED]

From: Jurrell Laronal <[REDACTED]>
Sent: Friday, February 05, 2021 4:30 PM
To: Richard, Kathleen J. (DOC)
Subject: Written Testimony DOC Mail regulations/ Mr. Brian Cooper

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello! How are you doing? My name is Brian Cooper and i am currently being house in Souza Baranowski Correction Center . I am writing in regards of the mail in this prison . for some what of a year and some change. We haven't been getting our regular mail they have been photo coping our mail as well as our envelopes and we don't know what they are doing to our original copies. They also have been photo coping our pictures that are sent to us via mail and keeping our original copies . Forcing our families to go threw vendors and etc. They also have contraband an abundance of my pictures for reasons of explicitness and etc yet when I appealed to view these pictures I was denied. So basically my personal pictures that my family is sending are getting denied without me even viewing there discretions . I have received photo copied letters that were cut off ,not entailing the entirety of the letter . this has been going on for some time ! I hope that this heard and reasoned with intent to help . its def very detrimental for me emotionally, mentally,and spiritually. Needless to say we need your voice for this injustice. Thank you for your time.

Sincerely,
Brian

From: Teresa Cooper <[REDACTED]>
Sent: Thursday, February 04, 2021 5:44 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

Jennifer L. Corbin M.ED

Town/city | phone | email

01/29/2021

Kathleen Richard
Program Director
Department of Corrections
70 Franklin St
Boston, MA, 02110
Kathleen.richard@state.ma.us

To Whom It May Concern,

My name is Jennifer Corbin, and I live in (City/Town) Boston, MA

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a (person with incarcerated loved ones, formerly incarcerated, concerned member of the community) and the new rules for mail have created hardship for myself and incarcerated loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on myself because (Share your thoughts) While I am aware of the procedure that comes into play in order to screen personal, and legal mail in effort to prevent contraband. I am negatively impacted by photocopying and monitoring of the personal mail that I send to loved ones who incarcerated. There is so much sensitive, private, family information that is shared. No matter who you are or what professional position you hold as a human being there is a possibility for human error. It is my concern that photocopying and monitoring of personal and legal mail must be operated by reliable individuals who are security minded. Security of personal family information is a huge concern that caused a negative impact on myself and, my family. It is so important that the effort made on behalf of the incarcerated loved ones pertaining to original legal documents. The courts will not accept photo copies of legal document, which

would be a huge inconvenience that will have a devastating impact on myself and, my family.

An example of a negative experience I have had with DOC mail is (list examples) I would say feeling like it was safe to share certain family updates and information due to the lack of empathy that went into the timing of the mail. For example the passing of a loved one, or hospitalization, or over all life updates.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy

- Idea #1 Find a way to securely file original legal document
- Idea #2 All individuals who are handling the mail are trained to always remain professional, and honor confidentiality, as well as to demonstrate mindful time management skills.

Sincerely,

Name Jennifer Latoya Corbin M.Ed.

From: Jennifer Corbin <[REDACTED]>
Sent: Friday, January 29, 2021 5:06 PM
To: Richard, Kathleen J. (DOC)
Subject: Doc mail letter concern!
Attachments: doc mail letter of concern Jan 29 2021.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Evening Kathleen,

I am sending this on behalf of my loved ones who are incarcerated.

Thank you for your time in this matter!

-Jennifer Corbin

--

*Jennifer Corbin
Cambridge College
500 Rutherford Ave
Boston, MA 02129
MEd/Mental Health Counseling
(857) [REDACTED]*

From: Jennifer Corbin <[REDACTED]>
Sent: Thursday, February 04, 2021 8:27 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Doc mail letter concern!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Kathleen,

Thank you very much for your feedback, and taking the time to read my concerns and comments. I am humbly grateful for perceiving my letter as valuable. The consideration you expressed will be taken on behalf of my letter, is appreciated as well, and exactly what I had hoped for when participating on behalf of my incarcerated loved ones.

-Jennifer L. Corbin

On Thu, Feb 4, 2021, 7:44 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Jennifer Corbin [mailto: [REDACTED]]
Sent: Friday, January 29, 2021 5:06 PM
To: Richard, Kathleen J. (DOC)
Subject: Doc mail letter concern!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Evening Kathleen,

I am sending this on behalf of my loved ones who
are incarcerated.

Thank you for your time in this matter!

-Jennifer Corbin

--

*Jennifer Corbin
Cambridge College
500 Rutherford Ave
Boston, MA 02129*

From: Amaya Coutracos <[REDACTED]>
Sent: Tuesday, February 02, 2021 1:14 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Amaya

From: Carolyn Cronin <[REDACTED]>
Sent: Wednesday, February 03, 2021 11:57 PM
To: Richard, Kathleen J. (DOC)
Subject: comment on proposed changes to 103 CMR 481 Department of Corrections mail rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Carolyn Cronin and I live in Melrose Massachusetts. I am writing to express my opposition to the proposed changes to 103 CMR 481 Department of Corrections mail rules.

I am a Pen pal and community supporter for a man incarcerated at MCI Norfolk.

His mail is subject to photocopying and this has been detrimental:

1. His mail is delayed under the current system and would only be further impacted if copying was expanded,
2. Pages of correspondence are often missing.
3. He is not able to see color in cards denying him connection with the real world

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- End any existing copying of mail at all facilities
- Allow cards to be received
- Allow books to be sent from the public not just from publishers

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

From: Sarah Cummings <[REDACTED]>
Sent: Friday, February 05, 2021 11:42 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

I have had the privilege of exchanging letters with incarcerated folks, and see how beneficial that contact can be. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am extremely concerned and disturbed about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

These new rules also violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Sarah Cummings

From: Rabbi David Curiel <[REDACTED]>
Sent: Tuesday, January 26, 2021 8:32 PM
To: Richard, Kathleen J. (DOC)
Subject: Public comment: Protecting Inmate's privacy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

My name is David Curiel, and I'm a rabbi in Somerville. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must **not** extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Thanks for listening.

Best regards,
David



Rabbi E. David Curiel
Founder & Spiritual Director
(he, him, his)

e: david@asiyah.org
c: (802) [REDACTED]
w: <http://www.asiyah.org>

Do you get our weekly newsletter? It's the best way to stay connected: <https://www.asiyah.org/sign-up>

The rush and pressure of modern life are a form, perhaps the most common form, of its innate violence.

Thomas Merton

Please note: It seems that this is the perfect time to practice slowing. In an effort to slow down and manage increased people-interactions (communal and familial), I am only going to be checking email once a day, around midday. If you have a pastoral or other kind of urgency, please call or text me.

From: Curtis, Heather D <[REDACTED]>
Sent: Friday, February 05, 2021 1:57 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Amelia Dalonzo-Baker <[REDACTED]>
Sent: Sunday, February 14, 2021 7:26 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Julia D'Amato <[REDACTED]>
Sent: Tuesday, January 26, 2021 9:52 PM
To: Richard, Kathleen J. (DOC)
Subject: Regulation 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Ms. Richard,

I am writing to issue a statement about my opposition of Regulation 103 CMR 481. My main issue with the regulation is that it is a detrimental violation of inmate's privacy. I am appalled that inmate's mail is permitted to be destroyed when they switch facilities.

This regulation has been proven ineffective at limiting drug travel into prisons. Also, 103 CMR 481 extinguishes any personal undertones that a non incarcerated writer could include to comfort their incarcerated loved one. Photocopies are low quality, and colored ink is hard to come by. This is, quite simply, wrong.

Please reconsider.

Thank you for your time,

Julia D'Amato

From: Phoebe D'Amato <[REDACTED]>
Sent: Tuesday, January 26, 2021 3:51 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen Richard,
I'd like to submit a written comment for the public hearing on 103 CMR 481 this Friday.

This bill is an unnecessary violation of civil rights. It allows digital records of all mail to be taken, which is an invasion of privacy to both prisoners and those who write to them. The worst part of the bill is that prisoners will only receive photocopied versions of their mail. This deprives people in prison of the personal connection of touching the letters and photographs that their loved ones sent with care. There is no reason for the policy, since it has been proven in court that the amount of drugs coming into prison through mail has not increased. To replace loving, handwritten notes with poor-quality photocopied versions in the middle of a pandemic that makes visiting impossible is cruel and unnecessary.

Thank you,
Phoebe D'Amato, Cambridge MA

From: Eliza D'Angelis <[REDACTED]>
Sent: Wednesday, January 27, 2021 3:44 PM
To: Richard, Kathleen J. (DOC)
Subject: Mail restriction concerns

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

due January 29, 2021 by 5:00 PM

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Elizabeth D'Angelis and I live in Stony Brook, New York. It may seem odd that I am writing across state lines, but I cannot stay silent on this issue.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned citizen who values the freedoms America provides its citizens, and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because this seems to be an example of excessive surveillance. People in prison have almost all rights taken from them; where does it end? I am concerned that this will lead to even harsher restrictions later on which threaten the rights of human beings in the free world and in prison.

I am part of a program which provides people in prison with pen pals. I am a pre-med college student, and I aim to make change in the world while I study and in my future work. This matters deeply to me because I believe that all men are created equal and have certain inalienable rights- yes, even those in prison.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Mail that is received and read by a CO should not be copied and kept on record. Once correspondence is deemed safe, it should not be subject to further examination or collection.
- Mail should be sent and received in a timely manner. If the 24-hour time limit is too harsh, consider setting the limit to 48 hours, but not lifting all time restrictions. What is to keep a CO from never sending a piece of correspondence? This is no longer a matter of free speech, but a matter of contact with the free world.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

With concern and love for my fellow man,

Elizabeth D'Angelis

From: Remi Dansinger <[REDACTED]>
Sent: Thursday, February 04, 2021 8:05 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sincerely,
Remi Dansinger

From: Darwinsom <[REDACTED]>
Sent: Friday, February 05, 2021 4:35 PM
To: Richard, Kathleen J. (DOC)
Cc: State Senator Will Brownsberger
Subject: I Strongly oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident in Middlesex county writing to express my unequivocal objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a constitutionally illegal effect on protected communication. I am not aware of any other state doing this not even in vastly more restrictive states like Florida.

The typical defense given for cutting back all methods of communication from in person visits to written letters is to "crack down on drugs" entering Massachusetts prisons. Studies, law suits, and evidence show that contraband comes into prisons via DOC personnel.

For incarcerated people the support of family and loved ones has been demonstrated to reduce recidivism and most critically to allow prisoners to become useful members of society upon release.

I do not see why budgets should be spent on the creation of a surveillance log. Surely this money could be better used elsewhere such as monitoring guards and staff who have been shown to be the conveyors of contraband, raising staff salaries or implementation of programs that prepare prisoners for release.

The use of tablets by prisoners has been shown to be problematic in various ways across the United States. "Free" tablets which are often given out after a test period of paid ones do not belong to the prisoner. With no clear stated reasons these can be taken back including when broken with no guarantee of return. The reliance on breakable technology that is at the mercy of required updates is well understood by those of us in the free world; how often have you replaced your cellphone?

Restrictions on mail are tantamount to loss of said mail whether important personal, paralegal, educational, or LEGAL which has not been allowed anywhere anytime.

The timely and efficient processing of mail presents a threat to all incarcerated people in varying ways. For example: The Government Stimulus checks had strict deadlines and per IRS rules had to be sent in by the prisoner not family. 90% or more were filed by the USPS. Allowing leeway does not protect the critical correspondence from getting through on time.

I am deeply disappointed that our Department of Corrections is proposing to be more restrictive than states such as Texas and Florida while our price per prisoner is one of the highest in the United States.

Thank you.

From: Cassandra de Alba <[REDACTED]>
Sent: Friday, February 05, 2021 2:06 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Cassandra and I live in Somerville. I am writing to express my concern about the 103 CMR 481 Department of Corrections mail rules. These rules create unnecessary hardships for incarcerated people, and do not make the community safer or assist in rehabilitation. We must treat our incarcerated community members with dignity and compassion, not create further restrictions on their ability to communicate with people on the outside. These rules would have a negative impact on incarcerated people's ability to seek legal counsel as well as their mental health during an already stressful time. Please consider regulations that instead permit those in the system to regularly receive and access their mail.

Cassandra

Richard, Kathleen J. (DOC)

From: Christina DeGirolamo <[REDACTED]>
Sent: Friday, January 29, 2021 2:18 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Tina and I live in Sterling, MA. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and registered nurse who frequently works with the incarcerated population. I believe the new rules for mail have created hardship for my incarcerated friends.

Regular communication with incarcerated people is essential to their mental health and re-entry, and it's necessary to actively participate in the legal system. We need to stop treating inmates in Massachusetts as less than human. Such treatment weakens their ability to adjust upon re-entry. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised, and I urge the Department of Correction to reconsider.

Thank you,

Tina DeGirolamo
[REDACTED]

From: radekock3 <[REDACTED]>
Sent: Friday, February 05, 2021 9:01 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Ryan de Kock
(he/him/his)
Boston, MA

From: courtney delong <[REDACTED]>
Sent: Sunday, January 24, 2021 3:23 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposed to new mail restrictions

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

As a Massachusetts resident I'd like to publicly voice my opposition to the Department of Corrections proposed new mail restrictions. I understand the need for security, but designating paper mail as contraband is cruel and unnecessary. Reading the handwriting of loved ones provides inmates with a rare physical connection to those on the outside. Not allowing paper mail would take away one of the few ways inmates can connect with family and friends, increasing feelings of isolation and hopelessness. These feelings often lead to worse off behavior which I believe will make the DoC's stated goal of preserving "order" harder. I urge those involved to reconsider these regulations, and continue to permit inmates to receive paper communications from loved ones. I also urge the DOC not to log who writes incarcerated people and what they each say - this is an invasion of privacy and I think should not be done.

Thank you for listening to my emailed testimony.

All my best,

Courtney DeLong

From: Alison Demong <[REDACTED]>
Sent: Tuesday, February 02, 2021 1:56 PM
To: Richard, Kathleen J. (DOC)
Subject: Please reject changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard and the DOC,

I am a board member of the Prison Book Program 501c3 organization and I am writing to express my objection to the proposed changes to 103 CRM 481.

For incarcerated people and their loved ones, hand written letters are a lifeline and a way of maintaining relationships. These relationships are important to a successful reentry once people are released. Photocopying letters or drawings from children is simply not the same as holding the same piece of paper that your loved one held. It's just not. These proposed regulations will make it harder for loved ones to connect in a meaningful way.

Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets which can be easily broken or taken away, thus removing a person's access to all of their mail. I am concerned that prisons will eventually stop accepting books of any kind for inmates, and will allow for reading material on tablets only. Taking away personal letters and or books surmounts to a kind of violence against those in prison. Those letters and books are often their only possessions and are treasured.

Please reject these proposed regulations.

Thank you.

Alison M. Demong

From: Lauren Desautels <[REDACTED]>
Sent: Sunday, January 24, 2021 4:31 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, I my name is Lauren Desautels from Newton, MA. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must **not** extend this practice to legal mail. I am worried that this is a violation of attorney client relationships and privacy. I am also worried that the practice erodes incarcerated people's humanity. Receiving a photocopy of a greeting card or a child's drawing is not the same as having the original. Maintaining strong relationships with family and friends is essential to successful reintegration into the community.

Thank you for considering the dignity of the people in your care,

Lauren

--

Lauren Desautels
She/her/hers

From: Karla DeStefano <[REDACTED]>
Sent: Friday, February 05, 2021 3:14 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Karla DeStefano

From: Crystal Diefendorf Squires <[REDACTED]>
Sent: Friday, February 05, 2021 1:51 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Crystal Squires

From: Diener, Antonia <[REDACTED]>
Sent: Friday, January 29, 2021 4:13 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Antonia Diener and I live in Brighton, MA. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a law student working with incarcerated people and also have incarcerated loved ones. The new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it infringes on the rights and dignity of those who are incarcerated. It also hinders their right to counsel -- you may be familiar with a [similar circumstance in Pennsylvania](#) which had to be settled out of court. Personal and legal mail is essential for everyone who is incarcerated in Massachusetts.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the Department of Correction to reconsider this current course of action.

Thank you for your time,

Antonia Diener

--

Antonia Diener

JD Candidate 2021 | Harvard Law School
(570) 972 7964 | adiener@jd21.law.harvard.edu
she/her/hers

to Whom it may concern, (MCA)

1/22/21

my name is Dwayne Diggs inmate # W110921
Im being Housed on N2 in S.b.c.c Shirley max,
Im writing About my mail issue, my pictures
Are ALWAYS being ~~taken~~ taken Away for numerous
reasons, Nudity, gang signs, Bombs, ect. And I never
get to see these pictures, I never get a fair chance
to argue, I ALWAYS tell family members about the
rules. so I know the rules are being followed,
Also, I received a ticket for K2 I sent it out
for A test, I tryed to call the Lab were it got sent
to numerous times And never got A Answer, there is
the wps No way to follow up to see if reports were
false, thank you for your time,

Sincerely Dwayne Diggs,

From: Claire Dillenbeck <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to change to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am Claire Dillenbeck, a resident of Dorchester, MA. I am writing to voice my opposition to the Department of Corrections' proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Best,
Claire

From: [REDACTED]
Sent: Thursday, February 04, 2021 6:22 PM
To: Richard, Kathleen J. (DOC)
Cc: [REDACTED]
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Katy Dirks <[REDACTED]>
Sent: Thursday, February 04, 2021 4:43 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Katy Dirks

From: Samantha DiStefano <[REDACTED]>
Sent: Friday, February 05, 2021 3:58 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,
I am a Boston Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Samantha DiStefano

From: Taylor Dodson <[REDACTED]>
Sent: Thursday, February 04, 2021 5:53 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to Changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Taylor Dodson

From: Sam Doe <[REDACTED]>
Sent: Thursday, February 04, 2021 2:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Sam Doe. I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sam Doe
They/Them

From: Charissa Doerr <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Protect Inmate Mail!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

My name is Charissa Doerr and I live in Belchertown, MA. I am emailing in **strong opposition to the DOC's proposed change to 103 CMR 481: Inmate Mail**. Mail is a hugely important means of communication (to attorneys & friends & family alike) and key to mental health while incarcerated. These changes would allow DOC more opportunities to mistreat and isolate incarcerated people, which is unacceptable.

Thanks.
Charissa

From: Emmah Doucette <likewhoaa [REDACTED]>
Sent: Thursday, February 04, 2021 9:33 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Maine resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: ellen dugar <[REDACTED]>
Sent: Thursday, February 04, 2021 7:33 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Ellen Dugar
Yarmouth Mass

From: Nia Dunlap <[REDACTED]>
Sent: Friday, January 29, 2021 2:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,
My name is Nia Dunlap.
I am a child from Cambridge, and the new rules for mail have created hardship for incarcerated people in an unjust way.
Photocopying and monitoring personal and legal mail has a negative impact on them because it further isolates them from their loved ones.
I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Incarcerated people receive the original copies of all mail.
- Provide an actual copy of mail, not a digital version. Physical mail is important to the well being of inmates.
- Keeping the time limit on mail, because it will be less likely for incarcerated people to meet legal deadlines.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.
Thank you for your time,
Nia Dunlap

From: Jymi Cliche <[REDACTED]>
Sent: Friday, February 05, 2021 10:31 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Jymi Edwards

From: Nicole Eigbrett <[REDACTED]>
Sent: Saturday, January 30, 2021 2:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony in opposition to proposed regulations on mail for persons in DOC custody

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen,

I'm writing to express my strong opposition to the MA Department of Corrections proposed regulations that would grant greater authority to open, read, and photocopy all incoming mail, both legal and personal. This practice poses a threat to incarcerated people's protected rights to attorney-client confidentiality and to privacy. It further alienates incarcerated people from their loved ones outside, burdens them with more costs to retain original copies of their legal mail, and opens the door to delays and reduced legibility/quality of their mail. As someone with current and formerly incarcerated friends and colleagues, I can share on a personal level that this practice would lead to a continued dehumanization of those serving sentences in prison, and is simply not necessary.

Moreover, a similar practice was overturned in Pennsylvania a couple years ago because of its violation of incarcerated people's constitutional right to receive mail. See articles:

[1] <https://www.mcall.com/news/pennsylvania/mc-nws-pennsylvania-prison-inmate-mail-drugs-20190222-story.html>

[2] <https://www.prisonlegalnews.org/news/2019/sep/9/pennsylvania-docs-new-mail-policy-robs-prisoners-personal-touch-lawsuits-over-legal-mail-settle/>

While I understand the DOC's aim is to minimize contraband coming in and out of facilities, I would humbly suggest strengthening screening policies for the employees and correctional officers of DOC, as opposed to those in custody. Photocopying mail should only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

I urge the DOC to not go forward in promulgating these regulations, and to stop restricting original mail sent to incarcerated people from their loved ones. Thank you for your consideration.

From: Beth Eisenberg <[REDACTED]>
Sent: Friday, February 05, 2021 5:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident and attorney who performs court-appointed work, writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate attorney-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Beth L. Eisenberg

From: Yasmina EL HADRATI <[REDACTED]>
Sent: Friday, February 05, 2021 11:34 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

My name is Yasmina and I am writing on behalf of my boyfriend who is currently incarcerated at Souza-Baranowski Correctional Center and the new rules for mail have created hardship for me and my loved one.

Photocopying and monitoring personal and legal mail has a negative impact on me because it violates the rights of my boyfriend and incarcerated people. Their legal mail must be kept private and intimate. They have the right to access their personal mail because it helps reduce recidivism, very essential for their mental health and allows them to stay active in the lives of their families by being behind bars.

An example of a negative experience I have had with DOC mail is when my loved one sends mail, we do not receive all mail. Likewise, that he does not always receive his legal mail necessary for his case.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Involve people who are currently incarcerated at the doc in this conversation so that you can better understand how these changes impact them personally.

- Provide intensive substance abuse programs to incarcerated individuals in an effort to eliminate the need to photocopy mail.

- It is essential for inmates to receive original and tangible copies of their mail. Because there is sentimental value in holding something your loved one or family member has actually touched. Unlike a photocopied version that takes away that value. Or is usually photocopied crooked or not to best the of the facilities ability. Because there is no care or time being taken and the mailroom workers are rushing because of the extra work load they're being put through.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Yasmina

From: Sam Entwisle <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:49 PM
To: Richard, Kathleen J. (DOC)
Subject: STOP reading & copying incoming mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathleen,

I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Best,
Sam Entwisle
Jamaica Plain, MA

From: Lisa Eppich <[REDACTED]>
Sent: Friday, February 05, 2021 9:02 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Abby Erdmann <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:36 PM
To: Richard, Kathleen J. (DOC)
Subject: Invasion of privacy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I write with horror at hearing that there is likely a shift in policy around inmates's ability to freely correspond with those on the outside.

For ten years I have had a very sacred relationship with one incarcerated person - for years, mail was our only form of communication. Thankfully now we can communicate electronically (How is that being handled?).

Please do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.

Please stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.

Above all, please stop restricting original mail from loved ones.

Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

Mail is a lifeline--legal and otherwise- please do not violate privacy permaters.

Thank you,

Abigail Erdmann

--

Abby Erdmann
[REDACTED]

From: Nicole Erhardt <[REDACTED]>
Sent: Friday, January 29, 2021 10:04 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Nicole Erhardt and I live in Easthampton.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated students and friends. I teach creative writing to people currently incarcerated and have seen firsthand how important giving and receiving physical writing is for people already isolated and deprived of contact with loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it will deeply affect the mental health of my students. They already feel voiceless and like they cannot speak freely. These new regulations will delay and/or prevent people from receiving mail, discourage non-incarcerated people from sending mail, and further isolate people inside. Everyone deserves the right to send and receive mail without interference or censorship, regardless of their history.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Provide incarcerated persons with the original copies of their mail. Receiving a photocopy of a drawing from your 4 year old is not the same as being able to feel the texture of their favorite blue crayon.
- Fund mail communications for incarcerated persons. Research shows connections to family and positive ties to the community reduce recidivism. Incarcerated persons deserve free access to stamps and letter-writing supplies in order to sustain and strengthen these relationships, and these funds should be part of the DOC's budget.
- Ensure timely access to mail. Incarcerated persons should receive their mail within 24 hours of its arrival to the corrections facility.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Nicole Erhardt

From: Corinne Espinoza <[REDACTED]>
Sent: Friday, January 29, 2021 2:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Corinne Espinoza, and I live in Cambridge, MA.

I want to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with incarcerated loved ones and I am a concerned member of the community.

I want to start by reminding us that we are talking about human beings. Human beings with human rights. Whether we live inside or outside prison walls, our humanity is undeniable.

The new rules for mail will create hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because my privacy is violated and the privacy rights of the people I write are violated!

Furthermore, holding something in your hand (a letter, a photo, a card, a child's drawing) that comes directly from a person who loves you is a precious right. A photocopy is not the same.

As I write this, in isolation due to a pandemic, I want to repeat again that we are human beings and our incarcerated community are human beings. Human contact and connection is so vital for our well being as individuals and as a society.

The proposed changes do not increase safety for anyone, and in fact, they cost the taxpayers money.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular

access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Corinne Espinoza

Cambridge, MA

From: Sonya F <[REDACTED]>
Sent: Friday, February 05, 2021 4:56 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Edward Ferrante <[REDACTED]>
Sent: Thursday, February 04, 2021 4:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Edward Ferrante, Esq.
Law Office of Edward M. Ferrante
27 Congress Street, Unit #205-20
Salem, MA 01970
617-257-0808

From: May Feynman. <[REDACTED]>
Sent: Wednesday, February 03, 2021 8:41 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Emma Feynman, and I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sincerely,
Emma Feynman

From: Hannah Field <[REDACTED]>
Sent: Friday, January 29, 2021 1:55 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Hannah Field, and I live in Boston, MA. I am a resident of [REDACTED]
[REDACTED] I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules, and to let you know that I am opposed to the proposed changes to the regulations.

I am a loved one of incarcerated people and a concerned community member. I am deeply concerned that the new rules will make life even harder for people who are incarcerated, especially because it would make legal communication and legal representation even more difficult, as photocopied letters are often not acknowledged in court. It also runs the risk that human rights and legal complaints will be stifled out of fear of retaliation from correctional officers who are monitoring the mail. I am also concerned that this would increase the time it would take for incarcerated people to receive mail, which is often a lifeline for connecting with loved ones.

As a clinical social worker, I understand how necessary communication and connection is to the mental health and re-entry of incarcerated people, especially during a global pandemic which makes life even more difficult and traumatizing for incarcerated people. It is also necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Because Black and Brown people are disproportionately targeted, arrested, and jailed in our unjust legal system, this is a racial justice issue. The Commonwealth of Massachusetts prides itself on being a national leader in human rights and racial justice, and this would take us backwards instead of forward.

Please consider changes that have the best interest of people who are incarcerated in mind.

Thank you for your time,

From: Mikaela Fishman <[REDACTED]>
Sent: Friday, January 29, 2021 9:02 PM
To: Richard, Kathleen J. (DOC)
Subject: mail restrictions for MA prisoners

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello!

My name is Mikaela Fishman and I'm a resident of Somerville, MA. I'm writing to urge you to not pass the new, more restrictive mail policies in MA prisons. I believe these policies are unnecessarily stringent, as well as cruel, unkind, and unjust. Please take my opinion into consideration.

Thank you,
Mikaela

From: Clare Fitzgerald <[REDACTED]>
Sent: Tuesday, February 02, 2021 2:37 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. As much as people may not like to think it, guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline, and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Clare

From: Shannon Fitzgerald <[REDACTED]>
Sent: Saturday, February 06, 2021 12:34 AM
To: Richard, Kathleen J. (DOC)
Subject: Important and time sensitive

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

I personally feel that these are unnecessarily cruel and ineffective. I recognize that I do not work first hand at such institutions as prisons and jails, however I do understand that not having access to physical mail, legal privacy, and efficient written communication is detrimental to both prisoners and those who love them or support them from outside.

I am not as well versed in the issue or as well spoken as the person who wrote the message below, so I urge you to take their words seriously. I just wrote this part because I really do feel strongly about this, and I don't want it to come across as another automated response.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Shannon Fitzgerald

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Juliet Flam-Ross and I live in Cambridge, MA.

I am writing to share with you how I will be personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

I am saddened to see that you are considering digitizing the mail system for people who are incarcerated in Massachusetts. Especially in a time like this, where we are all collectively experiencing the trauma of isolation, a deadly virus, fatalities in so many of our family networks, and so much more. If prison aims to be a rehabilitative program to help people reckon with their crime(s) and reintegrate into society, then I think it is integral that the people who are incarcerated are able to experience connection while they are working on this reckoning and reintegration. My work experience centers around working to support people who are struggling with addiction and I can't imagine what the lives of people in rehabilitation facilities struggling with addiction would look like if they were unable to exchange letters with people on the outside. For me, there is something deeply personal about receiving a paper letter and feeling that letter in my hands, that someone I know wrote to me. I also think about Pennsylvania, and the way that they have switched to a digital system. There have been reports that these letters have been poorly scanned - and I cannot imagine anything worse and more impersonal than receiving a poorly scanned digital copy of my mail.

I ask that you:

- **Keep** the clause that requires mail to be processed within 24 hours.
- **Allow** all physical mail to be delivered to incarcerated people, unless it must be delivered by scan.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Juliet Flam-Ross

From: Juliet Flam-Ross <[REDACTED]>
Sent: Tuesday, January 26, 2021 7:57 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony
Attachments: Testimony for MADOC.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

Please find attached my written testimony in regards to 103 CMR 481.

Sincerely,
Juliet Flam-Ross
she/her/hers

From: Patricia Flannery <[REDACTED]>
Sent: Tuesday, February 02, 2021 11:55 AM
To: Richard, Kathleen J. (DOC)
Subject: Proposed revisions to DOC mail regulations, 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard - Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110

Dear Kathleen Richard,

My name is Patricia Flannery and I live in Worcester, MA

I am writing to share with you how I feel personally impacted by the proposed changes to 103 CMR 481, the Department of Corrections mail rules.

My good friend's husband was incarcerated for three years. It's difficult for a family to maintain relationships while a person is incarcerated and as you well know the love and support of family is the #1 factor in keeping a former prisoner from re-offending.

My friend's husband was released over 10 years ago and after completing probation and parole has led an exemplary life. He has spoken in different state prisons and facilities as part of an AA group. Would this have happened if his access to written materials had been limited as these new DOC regulations allow? It's impossible to say. But it would have made all of the positive things that happened to him in prison more difficult. He participated in AA and NA (reading books and pamphlets daily), took college classes, and most importantly, maintained an active and regular exchange of letters with his family and friends.

The new rules for mail will create hardship for all incarcerated persons' friends and loved ones. My friend's husband kept up a regular correspondence with his sisters, his wife, and his two young children, and even exchanged a few letters with me. His sisters lived far away in another state. It was not practical for my friend to take her young children into the frightening atmosphere of the jail to visit him very often. Visits could be traumatizing. But mail allowed all of us to exchange thoughts and feelings about what had happened and how things would be different when he was released.

Photocopying and monitoring personal and legal mail will have a negative impact on incarcerated persons and their families and friends because people won't feel as free to communicate their concerns. In addition, the removal of time limits on the DOC's obligation to transmit mail to the prisoner will result in lags in response times. When you can't see someone in person and they don't reply promptly to your letter - a letter that may be very important to that family member or friend - it may cause negative feelings between the prisoner and their correspondent. Completely unnecessarily. Changing these long-held policies of the DOC must not be the reason for this delay.

I also oppose the digitizing of non-legal material. There's not a lot to do in prison most of the time. Reading non-legal material whether it be fiction, a newspaper, a magazine, an AA book, or the Bible or other religious book, can be very important. Digitizing such materials puts the prisoner at the mercy of their access to technology, their ability to power their devices, and the number of devices available in each prison, And not everyone has friends outside the prison to get them the money to have their own technology. I see nothing in these proposed changes about giving every prisoner a tablet.

I am adamantly opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health, to their re-entry into society, and to actively participate in their legal defense. And it affects the mental health of the friends and family members who rely on mail communication to keep up their relationship with this person who is locked up. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the Department of Correction to abandon consideration of these restrictions on mail to incarcerated persons in Massachusetts prisons.

Sincerely,

Patricia M. Flannery



From: Liz Flint-Somerville <[REDACTED]>
Sent: Friday, January 29, 2021 9:37 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Liz Flint-Somerville and I live in Somerville, MA.

I am writing because I am concerned about the impact of 103 CMR 481 Department of Corrections mail rules on the well-being, health, and rehabilitation of incarcerated persons.

Regular communication with incarcerated people is essential to their mental health and re-entry, and is necessary to actively participate in the legal system. As a citizen, I do not want community-members leaving prison even more lonely, isolated, desperate, and disconnected than when they went in. The COVID-19 pandemic has shown us time and again that digital connections are psychologically sub-optimal, and vulnerable to manipulation and compromise. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Liz Flint-Somerville

From: Tim Follo <[REDACTED]>
Sent: Friday, January 29, 2021 8:51 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard, my name is Tim Follo and I live in Somerville.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with incarcerated loved ones and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because that is the only medium that my friend feels comfortable sharing his thoughts and his story with me, precisely because they are not surveilled. Infringing on privacy here would mean completely isolating incarcerated people from their loved ones and leaving them with no outlet for their thoughts.

An example of a negative experience I have had with DOC mail is when I tried to send my friend some reading material and legal documents and the package was thrown out because they were allegedly improperly mailed (discarded items included a pocket copy of the constitution, ironically).

I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,
Tim

From: Lisa Fontes <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:24 PM
To: Richard, Kathleen J. (DOC)
Subject: copying prisoner's mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,
As a Massachusetts resident and a taxpayer, I hope you will cancel the policy of opening inmate's mail and copying it. People who are incarcerated deserve privacy and dignity.
Thank you.
Lisa Aronson Fontes, Ph.D.

From: Brenna Forristall <[REDACTED]>
Sent: Friday, February 05, 2021 4:35 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Courtney Foster <[REDACTED]>
Sent: Tuesday, January 26, 2021 10:47 PM
To: Richard, Kathleen J. (DOC)
Subject: Mail handling practices for incarcerated people

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am Courtney Foster, a resident of Newton, MA. I am deeply concerned to hear about changes to the mail handling practices for incarcerated people in our state, which endangers their privacy. Mail is for many one of the only contacts to the outside world and to loved ones for incarcerated people. I am asking the following:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

Thank you for your attention to this matter. Members of the community and I will be watching the DOC in response to these requests.

Sincerely,
Courtney

From: Betsy Fountain <[REDACTED]>
Sent: Wednesday, February 03, 2021 4:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Betsy

From: Daesha Francis <[REDACTED]>
Sent: Thursday, February 04, 2021 11:44 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Jonathan L Francis <[REDACTED]>
Sent: Thursday, February 04, 2021 4:44 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident and NESL student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Alice Frederick <[REDACTED]>
Sent: Wednesday, January 27, 2021 11:04 AM
To: Richard, Kathleen J. (DOC)
Subject: Comment for Public Hearing on 103 CMR 481 - Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To the Massachusetts Department of Corrections:

I am writing to submit a comment for the Public Hearing on the 103 CMR 481 - Inmate Mail, taking place this Friday, 1/29/21 at 10 am.

I am a 25-year-old resident of Somerville, Mass. I know from my experience corresponding with incarcerated pen pals in other states that one's mail is deeply personal and treasured. Because phone calls are costly (and sometimes unavailable), receiving personal letters from friends and loved ones is sometimes an incarcerated person's only tether to life outside prison — to the people and places that give them a sense of connection, belonging, and humanity.

Interfering with an incarcerated person's mail alienates them from their loved ones outside and violates their humanity. I demand that the Department of Corrections NOT have the authority to open, photocopy, and confiscate incoming mail. Under no circumstances should original copies of an incarcerated person's mail be destroyed without their consent. Under no circumstances should incarcerated people be charged additional costs to retain original copies of their legal mail. These practices violate incarcerated people's rights to privacy and attorney-client confidentiality.

Not only are these practices immoral and unconstitutional; they also haven't held up in other states. Pennsylvania's DOC adopted this practice and then had to agree in a 2019 lawsuit settlement to stop because of how invasive and inhumane it was. Articles describing this case are [here](#) and [here](#).

I urge the Massachusetts DOC not to adopt these changes to 103 CMR 481. I write in solidarity with everyone who is fighting for the humanity of incarcerated folks.

Sincerely,
Alice Frederick

From: Alex Frenett <[REDACTED]>
Sent: Friday, February 05, 2021 9:05 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Best,
Alex Frenett

From: Eiji Frey <[REDACTED]>
Sent: Saturday, February 06, 2021 9:33 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a passionate citizen writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a bad effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. GUARDS and STAFF bring the vast majority of drugs into prison. To reduce drugs in prison, SEARCH GUARDS, not letters. This proposal is so ineffective and counterproductive it is amazing. Yall stay oppressing prisoners like they arent already in jail being abused by the same guards responsible for the situation to begin with.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Ms. Kathleen Richard
Program Coordinator
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110

Re: 103 CMR 481: Inmate Mail

Good morning,

To the Massachusetts Department of Correction Executive Office of Public Safety and Security and Legal Division, Mr. Godovich, Ms. Handler and Ms. Richard, and other members of the committee to this public hearing.

For the record, my name is Rufus Friday, I am a resident of the Commonwealth of Kentucky a former news media president and publisher and currently working in higher education.

I have a relative who is an inmate at the Department of Correction that I stay in close contact with.

I am here to address my concerns to the specific changes that are being proposed **primarily** in Section 481.11, Paragraph 3 and Section 481.12 items in A, B and C.

I am here to stand up for the most sacred of the civil liberties we have in the **First Amendment to the United States Constitution**.

Back in May of 2012, the Massachusetts Supreme Court in *Champagne v. Commissioner of Correction* ruled that the items that the Department of Correction is proposing to change yet again are placing undue burdens on inmates. The Massachusetts Department of Correction has tried to address the issues that were outlined as "Vague and Broad" in the last ruling by the court, but again I do not see why these proposed changes to Section 481.11, Paragraph 3 and Section 481.12 items in A, B and C. are necessary as pertaining to destroying original mail that is sent to inmates and replacing it with "Photocopies".

Absent some reason or research and documentation (including that the current process of fluoroscope scanning of all original mail has failed to detect contraband) has not been shared with the public, there is no reason to believe that these harsher restrictions to inmate's mail is necessary.

The mental hardship, the lack of any visitation by family and others to inmates since March of 2020 in my opinion has been incredibly difficult and stressful.

I know it has for me and many others in this country since COVID-19 gripped our world almost one year ago.

These proposed changes to the inmate's mail is saying that photocopies of pictures of family members are better than real pictures, the same goes for handwritten letters.

That photocopies of pictures crayoned by children are better than the real pictures to hold and cherish while in prison.

That something your uncle has held and then sent to you in prison is more meaningful as a photocopy than having the real thing to have and hold and cherish.

If these changes are all about addressing an increase in contraband, where is the data that shows that contraband has increased?

Also, if there is data on this, why impose blanket changes to the Inmate Mail regulations and not address the individual inmate and restrict his privilege?

Also, I have read stories related to corrections staff overworked and underpaid as budgets continue to be reduced.

Making these changes to the Inmate Mail regulations, requiring all incoming mail to be photocopied and then processed is going to add more expense to the government's correction budget and I am not sure how Massachusetts legislators will see this as being a great use of taxpayer dollars in the commonwealth.

And I do not think that they really need to be paying someone six figures to sit around xeroxing Christmas cards, birthday cards, if they could spend funds in drug counseling and reentry staff and parole preparation, which would yield a greater reduction in criminal conduct per spent corrections dollar.

If this body is determined to make these unnecessary changes, I would sincerely recommend another review and narrowly tailor these changes to those that violate the currently written Inmate Mail regulations.

Please consider the infringement on the free, timely flow of original speech that the First Amendment of the US Constitution protects those that provide written communication to those that are incarcerated.

And that any changes address offenders who are violating any contraband rules and not have these broad changes that will impact the inmates that are not in violation here.

This pandemic has placed an incredible amount of hardship, isolation and mental anguish on all of us; those that are free and those that are in your care. I implore you to consider the added anguish these changes will place on inmates .

Lastly, I encourage this body to again review what the Massachusetts Supreme Court ruled in Champagne v. Commissioner of Correction, regarding first amendment infringement and in showing specific proof and data on contraband concerns.

Thank you for allowing me this opportunity to again, state my request of not making the changes to Section 481.11, Paragraph 3 and Section 481.12 items in A, B and C of the Inmate Mail regulations

Sidebar and added questions/ concerns I would like on the record:

=====
Definition changes:

Why is it necessary to make this change and have the Massachusetts Alcohol and Substance Abuse Center be in a position to waive applicability of this regulations?

481.03: Applicability

103 CMR 481.00 is applicable to all employees and inmates at all state correctional institutions within the Department of Correction; however, the Superintendent of MASAC may waive the applicability of this regulation in whole or in part.

Why is the MASAC being removed from this?

Inmate. For the purposes of 103 CMR 481.00 only, an individual, whether in pre-trial, un-sentenced, or sentenced status, who is confined in a correctional institution, including those individuals admitted for evaluation or commitment to the Bridgewater State Hospital, and at the Massachusetts Treatment Center. or at the Massachusetts Alcohol and Substance Abuse Center.

=====
Please enter this communication into the court record prior to the stated deadline of 5 pm EST on Friday, January 29.

Rufus Friday – January 29, 2021

Email: [REDACTED]

From: Rufus Friday <[REDACTED]>
Sent: Friday, January 29, 2021 11:30 AM
To: Richard, Kathleen J. (DOC)
Cc: Rufus Friday
Subject: 103 CMR 481: Inmate Mail
Attachments: Remarks by Rufus Friday for MA Dept of Corrections Public Hearing on Inmate Mail 1.29.2020.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Please enter the attached letter into the record for consideration in the hearing for Re: 103 CMR 481: Inmate Mail.

Please acknowledge receipt of this email?

Thank you.. Rufus Friday

--

Rufus Friday Consulting LLC

twitter: @Rufus_Friday

From: Howard Friedman <[REDACTED]>
Sent: Friday, February 05, 2021 4:57 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CMR 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs and other contraband into prisons. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Howard Friedman

From: Reihonna Frost-Calhoun <[REDACTED]>
Sent: Friday, January 29, 2021 1:27 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Reihonna Frost-Calhoun and I live in Maynard, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail directly go against what I believe is acceptable treatment of incarcerated citizens. As a therapist and researcher it is clear to me that the mail rules are increasing the harm that incarceration inflicts on the families and children of incarcerated individuals. I urge you to read the National Council on Family Relations' policy brief on how parental incarceration harms children.

https://www.ncfr.org/sites/default/files/2018-01/How%20Parental%20Incarceration%20Harms%20Children%20NCFR%20Policy_Full%20Brief_Jan.%202018_0.pdf

Photocopying and monitoring personal and legal mail has a negative impact on me because I work with families to support continued relationships and contact when family members are incarcerated. So much of that contact needs to be timely, personal, and private. Sending letters and drawings back and forth between parents and kids are important ways to develop and maintain family intimacy. Quick responses to things like report cards and family news also allow families to stay connected. During COVID-19, with visits limited to virtual connections, some of the only ways for families to stay in contact are through the mail. Changes that will make mail slower, less private, and less personal are never okay. Further, the proposed changes that would cost *more* money to provide *poorer* treatment of prisoners—not the direction we should ever be going!

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, family, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. They focus on even

more monitoring and control, rather than support or understanding the roots of behavior that might need to be adjusted.

Thank you for your time,

Reihonna Frost-Calhoun

Maynard, MA

From: Jessica Fuchs <[REDACTED]>
Sent: Friday, February 05, 2021 5:34 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Aviva Galaski <[REDACTED]>
Sent: Friday, February 05, 2021 3:47 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Adeline Gall <[REDACTED]>
Sent: Friday, February 05, 2021 1:58 PM
To: Richard, Kathleen J. (DOC)
Subject: Say NO to changing 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to object to the proposed changes to 103 CRM 481.

In short, the new proposed rules violate the privacy of incarcerated people AND the non-incarcerated people trying to communicate with them. As someone who has sent dozens of messages via paper mail to inmates all over the country, I can see what a positive impact paper mail can be for the people inside, so this rule would also be needlessly cruel. On a personal note, I also do not want any prison or state department having electronic access to the mail I write to anyone, whether they are in prison or not!

Besides the moral question, these new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order.

I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded.

Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all

incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Adeline Gall
Newtonville, MA

From: Sherry Gardner <[REDACTED]>
Sent: Monday, February 01, 2021 10:13 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I'm writing because I oppose the DOC decision to change the standard operating procedure regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

PLEASE consider these points:

- Incarceration is already punishment. Continued maltreatment, abuse and torture or people who are incarcerated is immoral, cruel and unconstitutional
- The food provided is inadequate, nutritionally poor and often expired
- Inadequate programming or preparation for release
- Exorbitant fees for phone and video calls
- Brutal treatment of people with significant mental illness
- Pervasive use of solitary confinement which is in direct opposition of the reforms mandated by the 2018 Criminal Justice Reforms Act
- Strong connection and communication with family and loved ones while a person is incarcerated lowers recidivism rates

Sincerely,

Sherry L. Gardner\

[REDACTED]

From: Jamilee Young <[REDACTED]>
Sent: Friday, January 29, 2021 10:00 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

This mail regulation is unconstitutional in many respects, whereas it clearly violates the First Amendment right of free speech, where the policy will censor the incoming mail due to an unproven event. They will be punishing the citizen and myself for the actions of someone else. The law says that this cannot be done. The First Circuit Court of Appeals said, "We see no reason why well-behaved inmates should have to suffer cruel and unusual punishment because of the actions of some disruptive ones." Blake v. Hall, 668 F.2d 52, 58 (1st Cir. 1981). The DOC's rationale for the draconian policy is unsupported and done only to disrupt the prisoner's ability to communicate with the outside. And they want to include legal mail as well now. Against the law right now the DOC intentionally hold up our legal mail, where the mail will come to the facility on the 7th, however, I will not receive it until the 13th. Now let's add what they intend to do now, the important legal documents will not be received for "weeks." Now, the most important thing to know is that legal mail has a right of privacy, as well as regular mail. In order to be able to copy regular mail and read its material, there must be some sort of reasonable suspicion before such action can be taken. As far as legal mail goes, the DOC has no right to copy, read or store legal documents. All legal documents received by the facility must be opened in the presence of the receiver. This is the law of America, not only Massachusetts. It is embedded in our constitution. The citizen has a right that his or her mail sent to a loved one incarcerated, receives the exact mail sent, not a copy of it and for their mail to then be destroyed. The United States Supreme Court says this act would be unconstitutional in Procunier v. Martinez, 416 U.S. 396, 405-406 (1974)(When a prison regulation or practice offends a fundamental constitutional guarantee, federal courts will discharge their duty to protect constitutional rights). Not only does this suppresses speech, it also constitutes an illegal search or seizure in violation of the Fourth Amendment, and under our Massachusetts Constitution, Articles 12, 14 and 16. Our phone calls are limited to ten and can only be changed every three months; our visits are restricted to only 5 to 8 persons with the discretion of the DOC to limit it to none altogether. And now their focus is on limiting the mail arbitrarily. This is the trifecta! With this enactment, us prisoners will be silenced and at the complete mercy of our jailers.

Tony Gaskins, W52145
SBCC
1 Harvard Road
P.O. Box 8000
Shirley, Ma. 01464
12:07 pm
1/23/21

From: Mass Incarcerated Individual Advocacy <[REDACTED]>
Sent: Thursday, February 04, 2021 9:29 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

A family member who is a currently incarcerated individual Rob Gervet asked me to submit a testimonial on his behalf:

in regards of the D.O.C mail process how it's effecting me along with other inmates. Speaking for self the mail process is effecting me in four different ways because I can't receive my mail on time due to the facilities rules & regulations of copying mail. 1.) It takes loads or bulks of mail for them to get distributed out to the units. 2.) I've been receiving mail a week later from the dated stamped envelope. 3.) Also when I do receive my mail its not even copied correctly or accurately to the appoint it's frustrating & aggravating. 4.) Also we have no idea what happens to the original piece of mail we do have a right to have privacy. I strongly disagree as well as other inmates shouldn't have to wait for mail a week later from when your suppose to get it & when you do receive the mail it's not accurately copied nor we don't know what happens to the original. This is tremendously effecting communication with our loved ones due to the rules & regulation of copying mail. So with that being said their is something that has to be done with the mail situation along with other problems that's going on behind the scenes inside these jails.

From: Lauren K. Gibbs <[REDACTED]>
Sent: Friday, January 29, 2021 4:39 PM
To: Richard, Kathleen J. (DOC)
Subject: Comments on 103 CMR 481 regarding Copying of Mail/Documents

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

January 29, 2021

Kathleen Richard, Program Coordinator,
Department of Correction,
70 Franklin St. Suite 600, Boston MA 02110
kathleen.richard@state.ma.us

Comments on 103 CMR 481 regarding Copying of Mail/Documents

As members of the Criminal Justice Reform Task Force of Congregation Dorshei Tzedek, we are concerned about the fact that people are not getting to keep their letters but will receive copies instead.

The largest problem is that people will not receive their mail.

The second largest problem is that destroying the mail and only allowing copies means that people cannot say in court that something did or did not happen. Letters from lawyers to their clients often get misplaced in prison by guards...

Sometimes, people send photographs. If those photographs are personal, the photos may be taken from loved ones for distribution amongst the guards without giving the photos to the loved ones or returning them to the person that sent them.

Sometimes people send children's drawings. People want to keep the drawings their loved ones send them, rather than a facsimile. There are no drugs in children's drawings. This is just messing with imprisoned people's heads.

Sometimes people want to keep the pieces of paper their loved ones touched, but DOC does not seem to care.

Currently, DOC personnel at times do not even give incarcerated people copies of the letters that are sent to them.

Or DOC personnel does not properly duplicate the card or photograph but the loved one.

There are so many reasons why it is important that incarcerated people should be able to see the messages people send them – whether it is a message about Grandma getting sick or a child doing well – or poorly – in school.

DOC is holding this hearing just to satisfy the letter of the law, but the reality is that much of this is about the fact that only letters and not facsimiles are able to be attested to in a court of law.

DOC needs to follow the guidelines in the handbook and not create new ones that do not even follow the guidelines of the Commonwealth of Massachusetts.

As concerned citizens of Massachusetts, we want incarcerated people to receive their mail!

Lauren Gibbs, member
For The Criminal Justice Reform Task Force of Congregation Dorshei Tzedek



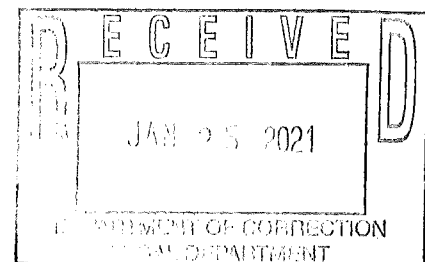
Kathleen Richard

From: Darius Gibson W105297
Po Box 8000
Shirley MA 01464

Re: Objection to Proposed changes of 103 CMR 481
Inmate mail

I'm writing to you to object to the Proposed changes the
Photocopying of inmate legal mail

1. It is going to Delay inmates legal mail being received as
Currently the CMR 103 481 is being violated because IPS don't
deliver legal mail within 24 hours of arrival at facility
2. It's Pointless because you will continue to have corrupt
guards who inmates pay to smuggle in contraband
3. The current methods for detection of K2 is sufficient
the mail going to the K9 unit then upon arrival at Doc facility
Guards visual inspection



From: Lorea Negroni Gillespie <[REDACTED]>
Sent: Thursday, February 04, 2021 4:10 PM
To: Richard, Kathleen J. (DOC)
Subject: I STROGLY oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a former Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Lorea Gillespie

From: Conor Gillies <[REDACTED]>
Sent: Friday, January 29, 2021 1:03 PM
To: Richard, Kathleen J. (DOC)
Subject: Comment Re: 103 CMR 481 DOC Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Conor Gillies, former resident of Somerville (and Cambridge before that) and a concerned member of the community who corresponds with prisoners in Massachusetts. My main concerns with the proposed changes:

- the breach of privacy -- an introduction of a layer of surveillance and interference through photocopying and monitoring personal and legal mail
- the limits of needing an electronic tablet to view messages, in some cases -- this severely limits the ability for prisoners to read (if they do not have access to a tablet) and share information, for example.
- privatization and digitization of mail correspondence. There are a number of middlemen who already (unfairly) profit off of communications -- Securus, CorrLinks -- and the proposed changes open the door for more third parties to control/access communication by making mail more restrictive. Pressuring people to turn to phone calls, video calls, email -- which all cost -- is unfair. An affordable public option -- basic mail service -- must be maintained!

Lastly, a photocopy is simply not the same as a physical letter. And it is certainly no substitute for documents, cards, photographs, drawings, newspaper clippings -- many different forms of communication that a facsimile cannot replace.

Roll back the mail restrictions, leave the regular mail service intact, and do not copy/monitor messages!

Conor

--

Conor Gillies
(207) [REDACTED]

From: jude <[REDACTED]>
Sent: Friday, January 29, 2021 9:59 AM
To: Richard, Kathleen J. (DOC)
Subject: opposition to 103CMR 481 DOC Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Judith Glaubman and I live in Cambridge MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with loved ones who are incarcerated and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it creates further barriers to my connecting with my loved ones.

I am also deeply concerned about the proposal to interfere with legal mail that opens the door to all manner of interference with client attorney privilege as well as losing irreplaceable original legal documents.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Judith Glaubman

From: Mehitabel Glenhaber <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:22 AM
To: Richard, Kathleen J. (DOC)
Subject: Comment For Public Hearing on the 103 CMR 481 - Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts voter living in Somerville, and a graduate student in a Communications Technology program, and I am writing to you today to ask that you reject the new proposed regulations which would give the department of corrections the ability to open, photocopy, or confiscate incoming mail. The privacy of the mail system in the United States, including for incarcerated people, is an important pillar of the postal system, and our human rights to private communications. Opening, and especially photocopying or censoring incarcerated people's mail is a huge violation of their right to privacy. Mail is one of the only ways that many prisoners can communicate with their loved ones, and the physical object of a letter can be a sacred object, which helps prisoner's maintain their emotional ties to the outside world. Maintaining these sorts of ties are crucial for prisoner's mental health, and reduces recidivism rates. And yet, the proposed regulations would destructively rob prisoners of even this small comfort. Please do not give the Department of Corrections the power to violate incarcerated people's privacy in this way.

Thank you for your time,
Mehitabel Glenhaber

From: Bridget Goerke <[REDACTED]>
Sent: Monday, January 25, 2021 9:13 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony against DOC Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Bridget Goerke and I live in Merrimac, Massachusetts.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am writing as a concerned member of the community and the new rules for mail have created hardship for not only me, as someone who write letters as a pen pal to multiple folks in prison, but more importantly to those incarcerated as well, and their loved ones. Sure, I enjoy writing letters and creating friendships with those who are incarcerated, but should these rules come to fruition, I will not feel the effects as closely as those who are incarcerated would be. Some of the changes impact those who are incarcerated on a social level but also on a legal level; where the impact of these rules could prolong any deadlines someone might with paperwork they're trying to receive or send out.

Photocopying and monitoring personal and legal mail has a negative impact on me because it is infringing upon my privacy, as well as those who I am communicating with. I would hate for these new rules to disconnect any of the relationships I've built or create even more distrust in this legal system.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes from the DOC present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

I am opposed to these proposed changes to the regulations. I wish I had suggestions or idea of ways to improve this policy for incarcerated folks, but I don't right now. However, I felt it was important that my voice was heard on behalf of incarcerated folks, as well as someone who

communications and values the lives and friendships I've made with folks who are currently incarcerated.

I hope you reconsider these rules and the impact they will have on the incarcerated folks and their loved ones.

Thank you for your time,

Bridget Goerke

From: Michelle Golden <[REDACTED]>
Sent: Thursday, February 04, 2021 9:38 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Michelle Golden

Sent from my iPhone

From: Clara Golinsmith <[REDACTED]>
Sent: Friday, January 29, 2021 2:02 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,
My name is Clara Golinsmith and I am a child. Watertown. I am writing to share with you about why I am concerned by the 103 CMR 481 Department of Corrections mail rules.
I find that the new mail rules violate prisoners' privacy. Prisons are already awful and unjust. We shouldn't be making it harder for prisoners to communicate with loved ones and lawyers.
I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends

From: Liz Goodfellow <[REDACTED]>
Sent: Tuesday, January 19, 2021 12:58 PM
To: Richard, Kathleen J. (DOC)
Subject: proposed privacy violations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I'm writing to oppose the proposed move to read, photocopy, and confiscate incoming mail to incarcerated people. This violates their right to privacy and attorney-client confidentiality. Please do whatever you can to oppose this additional intrusion into the lives of our fellow Bay Staters.

Thanks for your consideration.

Liz Goodfellow
Holden, MA

From: Maria Goodnight <[REDACTED]>
Sent: Tuesday, January 26, 2021 8:53 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Maria Goodnight and I live in Watertown

I am writing to share with you why I am personally against the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for my incarcerated fellow citizens and their loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on incarcerated peoples because the proposed changes would mean that there would be long delays to prisoners receiving mail which is not fair to them or the senders and the people they are in contact with. Additionally, with the elimination of time requirements, it increases the risk that inmates are unable to meet deadlines such as court filings or other related deadlines. Moreover, with mail being photocopied, attorney/client privilege is at risk, copies are insufficient for many court proceedings. How would a prisoner access their original legal documents? Overall, having mail be photocopied opens up yet another way for injustice to happen at prisons, as the contents could be read and used against inmates.

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

[Maria Goodnight](#)

From: Bridger Gordon <[REDACTED]>
Sent: Friday, February 05, 2021 12:28 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Bridger Gordon

From: Alison Gottlieb <[REDACTED]>
Sent: Friday, January 29, 2021 12:33 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

I, personally, have been mentoring an inmate who is part of the Tupit program working on his college degree through Tufts University. I was sending him materials to help with his course work. As well, he has little contact with family, so receiving cards and pictures is critically important to his well being. I know (from texts from his only friend outside) that his mental health is deteriorating under prison conditions (all inmates are confined to their cells 23+ hours/day under Covid. Limiting mail is illegal and counter-productive to rehabilitation.

As well, incarceration is already punishment. Continued maltreatment, abuse and torture of people who are incarcerated is immoral, cruel and unconstitutional. Pervasive use of solitary confinement i(which is essentially the condition of all inmates at present. .Strong connection and communication with family and loved ones while a person is incarcerated lowers recidivism rates.

Sincerely,
Alison Gottlieb
19 Rodman Street

From: danny grant <[REDACTED]>
Sent: Thursday, February 04, 2021 6:27 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

[Sent from Yahoo Mail on Android](#)

From: Phyllis Grant <[REDACTED]>
Sent: Thursday, February 04, 2021 6:28 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Sincerely,
Phyllis Grant

From: Alexa Gray <[REDACTED]>
Sent: Thursday, February 04, 2021 5:56 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. We should be directing our funding to substance abuse treatment, not toward destroying mail.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Molly Green <[REDACTED]>
Sent: Thursday, February 04, 2021 4:50 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Molly W. Green
[REDACTED]

Sent from [Mail](#) for Windows 10

From: Jeffrey Greenberg <[REDACTED]>
Sent: Thursday, February 04, 2021 9:33 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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Thank you.
Jeff Greenberg
Brookline, MA

From: Vicki G <[REDACTED]>
Sent: Monday, January 25, 2021 12:00 PM
To: Richard, Kathleen J. (DOC)
Subject: Privacy is a human right, even for incarcerated people

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen,

I am writing to you today to tell you that the Department of Corrections needs to stop reading, photocopying, and confiscating incoming mail. This is a violation of incarcerated people's right to privacy and attorney-client confidentiality.

Sincerely,
Vicki Gruzynski
Worcester, MA

From: Emily <[REDACTED]>
Sent: Tuesday, January 26, 2021 10:38 PM
To: Richard, Kathleen J. (DOC)
Subject: Inmate Privacy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I understand that MA prisons are proposing to photocopy all incoming mail, including legal documents, and destroy the originals. This violates incarcerated people's privacy and further isolates them from their loved ones outside. I'm writing this as a public comment against MA prisons codifying their intrusion into incarcerated people's legal and private mail before the public hearing on January 29.

Thank you,

Emily

--

Emily Guare

[REDACTED]
(617) [REDACTED]

From: Carmen Guhn-Knight <[REDACTED]>
Sent: Friday, February 05, 2021 1:08 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Carmen Guhn-Knight

From: Lydia Guterman <[REDACTED]>
Sent: Friday, February 05, 2021 3:41 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Cambridge, Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

January 26, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Corrections Mail Rules

Dear Kathleen Richard,

My name is Katryna Hadley and I live in Somerville, MA.

I am a person with an incarcerated loved one and the new rules for mail have created a hardship to our being able to stay connected in a meaningful way. The photocopying of all mail destroys the sentiment and experience of being able to write thoughtful letters, sometimes with drawings or cards for the holidays that become a memento for my loved one to keep and feel closer to me.

I know this is being done to supposedly reduce contraband coming into the prison but there have been so few cases where that is the case and the prison probably knows who to watch for anyway. It is punishing all the other inmates who simply want, as they always have before, to receive their personal mail in it's original form. This may seem like a small hardship to you but it's extremely important to the inmates.

I am opposed to the proposed changes to the regulations around both photocopying and monitoring personal and legal mail.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones.

Thank you for your time,
Katryna Hadley

From: Katryna Hadley <[REDACTED]>
Sent: Wednesday, January 27, 2021 2:03 PM
To: Richard, Kathleen J. (DOC)
Subject: virtual hearing on 103 CMR 481 DOC Mail Rules
Attachments: DOC mail rules letter.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richards,
I am submitting comments on the proposed regulations for 103 CMR 481 Mail rules. I have attached my comments in a PDF below.
Thank you, Katryna Hadley

From: Grace Hall <[REDACTED]>
Sent: Friday, January 29, 2021 3:54 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard:

I am writing to oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends. Photocopies are not the same and it is my understanding that this practice was started without any legal clearance on destroying personal property.

Legal documents are particularly important to people who are incarcerated and shredding the originals is unacceptable since, as you know, photocopies are generally not acceptable in court. Doing so, in my view, is deliberately interfering with the legal rights of an incarcerated person.

Have you considered using trained dogs to sniff for the occasional presence of drugs on documents? You probably could defend your position for the current practice if it were applied to the 0.1% or less of documents coming in and would overall be cheaper than copying thousands of documents.

There are many others areas where I question the quality of DOC actions, including inadequate preparation for release of incarcerated persons, extensive use of solitary confinement contrary to the terms of the 2018 Criminal Justice Reforms Act, high fees for phone calls, and mistreatment of individuals suffering from mental illness. Perhaps destroying documents is an unsurprising extension of the overall treatment of incarcerated persons.

All in all, it appears to me that the DOC is not meeting the expectations of the citizens of this Commonwealth that all individuals, including those incarcerated, be treated in a humane and decent manner.

From: Robin <[REDACTED]>
Sent: Thursday, February 04, 2021 6:00 PM
To: Richard, Kathleen J. (DOC)
Subject: NO to new prison mail rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I object to the implementation of new rules under 103 CMR 481.

The newly proposed mail rules are overly restrictive and dehumanizing. They also increase opportunities for surveillance of prisoners' communications, which severely disincentivizes prisoners from disclosing abuse and human rights violations within the prison system.

I urge you not to approve the new rules.

Thank you,
Robin Harney

Arlington, MA 02474

From: Harris, David <[REDACTED]>
Sent: Thursday, February 04, 2021 5:42 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

David Harris
Medford

From: Emily Harris <[REDACTED]>
Sent: Wednesday, February 03, 2021 12:42 PM
To: Richard, Kathleen J. (DOC)
Subject: Stop changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Boston, Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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For these reasons and more I believe the new regulations under review must be rejected, and their **practice immediately halted in all prisons.**

Thank you.
Emily Harris

From: Helen Hart <[REDACTED]>
Sent: Saturday, January 09, 2021 7:37 PM
To: Richard, Kathleen J. (DOC)
Subject: Concerned...

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

: I spend time, and hard earn money to purchase birthday cards, and holiday cards for Omar Bonner# W109706 and as a tax paying citizen, it concerns me to know, items I purchase are valued less then, and pictures I pay to get developed of my personal life are thrown away in the trash. My tax dollars pay for D.O.C Administration to secure Intel, to provide security, not find solutions that force me to use company apps to send photos that now keeps data of my personal life, and profiteering off my tax paying dollars. I ask as a concern citizen— that all reasons are considered, and regular inmate mailing is reinstated.

Thanks for your time.

A concerned loved one. Helen Hart.

From: anne harvey kilburn <[REDACTED]>
Sent: Friday, February 05, 2021 8:28 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

[REDACTED]

From: Hashley, Jennifer B. <[REDACTED]>
Sent: Friday, February 05, 2021 7:25 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Best, Jennifer Hashley
58 Codman Road, Lincoln, MA 01773

From: Rachael Hayes <[REDACTED]>
Sent: Thursday, February 04, 2021 8:49 PM
To: Richard, Kathleen J. (DOC)
Subject: On photocopying and destroying incarcerated people's mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I write against the proposal to photocopy and destroy incarcerated people's mail. This is a violation of privacy for incarcerated people. It also removes the connection of holding an object that a family member has touched. This is dehumanizing. It is an assault on the dignity of incarcerated people.

My religion teaches that all people have inherent worth and dignity. These do not disappear when a person crosses the threshold of a prison. It is our duty to treat people with dignity at all times, including during incarceration. The commonwealth of Massachusetts has the opportunity to do the right thing by rejecting the DOC's proposal.

Thank you for your consideration and your service of the public good.

The Reverend Rachael Hayes
Minister, Unitarian Universalist Society of Amherst
she / her / hers

[REDACTED]

During this time of physical distance, I am available by telephone and Zoom. I will receive your voicemail message even though I am not in the office.

Want to schedule a meeting with me? Go to calendly.com/revrachael to make an appointment.

From: Melissa Heller <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:43 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Ms. Richard,

I am Melissa and I live in Somerville. I am writing to voice my opposition to the Department of Corrections' proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Best,

Melissa Heller
SURJ Boston
(she/her/hers pronouns)

From: Jenny Hersh <[REDACTED]>
Sent: Friday, February 05, 2021 4:46 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. There is humanity and hope in mail and in contact with those outside of prison.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Jenny

From: Samantha Herter <[REDACTED]>
Sent: Friday, February 05, 2021 3:49 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Ashley Higgs Hammell <[REDACTED]>
Sent: Wednesday, February 03, 2021 8:42 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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Thank you,

Ashley Hamell
[REDACTED]

From: Hope Hillier <[REDACTED]>
Sent: Friday, February 05, 2021 5:08 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Texas resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Hope Hillier

Sent from my iPhone

From: localadmin <[REDACTED]>
Sent: Friday, February 05, 2021 8:58 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a criminal defense lawyer practicing in Massachusetts writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Coco Holbrook <[REDACTED]>
Sent: Friday, January 29, 2021 9:33 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: MA DOC Hearing Testimony: 103 CMR 481 Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Kay,

Thank you for that quick response and good news. I'll be sure to send them to your attention when ready.

Best,
Coco

From: Richard, Kathleen (DOC) <kathleen.richard@state.ma.us>
Sent: Friday, January 29, 2021 9:30 AM
To: Coco Holbrook <[REDACTED]>
Subject: RE: MA DOC Hearing Testimony: 103 CMR 481 Inmate Mail

Good Morning,

Yes, we will be making that announcement today, that we will continue to accept comments through next week. We will accept comments at any time, but getting them in by next week will ensure that they are carefully reviewed prior to any additional changes. You may send them to my attention once you have them ready.

Thank you,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110
857-377-1141

From: Coco Holbrook [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Friday, January 29, 2021 9:29 AM

To: Richard, Kathleen J. (DOC)

Subject: MA DOC Hearing Testimony: 103 CMR 481 Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

I am emailing to inquire whether it is possible to obtain a week extension to submit written testimony to the Department of Corrections on 103 CMR 481: Inmate Mail.

Best,
Coco

Coco Holbrook
she/hers
Staff Attorney
Mental Health Legal Advisors Committee
[REDACTED] [REDACTED]



Accessible Justice: Representing Clients Living with Psychiatric, Intellectual, and/or Developmental Disabilities

Captioning Provided

January 12, 21, 26 & Feb 2 from 2- 3:30 pm

Register at <http://www.sociallaw.com/accessiblejustice2021>

MHLAC Intake line at 617-338-2345, for toll free call 1-800-342-9092, TTY users and people calling from jail and houses of corrections, can call **617-227-6500**

This electronic message contains a communication from a law office, which is strictly confidential and intended solely for the use of the addressee. The communication may be privileged under the attorney-client and/or the attorney work product privileges. Any non-addressee is prohibited from reading, disseminating, distributing, or copying the communication contained herein. If you are in possession of the communication in error, please immediately notify the sender via electronic mail excluding the original communication. Thank you.

From: Howe <[REDACTED]>
Sent: Friday, January 29, 2021 12:33 PM
To: Richard, Kathleen J. (DOC)
Subject: Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

In addition, strong connection and communication with family and loved ones while a person is incarcerated lowers recidivism rates. I have heard that phone and video calls are charged exorbitant fees, and as we are all learning during the pandemic, personal connections are vital and boost our mental health. Cards and letters take on increased importance when these alternatives are not easily (and inexpensively) available.

Thank you for considering our perspective.

Sincerely,

Richard and Judy Howe
[REDACTED]

From: Kelley Huber <[REDACTED]>
Sent: Thursday, February 04, 2021 12:00 PM
To: Richard, Kathleen J. (DOC)
Subject: I object to the proposed changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Ms. Richard -

I am a Cambridge, MA resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you for your time,

Ms. Kathleen Richards
Program Coordinator DOC
70 Franklin St Suite 600
Boston Ma 02110-1300

January 9, 2021

Re: Objections on proposed mail regulations

Dear Ms. Richards,

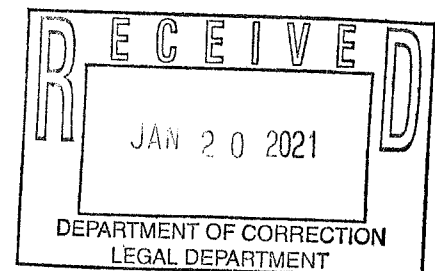
I oppose the new mail regulation changes authorizing photocopying of all incoming mail without any individual determination or reliable suspicion of wrong doing or contraband; third party electronic mail without individual consent for the service; and prior received mail treated as contraband upon transfer to another prison. Please note my objections as follows:

The removal of photocopying of a letter suspected of being contraband in 103CMR481.12(2) provisions to be replaced with proposed section 12(C) Photocopying of Incoming Non-Privilege mail section, allowing copying of all incoming mail as a matter of process removes the 1st amendment protections and state rights to privacy from the unlawful reading of incoming mail. The passage of provision 12(C) will render authorization for reading mail or replacing mail with copying determination by either the superintendent or Commissioner, as found in provisions 12(1) and 12(B) meaningless. As officers will have access to the letters wherever they're stored at. Thus there is no way to safeguard against this type of infringement under the proposed changes.

Even more troubling is how to understand 12(1) provision, if the Commissioner is the only person that can authorized photocopying of mail for those who pose serious concerns in relationship with 12(1)(a) which allows for photocopying of all mail at all prisons. The two provisions conflict as it appears section(a) seemingly suggest 12(1) is really obsolete or there's been a determination made against me that I haven't been informed of nor able to challenge.

In any case, the allowance of photocopying all incoming mail violates mail provisions 12(1) and 12(B) as proposed and is not authorized by the enabling statute of G.L.c. 127 §87.

Third party mail vender as proposed by the mail regulations raises the same objections and should be only optional upon a inmate consent. To maintain the proposed vendership and use as presented violates the enabling statute of G.L.c.127 §87.



2. of objections letter

As a result of the latter objections, I submit the forced disposal of all previous mail in a inmate's property to be eletronically down loaded or destroyed violates 103CMR403.10 property rights for retention of personal property permitted and again is not authorized by the enabling statute G.L.c.127 §87

In other words, the Commissioner does not have authority to change the mail statute. She must seek these changes through legislators.

Lastly, the Commissioner's schedule January 29, 2021 zoom/ video meeting violates G.L.c.30A §2. As the memo presented dated January 5, 2021, indicates that Governor Baker's executive order permits this action makes no mention of what executive order authorizes this conduct. The only existing Executive order #31 mandates that everyone wears a mask in a public space, handwash, and socially distance. Mr. Baker has no authority to change the legislative process of G.L.c.30A§2. Therefore the schedule video/zoom meeting does not constitute a Public Hearing. The Commissioner must conduct the Public hearing in a forum that allows access to those interested to attend and observe the Executive order mandates or otherwise delay these proceedings until the conclusion of the pandemic.

Thank you for your attention in this matter.

Sincerely

CC:

Mac Hudson

From: M. Hughes <[REDACTED]>
Sent: Tuesday, February 02, 2021 4:18 PM
To: Richard, Kathleen J. (DOC)
Subject: Oppose DOC regulations on incoming mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a resident of Somerville emailing you regarding the proposed MA DOC regulations that would give the DOC authority to open, read, and photocopy all incoming mail to incarcerated persons. I strongly oppose the proposed regulations.

Incarcerated people and their loved ones have a right to privacy. The DOC should not have the authority to open, read, and photocopy all incoming mail - it's a flagrant overreach that only violates the privacy of our incarcerated community members. Stop the violations of incarcerated people's right to attorney-client confidentiality, and stop restricting original mail from loved ones.

Thank you for your consideration.

Sincerely,

Margaret Hughes
[REDACTED]

From: Andrea Humez <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:52 PM
To: Richard, Kathleen J. (DOC)
Subject: Public comment on 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am a resident of Somerville, MA, and I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, which would be a grave violation of attorney client relationships and privacy. This kind of surveillance is both unjust and unnecessary.

Regards,

Andrea Humez
(she/her/hers)

From: Kara <[REDACTED]>
Sent: Friday, January 29, 2021 5:04 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed Changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richards,

I am writing as a constituent living in Watertown to express concern about proposed changes to 103 CMR 481, which governs Department of Corrections mail distribution and review.

Regular communication with the outside is essential to incarcerated individuals for their mental health and for successful re-entry as a productive member of the community. It is also a necessary action for actively participating in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. There is no public policy reason to destroy original documents, particularly when these documents provide meaningful ties to friends and family within larger Commonwealth communities. I am also concerned that the proposed changes present too many opportunities for legal mail to be compromised, which has obvious constitutional implications.

These changes are not necessary at this time and they are counter to a fair and equitable judicial process; I hope you will consider leaving this regulation in its current form.

Thank you for your time,

Kara Hurvitz

--

This email message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

From: Kathleen Irving <[REDACTED]>
Sent: Saturday, February 06, 2021 1:56 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Kathleen Irving
Boston, Ma

From: audra jamai white <[REDACTED]>
Sent: Friday, February 05, 2021 8:12 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Audra White

From: Melody Jeng <[REDACTED]>
Sent: Thursday, February 04, 2021 4:08 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Melody

From: Devon Jesus <[REDACTED]>
Sent: Friday, February 05, 2021 11:53 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: [REDACTED]
Sent: Friday, February 05, 2021 9:39 AM
To: Richard, Kathleen J. (DOC)
Subject: changes to mail of prisoners

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

As a concerned citizen, I am writing to strongly oppose the newly proposed change to the mail of prisoners. It is cruel, inhumane and unnecessary. Data shows that drugs come into the prisons not through letters from loved ones, but often from security guards themselves. As a retired professor, I taught a number of wonderful women who had been incarcerated due to drug addiction and separated from their children. They were trying to rebuild their lives, with great obstacles, and had suffered a lot.

In this difficult time, when prisoners cannot meet in person with their family and friends due to COVID, it is particularly harsh to put in a new bureaucratic system that will delay their mail and infringe on their civil liberties.

Sincerely, Susan Jhirad
Retired Professor of English at North Shore Community College, Member of the Board of the Unitarian Universalist Church of Medford
26 Farragut Ave. Medford, MA.02155
781-396-6424

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

February 5, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

Our names are Bruce and Joan Johnston, and we live in Dalton, MA. We are writing to share with you how we are personally impacted by the 103 CMR 481 Department of Corrections mail rules.

We are parents of a son who is currently incarcerated. The new rules for mail have created hardships for us and our incarcerated son.

Photocopying and monitoring personal and legal mail has a negative impact on us and our son because he is not able to enjoy the creative, colored images/writings both we and his nieces and nephews send. More importantly, he knows that others are reading our very personal messages meant for his eyes only.

An example of a negative experience we have had with DOC mail is sending cards for special occasions with personal comments, and then have staff make fun of him and broadcast the info to others.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Limit the intensity of mail intrusion to those who are known contraband offenders.
- Expediate delivery of mail delivery to prisoners.
- Balance prisoner's First Amendment Rights more judiciously to their security status.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Bruce and Joan Johnston

From: Bruce Johnston <[REDACTED]>
Sent: Friday, February 05, 2021 4:58 PM
To: Richard, Kathleen J. (DOC)
Subject: prison mail policy
Attachments: Mail_rules_Testimony_Template.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

From: Zach Johnston <[REDACTED]>
Sent: Wednesday, January 20, 2021 12:49 PM
To: Richard, Kathleen J. (DOC)
Subject: Comment in opposition to change of Inmate Mail policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Zach Johnston
Cambridge MA

From: Kayla Kallinich <[REDACTED]>
Sent: Friday, February 05, 2021 10:22 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Kayla Kallinich
[REDACTED]

From: Eliza Kaplan <[REDACTED]>
Sent: Tuesday, January 26, 2021 4:57 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,
My name is Eliza Kaplan and I live in Cambridge, MA.
I am writing to share with you my concern over the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship incarcerated people. I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the Department of Correction to consider.

Thank you for your time,
Eliza

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Elizabeth Karnaukh and I come here as a close friend of someone who is currently incarcerated at Souza Baranowski Correctional Center and a concerned member of the community. These new mail rules, which have already been implemented at SBCC, have already created hardship for me and my incarcerated friend, and if codified they will continue to make our correspondence challenging.

Photocopying and monitoring personal mail has a negative impact on me because it gives the DOC more access to my personal information, let alone the personal information of my incarcerated friend. Knowing that the DOC is likely reading all of our letters already, I'm less inclined to speak freely and communicate openly with my friend. My friend and I like to write to each other about our families, hobbies such as cooking and gardening, books we're both reading, politics, his experiences while incarcerated, and more – normal topics of conversation between good friends. Yet the monitoring of our correspondences often limits how much we can or want to say on some of these topics. The restriction and surveillance of everyday personal communication hurts our friendship; it means we cannot always be honest with each other or share everything that we want to. I know that my pen-pal values our correspondence; our growing friendship, which has mostly evolved through the course of 12 months of letter writing, has greatly benefitted his mental health and overall happiness. I know he has held onto letters to reread them when conditions inside have been particularly bleak. To shred and take away letters from incarcerated people is a kind of violence; it limits their exposure to human connection and compassion, and demonstrates that the DOC does not value these connections. As my pen-pal recently said to me, destroying original copies and making all mail electronic also desensitizes incarcerated people from their loved ones.

My friend and I have already negatively experienced these DOC mail regulations. There have been numerous times when parts of my letters have not made it to my pen-pals hands – either because he was moved to a different facility, or because the contents of my letters were presumably deemed “unsafe.” When they do go through, my friend also has a hard time reading my letters, since photocopied images often are blurry or missing parts of pages. I remember a specific instance when last summer, he received only parts of my letters because I was telling him about the Black Lives Matter actions happening locally. It's hard to treat this as a

coincidence; why would correspondence referencing movements for racial equality be censored, unless the DOC is actively reading our letters and deciding that content is “unsafe?”

Recently, I started sending printouts of Codes of Massachusetts Regulations (CMRs) as well, because he has told me he has limited access to the law library. Yet even as I send these codes to him, he will have limited access *to legal procedures pertaining to his incarceration* pending these new electronic mail rules. If the DOC really cares about the rehabilitation of incarcerated people, should they not allow for maximal contact with loved ones, friends, and legal aid? With these new regulations, the DOC is not only bridling communication; they are destroying networks of compassion, friendship, and support.

My friend and I are both strongly opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Allow incarcerated people to keep original copies of legal and personal mail sent to them
- Stop reading, censoring, and limiting access to personal and legal correspondences

Thank you for your time,

Elizabeth Karnaukh

From: Elizabeth Karnaukh <[REDACTED]>
Sent: Friday, January 29, 2021 2:43 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony Regarding 103 CMR 481
Attachments: 103 CMR 481 Testimony - Elizabeth Karnaukh.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

Please see my attached written testimony regarding 103 CMR 481; it is a version of the oral testimony I gave in the hearing today.

Thank you,
Elizabeth

From: Anna Kastner <[REDACTED]>
Sent: Friday, January 29, 2021 11:26 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

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Kathleen Richard-Program Coordinator

Department of Corrections

70 Franklin Street Suite 600

Boston, MA 02110

kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Anna Kastner and I work as a criminal defense attorney in New Bedford, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

The new rules for mail have created hardship for me and my incarcerated clients.

Photocopying and monitoring personal and legal mail has a negative impact on me because it compromises attorney client privilege, means that mail will take longer to get to my clients, and could prevent my clients from accessing important legal materials.

Especially during the coronavirus pandemic, mail is a crucial way that my clients stay connected with their legal team, family and friends.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated

people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Anna Kastner

--

Anna Kastner

A black rectangular redaction box covering the signature area.

From: Elissa Kaufman <[REDACTED]>
Sent: Saturday, February 06, 2021 8:02 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

From: Georgia Kay <[REDACTED]>
Sent: Friday, February 05, 2021 2:32 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Drew Kelner <[REDACTED]>
Sent: Wednesday, February 03, 2021 2:14 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident and Harvard College student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Drew Kelner

From: Mary Kelting <[REDACTED]>
Sent: Friday, February 05, 2021 4:02 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Dr. Whitney Kelting

From: [REDACTED]
Sent: Friday, January 29, 2021 12:30 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I am writing today to state how upset I was to learn that the Department of Corrections decided to change the procedures surrounding mail being sent to people in prison. It is a decision that I am very confused and at the same time horrified by! Cards, letters and pictures are crucial connections to people's families and friends. Why take that away and replace with a photocopy? And, frankly, much worse is that original legal documents, crucially important to people who are incarcerated, are being shredded! Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

I am writing as a person who firmly believes in the worth and dignity of every human being and the procedural change regarding letters and documents feels like stripping incarcerated people of even more of their humanity. Incarceration is already punishment. Continued maltreatment, abuse and torture or people who are incarcerated is immoral, cruel and unconstitutional

Sincerely,

Virginia Kendall
[REDACTED]

From: Dakotah Kennedy <[REDACTED]>
Sent: Thursday, February 04, 2021 2:00 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Dakotah Kennedy and I live in Jamaica Plain, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

As a former legal assistant at the public defender's office, I understand the importance and value of legal mail to folks who are incarcerated. This correspondence is privileged communication and inmates should have full access to their mail including their right to privacy. It is horrendous to think that the DOC is considering dedicating resources to further monitoring inmate mail when it is often their main connection to the outside world as well as their case. Photocopying and monitoring personal and legal mail has a negative impact on me because I know that this communication is privileged. Attempts to restrict it even further isn't right.

I am opposed to the proposed changes to the regulations. Instead, I request that the DOC do not pass the proposed restrictions on inmate mail.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Dakotah Kennedy

From: Jane Kennedy <[REDACTED]>
Sent: Friday, February 05, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Mary Kelting <[REDACTED]>
Sent: Friday, February 05, 2021 4:02 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Dr. Whitney Kelting

From: Yasue Keyes <[REDACTED]>
Sent: Thursday, February 04, 2021 4:20 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Lee Keyser-Allen <[REDACTED]>
Sent: Wednesday, January 27, 2021 9:10 AM
To: Richard, Kathleen J. (DOC)
Subject: Regarding the DoC proposal to open/photocopy inmate mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

It is an abhorrent breach of privacy and legality to process inmate mail as is proposed.

In addition to the question of rights regarding privileged communication, there is an additional question of humanity. How much more dehumanizing is it to be told that you can't even be trusted to post or receive a letter and to put yet more distance by providing facsimiles instead of originals.

If there is a true clear and present need to prevent contraband, then there should be, at a minimum, a requirement of probable cause to take this extraordinary step, and documentation and sign-off by the authorizing party (either the warden or someone deputized to make that call.)

In summary, I urge you to rethink those guidelines.

Yours in hope,

Lee

--

Lee Keyser-Allen

([REDACTED])

From: Carrie Klein <[REDACTED]>
Sent: Thursday, March 04, 2021 6:12 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Carrie Klein

From: Elizabeth Knights <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Richard, Kathleen J. (DOC)
Subject: DOC's Proposed Change to 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

My name is Liz Knights, and I'm a resident of Lowell, MA. I am writing to express my opposition to the Department of Correction's proposed change to "103 CMR 481: Inmate Mail". The proposed changes will violate privacy and attorney/client privilege while also having a negative on the mental health of the incarcerated and given that POC are disproportionately incarcerated in our society, the proposed changes are inherently racist. Inmates need to stay connected to friends and family if possible in order to not only maintain their mental health but the insure a successful reentry into society.

I hope you will take these thoughts into consideration and halt any proposed changes in an effort to make our society more just and humane.

Sincerely,

Liz

From: Sarah Koolsbergen <[REDACTED]>
Sent: Wednesday, January 27, 2021 9:58 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Regulation

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am deeply concerned about the proposed revisions to the Massachusetts Department of Correction's mail regulation, 103 CMR 481.

These proposed revisions violate the rights of incarcerated individuals in Massachusetts for the following reasons:

- 1) The proposed mail regulations would eliminate the requirement that all incoming mail be delivered to incarcerated persons within 24 hours of receipt by the DOC and the requirement that all outgoing mail be delivered to the post office within 24 hours of collection. Outgoing mail delays will jeopardize prisoners' being able to meet deadlines (court filings, bills, etc);
- 2) Under the proposed regulations, a DOC employee would photocopy incoming legal mail in the presence of the incarcerated recipient who could choose to have the mail shredded in front of her/him, stored in the incarcerated person's property, or mailed back to the sender at her/his own expense. Photocopying of legal mail increases the chance that attorney/client privilege would be compromised. Copies are not sufficient for many court proceedings. In addition, there is no indication of how a prisoner would access her/his original legal documents. If no record is kept of a prisoner's request for handling original legal documents, many legal documents will be in danger of being shredded too quickly. In addition, photocopying legal mail could chill, even further, prisoners' ability to send and receive sensitive legal documents because of their fears of retaliation, reprisal, and disclosure;
- 3) Eliminating photocopies of suspected contraband would eliminate the requirement that the DOC provide an incarcerated person a photocopy of incoming mail suspected of transmitting contraband. In addition, determination of what counts as contraband could be arbitrary or capricious without additional specificity about what materials would raise suspicion of the presence of contraband material;
- 4) The proposed regulations allow the superintendent of the DOC broad discretion to authorize

surveillance of incoming and outgoing non-legal mail for a renewable 90-day period and would mandate a log to record data electronically, which would include the name and address of sender and addressee and the type of mail received. In addition, establishing a digital data log increases the unnecessary surveillance of prisoners without any accompanying increase in security. These proposed regulations increase the risk that the DOC will use mail monitors to block mail inappropriately from neighborhoods or areas that are considered “high crime.” These proposed revisions also grant superintendents broad discretion to authorize mail monitoring;

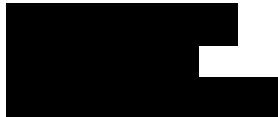
5) Under the proposed regulations, the commissioner of the DOC could authorize a third-party company to photocopy all non-privileged mail at a particular prison. If an incarcerated person is moved to a prison that photocopies mail, s/he will have to give up her/his original mail and may request photocopies. However, this third-party photocopying will cost the Commonwealth substantial tax-funded resources for no increase in security. In addition, there is an increased risk of lost/late delivery of mail or loss of data quality. Third-party photocopying of non-legal mail also reduces the emotional support physical mail provides to prisoners and increases the frustration and anger of incarcerated individuals toward the correctional system. Furthermore, this third-party photocopying of non-legal mail isolates incarcerated individuals further from their loved ones and support networks;

6) Finally, the proposed mail regulations would also allow the DOC to provide only a scanned version of mail, magazines, and newspapers delivered electronically to incarcerated peoples’ tablets. Tablet access is not equitable, and there is no clarity for how a prisoner would be able to retain her/his digital publications if her/his tablet were taken or destroyed. In addition, digitizing non-legal mail, magazines, and newspapers limits the ability of incarcerated individuals to share informational reading materials with other prisoners.

It is essential for incarcerated individuals to receive regular communication for their mental health, to re-enter their communities, and to participate actively in the legal system. Massachusetts' regulations should allow incarcerated people regular access to mail from legal professionals, loved ones, and friends. The proposed changes present too many opportunities for legal mail to be compromised. Lastly, the proposed revisions to the Massachusetts Department of Correction's mail regulation, 103 CMR 481 violate the rights of all incarcerated individuals in Massachusetts

Sincerely,

Sarah Koolsbergen
Concerned resident

A large black rectangular redaction box covering the signature area.

From: Josie Krieger <[REDACTED]>
Sent: Thursday, February 04, 2021 4:46 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Eric Krouse <[REDACTED]>
Sent: Friday, February 05, 2021 8:34 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

I have had the privilege of exchanging letters with incarcerated folks, and see how beneficial that contact can be. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am extremely concerned and disturbed about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

These new rules also violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Eric Krouse

From: cara kuball <[REDACTED]>
Sent: Friday, January 29, 2021 4:04 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Cara Kuball and I lived for over a decade in Somerville, MA. I currently live in Stone Ridge, NY.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated loved ones and friends.

Photocopying and monitoring personal and legal mail has a negative impact on me because I value the intimate, vulnerable, human connections I have had with prisoners via handwritten, mailed correspondence. My personal information and correspondence should not be photocopied or digitally tracked or electronically archived because I show compassion for incarcerated people, giving them an opportunity to connect to caring people outside the walls of prison.

I am strongly opposed to the proposed changes to the regulations.

Regular and reliable communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular and reliable access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Cara Kuball

From: Melissa La Bianca <[REDACTED]>
Sent: Sunday, January 31, 2021 1:24 PM
To: Richard, Kathleen J. (DOC)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I'm a concerned member of the community and I have significant objections to the proposed rule changes for DOC mail processing put forth in 103 CMR 481: Inmate Mail.

Not only will the proposed regulations create unnecessary hardship for incarcerated people with no corresponding increase in public safety, they also represent a significant waste of my tax dollars.

Regulations should allow incarcerated people regular access to mail from friends, family, loved ones, and legal professionals. Imagine getting a scan of your child's crayon drawing rather than the drawing itself? It is cruel—and not beneficial to the community—to continually erode any meaningful connections between incarcerated people and the support systems they need for mental health, successful reentry into society, and full participation in the legal system.

I urge the department to reconsider and reject these unnecessary and wasteful changes.

Sincerely,
Melissa LaBianca
Hyde Park, MA

--

Melissa LaBianca
cell: [REDACTED]
Safer Beauty Ambassador
<https://www.beautycounter.com/melissalabianca>
FB: <https://www.facebook.com/groups/223094085057762/>
IG: <https://www.instagram.com/mammastrying/?hl=en>

From: Xenia Lardas <[REDACTED]>
Sent: Friday, February 05, 2021 8:03 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

I want to emphasize how UTTERLY against this further dehumanizing of incarcerated individuals.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Jade La Rochelle <[REDACTED]>
Sent: Tuesday, February 02, 2021 9:12 PM
To: Richard, Kathleen J. (DOC)
Subject: Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Jade LaRochelle, and I am writing to voice my strong opposition to the new mail regulations under 103 CMR 481. Receiving and sending mail is a basic human right, and this regulation will make this right more challenging to exercise. Please consider the great harm that will be caused by these regulations.

Thank you,

--

Jade LaRochelle, OTD, OTR/L
she/her/hers
Adjunct Faculty
Department of Occupational Therapy
Boston University College of Health and Rehabilitation Sciences: Sargent College
635 Commonwealth Avenue, Boston, MA 02215



Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

January 29, 2021

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Families for Justice as Healing is a statewide organization whose mission is to end the incarceration of women and girls. We are supporting people to be successful in their communities by working to address the root causes of arrests and incarceration through nurturing thriving communities where everyone has what they need. Our goals are real community safety and wellbeing. The women who are a part of Families for Justice as Healing are from communities that are heavily impacted by incarceration all across Massachusetts. Our members have to deal with the many intrusive, restrictive and degrading Department of Correction policies on a daily basis.

My name is Jurrell Laronal. I am the Transform Harm organizer at Families for Justice as Healing. I am a formerly incarcerated man who has witnessed first hand many regulation changes from within the DOC over the span of a decade. This testimony represents the many voices of Families for Justice as Healing including those of us who are formerly incarcerated, our incarcerated members, and families with incarcerated loved ones.

First, we find it disrespectful and alarming that The DOC would allow Souza Baranowski to implement the proposed changes way before today's hearing even took place. A memo was passed out in the prison as if the proposed changes to 103 CMR 481 were already in effect including building of 70 tablet stations and installation of wiring at the correctional officers desk in preparation for the copying of legal mail. This shows the blatant disregard for this public hearing process. The DOC has an established pattern of violating the civil and human rights of our incarcerated loved ones as they see fit under the guise of "security."

There is a lack of effective oversight and accountability when it comes to the actions from correctional officers within the DOC toward incarcerated people and their property. Correctional officers use their own discretion when performing their duties. This can include but is not limited to: packing & delivery of property or not, bringing the phone to a person's cell or not, charging tablets or not, opening cells for recreation or not as well as how they approach handling food and medication.

What these new changes will be doing is giving the DOC even more unchecked power and discretion, making our loved ones even more vulnerable to further mistreatment. Legal mail must be protected by attorney/client confidentiality, yet under the new regulations legal mail will be compromised.

Personal mail is one of the staples of helping families not only stay connected, but helping people maintain mental stability for a successful re-entry back into communities. The elimination of time limits of delivering incoming mail and outgoing mail will further distrust among people incarcerated and officers while at the same time delaying time sensitive mail such as court filings and bills. We know from our inside members that personal mail is not getting properly copied. Pictures from people's kids and loved ones can be cut off, photocopied in black and white instead of color, and copied with such little care that the letters are unreadable. This is already



unacceptable and we must not allow legal mail to be copied and destroyed, because who is to say every line of someones grand jury minutes will be clearly legible when copied.

Families are already paying so much to support their loved ones with canteen, clothing, phone and video calls, and reading material. So now DOC proposes that families must pay for the legal mail to be shipped back from the prison, if they do not want originals shredded? Legal mail is often many pages, and this will be an expensive burden on those whose tax dollars are already paying for their loved one's incarceration.

There is no way for the DOC to guarantee to incarcerated people, their attorneys, or the public that personal or legal mail will not be stored digitally nor can the DOC adequately prevent officers from reading that mail while copying it or while it's saved in the memory of the copier.

Given the DOC's extensive record of mismanagement, even worse during COVID, we cannot assume that officers will handle life changing documents with the utmost care and timely manner since there is no adequate oversight or safe guards to protect legal mail or incarcerated people from being abused by retaliatory actions. From direct experience as well as the many families within Families for Justice as Healing who have a loved one in prison, property such as tablets that families pay for are constantly targeted by officers. We have accounts of officers causing water damage, breaking the charging port, and smashing screen. What is stopping an officer from this continued behavior and how will someone access their mail then?

The proposed changes will create massive logistical issues and compromised legal mail while still not addressing the root causes of how drugs are being introduced into a facility. The NARK II testing kit used to test mail is dangerously fallible that leads to countless false positives. The company's own website reads, "All test results must be confirmed by an approved analytical laboratory" and we do not believe DOC is properly verifying tests. These type of test have been the driving force of many "suspected" mail being seized which adds in more disciplinary actions. Given these new regulations, communication between incarcerated people and their attorneys about pending lawsuits against correctional officers and ongoing litigation against the DOC could be subjected to being compromised.

It should also be noted that the DOC has presented no reliable or substantial evidence to the public that legal mail is creating such a substantial security risk that these regulatory changes are necessary. DOC has also failed to confront their own officers' role in introducing drugs into prisons.

Families for Justice as Healing opposes the changes of 103 CMR 481 because such changes will only cause more harm to those in the custody of Department of Correction and many families in the Commonwealth. We need regulations that allow incarcerated people regular access to original mail from legal professionals, friends, and loved ones. The proposed changes compromise both legal and personal mail and will violate the rights and dignity of incarcerated people.

Thank you for your consideration.

Jurrell Laronal
Transform Harm Organizers
On behalf of Families for Justice as Healing

From: Jurrell Laronal <[REDACTED]>
Sent: Friday, January 29, 2021 10:06 AM
To: Richard, Kathleen J. (DOC)
Subject: Written/speaking testimony Mail Regulations
Attachments: Finished Testimony mail reg.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good moring

Attached is my written testimony for this morning's public hearing.

thank you-

--

Jurrell Laronal
Organizer
Families for Justice as Healing
617-992-7185 x 704
100R Warren Street
Roxbury MA 02119

justiceashealing.org | peoplenotprisons.org

Building Up People Not Prisons

From: Calais Larson <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Calais Larson in Boston. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

From: Martha L. Leader <[REDACTED]>
Sent: Thursday, January 21, 2021 1:47 PM
To: Richard, Kathleen J. (DOC)
Subject: opinion please read

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

I am a concerned citizen writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC must stop photocopying original mail and must not extend this practice to legal mail, a grave violation of attorney client relationships and privacy.

Please do not go forward with this intrusion into incarcerated people's legal and private mail! MA prisons are proposing to photocopy all incoming mail, including legal documents, and destroy the originals. This violates incarcerated people's privacy and further isolates them from their loved ones outside.

There is no good reason that people can not have their personal and legal mail available to them without interference.

It's bad enough being imprisoned or having a loved one behind bars. This just turns the vice tighter and decreases people's remaining rights and agency in their already very circumscribed rights.

Just please don't do it!!

Thank you!!

Warmly, Martha Leader
[REDACTED]

From: Alyssa Lee <[REDACTED]>
Sent: Monday, January 25, 2021 6:01 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Stop photocopying incarcerated people's mail - protect their right to confidentiality and privacy!

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Hello, Kathleen,

Thank you for your response and your attention. I look forward to joining you and many other concerned members of the public at this Friday's hearing.

On Mon, Jan 25, 2021 at 7:47 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made. I will also make note that plan to speak on the day of the hearing. Anybody who is present by video or telephone will be given an opportunity to do so.

Sincerely,

Kay Richard
Program Coordinator III

Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Alyssa Lee [mailto: [REDACTED]]
Sent: Saturday, January 23, 2021 5:00 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Stop photocopying incarcerated people's mail - protect their right to confidentiality and privacy!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I would also like to attend the public hearing on January 29 and provide oral testimony at the hearing. Thank you in advance for your consideration.

On Sat, Jan 23, 2021 at 1:59 AM Alyssa Lee <[REDACTED]> wrote:

Hello, Kathleen Richard,

My name is Alyssa Lee and I'm a resident of Medford, MA living on Winchester Street. I have 2 close friends at MCI Shirley and MCI Framingham. My letters to them have been critically important sources of friendship, connection, and support during their incarceration. I have been angry and upset to hear that since 2017, it has been a 'standard practice' of the prisons to photocopy all incoming mail by default, even though this is not the way the photocopying guideline is supposed to be applied by 103-CMR-481.

Now that the Department of Corrections is attempting to enshrine this photocopying practice into its new proposed guidelines, I have to speak up. It is an outrage and unethical, let alone

potentially unconstitutional, to give this much authority to the DOC with incarcerated people's mail. As we've seen so far, the DOC will use this authority to photocopy all mail - including privileged mail - and to make it increasingly difficult and costly for incarcerated people to have the necessary originals of their legal mail. Even though they are only supposed to do so when there is suspicion of contraband, it has definitely NOT been the case that prison superintendents provide any explanation or verifiable reason for such suspicion. Instead, they open all personal mail by default. Giving them the authority to be able to do so with impunity for legal mail is extremely dangerous. This violates incarcerated people's protected right to attorney-client confidentiality.

Civil rights groups in Pennsylvania successfully won 2 federal lawsuits overturning a similar policy by the PA DOC on the basis that "The revised screening procedures [must] respect the rights of prisoners to confidential and privileged attorney-client communications without compromising the department's efforts to prohibit drug use in the prisons."

<https://www.mcall.com/news/pennsylvania/mc-nws-pennsylvania-prison-inmate-mail-drugs-20190222-story.html> This practice is RARE among prisons and there is already precedent to deny this kind of photocopying authority.

And it's not just the legal mail. Photocopying personal, non-privileged mail and denying incarcerated people the originals deprives them of the necessary human connection to their mail. It is an unnecessary and cruel step that does not meaningfully make the prisons safer or substance-free, especially if this regulation is applied wholesale. Photocopies reduce the quality of written and drawn letters, which comes close to violating their constitutional right to receive their mail. Furthermore, opening the door for prisons to use third-party services to copy the mail will inevitably lead to huge delays, as we saw was the case in Pennsylvania, and is another source of financial waste -

<https://www.prisonlegalnews.org/news/2019/sep/9/pennsylvania-docs-new-mail-policy-robs-prisoners-personal-touch-lawsuits-over-legal-mail-settle/> . We should not let this happen.

Instead, require that prison superintendents only photocopy when there's a verifiable reason to suspect contraband provided to the incarcerated recipient. Do not deny them their original mail

In order to ensure that incarcerated people's constitutional right to receive their mail (without delay and without reduction of quality), right to attorney-client confidentiality, and right to privacy is protected, please do the following:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.

- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation *every time*.

Thank you in advance for your consideration to this very important matter.

Sincerely,

Alyssa Lee

[REDACTED], Medford, MA 02155

--

Alyssa Lee

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Alyssa Lee <[REDACTED]>
Sent: Saturday, January 23, 2021 5:00 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Stop photocopying incarcerated people's mail - protect their right to confidentiality and privacy!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I would also like to attend the public hearing on January 29 and provide oral testimony at the hearing. Thank you in advance for your consideration.

On Sat, Jan 23, 2021 at 1:59 AM Alyssa Lee <[REDACTED]> wrote:
Hello, Kathleen Richard,

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Now that the Department of Corrections is attempting to enshrine this photocopying practice into its new proposed guidelines, I have to speak up. It is an outrage and unethical, let alone potentially unconstitutional, to give this much authority to the DOC with incarcerated people's mail. As we've seen so far, the DOC will use this authority to photocopy all mail - including privileged mail - and to make it increasingly difficult and costly for incarcerated people to have the necessary originals of their legal mail. Even though they are only supposed to do so when there is suspicion of contraband, it has definitely NOT been the case that prison superintendents provide any explanation or verifiable reason for such suspicion. Instead, they open all personal mail by default. Giving them the authority to be able to do so with impunity for legal mail is extremely dangerous. This violates incarcerated people's protected right to attorney-client confidentiality.

Civil rights groups in Pennsylvania successfully won 2 federal lawsuits overturning a similar policy by the PA DOC on the basis that "The revised screening procedures [must] respect the rights of prisoners to confidential and privileged attorney-client communications without compromising the department's efforts to prohibit drug use in the prisons."

<https://www.mcall.com/news/pennsylvania/mc-nws-pennsylvania-prison-inmate-mail-drugs->

[20190222-story.html](#) This practice is RARE among prisons and there is already precedent to deny this kind of photocopying authority.

And it's not just the legal mail. Photocopying personal, non-privileged mail and denying incarcerated people the originals deprives them of the necessary human connection to their mail. It is an unnecessary and cruel step that does not meaningfully make the prisons safer or substance-free, especially if this regulation is applied wholesale. Photocopies reduce the quality of written and drawn letters, which comes close to violating their constitutional right to receive their mail. Furthermore, opening the door for prisons to use third-party services to copy the mail will inevitably lead to huge delays, as we saw was the case in Pennsylvania, and is another source of financial waste - <https://www.prisonlegalnews.org/news/2019/sep/9/pennsylvania-docs-new-mail-policy-robs-prisoners-personal-touch-lawsuits-over-legal-mail-settle/> . We should not let this happen. Instead, require that prison superintendents only photocopy when there's a verifiable reason to suspect contraband provided to the incarcerated recipient. Do not deny them their original mail

In order to ensure that incarcerated people's constitutional right to receive their mail (without delay and without reduction of quality), right to attorney-client confidentiality, and right to privacy is protected, please do the following:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation *every time*.

Thank you in advance for your consideration to this very important matter.

Sincerely,
Alyssa Lee

[REDACTED] Medford, MA 02155

--

Alyssa Lee

[REDACTED]

Pronouns: she/her/hers

Schedule a meeting: <https://alyssadlee.youcanbook.me>

From: Stacey L. <[REDACTED]>
Sent: Thursday, February 04, 2021 4:39 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Sincerely,
Stacey Lefebvre
South Hadley, MA

1/18/21

Regarding the new proposed mail regulations

The mail regulation has been violated and completely put aside. The new proposed regulation is the latest attempt to justify the many constitutional violations that have and will continue under the guise of security. This submission will focus on rebuffing the most blatant and outrageous attempt to violate the constitutional rights of the People of the Commonwealth. 103 CMR 481.11 (3) - The issue of the inspection of privileged mail has been long settled and explicitly stated in *Wolf v. McDonnell*, 418 U.S. 539 (1974) by the highest court in the land. The Supreme Court stated the acceptable method that has been implemented in the DOC to protect the Sixth Amendment right of attorney - client relationship from intrusion. *Wolf* at 541 " The state may constitutionally require that mail from an attorney to a prisoner be identified as such and that his name and address appear on the communication; and as a protection against contraband that the authorities may open such mail in the inmate's presence. A lawyer desiring to correspond with a inmate may also be required first to identify himself and his client to the prison officials to ensure that letters marked 'privileged' are actually from members of the bar." The Court disapproved of other measures.

The DOC has raised security questions that have been well answered especially since the problems they claim are not new or unique to this regime alone. There are no 'appropriate circumstances' identified by the Court as to go further than the accepted method. *Wolf* at 575 " The danger that a letter from an attorney, an officer of the court will contain contraband is ordinarily too remote and too speculative to justify the regulation permitting the opening and inspection of all legal mail." " if there was doubt that a letter was actually from an attorney, a simple telephone call should be enough to settle the matter. " The current regime as all other institutions, at 577 " have done all, and perhaps even more, than the constitution requires. "

The question that must be asked in what " appropriate circumstance " does the commissioner authorize the photocopying of privileged mail? There exist no such a thing as a appropriate circumstance that would permit this. To do so would erase the freedom from censorship and place it on the same footing as inspection and perusal, opening constitutional questions of the 1st, and 14th Amendment Rights.

For the DOC regime, to be able to photocopy and store legal document, having total control over them cannot guarantee or assure that they " may" not be read. 1st Amendment of correspondents with prisoner may protect against the censoring of inmate mail , when not necessary to protect legitimate governmental interest, see *Procunier v. Martinez*, 416 U.S. 396 (1974). Now as to the ability to open the mail in the presence of inmates, this could in no way constitute censorship, since the mail would not be read, and we need not visit this question any further. Besides what guarantees can the DOC give that it will successfully store the legal documents when property that is supposed to be secured in long term storage goes missing all the time.

If in our final analysis we use simple logic and reason we can see the fallible theories of where the problem stated by the regime may stem from. This erroneous theory and its assumptions create substantial burdens on the access of the courts violating the 14th Amendment. If we look over quickly at the failed attempts by the DOC regime to stop the introduction of contraband into its institutions in the 2-3 years, we can reasonably come to our conclusion. First the regime wanted to get rid of all contact visitations. The General Court in Senate No. 2371 thwarted this action. Then the DOC regime made the approved visitor list rule allowing only 5 to 10 visitors to visit an inmate. This was allegedly done to curtail contraband specifically subaxons from coming in. Second the regime created policy to override state regulation and established law in order to photocopy all incoming non privileged mail. This practice became so oppressive as to affect privileged mail.

With all these measures in place and with the lockdown due to various incidents and the pandemic in 2020 what did this accomplish? Absolutely nothing. Contraband was still found in high quantities. All was the same as before the alleged security measures were taken. Taking this into account the regime still has the audacity to accuse officers of the court of introducing contraband or the attempt thereof. Reason and logic would dictate as many other states have admitted that the DOC regime look into their own staff for the introduction. Anything less does not make sense.

Privileged mail has been withheld and alleged to contain contraband. Even after being tested in a laboratory, resulting in a negative result, the legal documents are still withheld and denied to the inmate. The documents are also not returned to the attorney. Attorneys are reluctant to send documents to inmates fearing they might get accused of introduction. Court papers received at court from an attorney, DA, clerk, or judge it does not matter who while the inmate appears at court are taken by the transport officers. Then the transport officers when arriving back to the facility hand the documents to the intake officers who then give it to the IPS officers. The IPS officers choose if they will give it to the inmate or not. They have been known to make copies keeping the originals. The likelihood that the documents are read is more likely than not. When attorneys send case law, legal resources etc. to help a client there are a lot of instances that the privileged mail disappears and the regime claims ignorance. Ask yourself what is more likely that an officer of the court did not send mail he states he did send, or that it was a lot for the regime to photocopy and simply did not want to do it? Another logical answer is that they read the privileged mail and determined that it could aid the inmate in going against unconstitutional practices and customs of the regime.

Correctional officers have been identified as Law Enforcement, see *Vinning v. Commonwealth*, 67 Mass. App. Ct. 690, 695 (2005). So the retention also brings forth 4th Amendment issues opening a can of worms better left unopened. This new mail regulation as other attempts does not have security as its main purpose. The DOC regime has a bad habit and sinister agenda to arbitrarily punish inmates and their families and friends in an attempt to destroy those bonds and relationships that may help the inmate get out of prison and be an asset to the Commonwealth. The only conclusion especially pertaining to privileged mail is to apply the tried

and true wisdom of the Supreme Court. Do not let a false security concern give the regime the opportunity to create the sought after " appropriate circumstance " that is simply not there.

Justice Brett Kavanaugh, dissent in : U.S. Telecom v. Federal Communication Commission (2017)

" If an agency wants to exercise expansive regulatory authority... an ambiguous grant of statutory authority is not enough. Congress must clearly authorize an agency to take major regulator, action. "

City of Arlington v. FCC (2013), Justices Roberts Ex Alito dissent quoting Marbury v. Madison (1803)

" It is emphatically the province and duty of the judicial department to say what the law is " i.e. judges not administrators are arbiters of what a statute means, and whether congress has granted the agency the power it claims.

Justice Thomas in Perez v. Mortar Bankers Association (2015):

As in Chevron v. NRDC (1984), deferring to an agency's interpretation of their authorizing statutes " undermines our obligation to provide a judicial check on the other branches and it subjects the regulated parties to precisely the abuses that the framers sought to prevent. "

Justice Gorsuch in Guittierrez - Brizuela v. Lynch (2016)

Said that judicial deference to administrative interpretations of law " permits executive bearocracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the constitution of the framers design. "

For the aforementioned reasons the proposed mail regulation should not be promulgated and applied. The abuses described have already been a reality and we discussed privileged mail so imagine the carelessness towards the rest of the mail coming in.

Sincerely,

Julio Leiva, W107572
SBCC

From: Taylor Lents <[REDACTED]>
Sent: Thursday, February 04, 2021 9:48 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Taylor L. and I live in Jamaica Plain, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail is going to do nothing but cause increased delays in incarcerated persons receiving their mail. These mail delays will only do harm to both senders and receivers of mail by jeopardizing their ability to communicate and meet crucial deadlines.

Further, these proposed changes would provide no further increase in "security" while only costing the Commonwealth substantial tax-funded resources.

I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Taylor L.

From: Michael Leonard <[REDACTED]>
Sent: Wednesday, January 27, 2021 3:28 PM
To: Richard, Kathleen J. (DOC)
Subject: Please protect the right to privacy for incarcerated people in MA

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I am a concerned Massachusetts resident writing in opposition of new regulations proposed by the Department of Corrections that would allow it authority to open, read, and photocopy all incoming mail, both legal and personal. In addition to what I see as a clear violation of the privacy of those incarcerated in the Commonwealth, I believe such a policy would violate their right to attorney-client confidentiality. As you may be aware, this was the same basis upon which a similar policy was overturned [in Pennsylvania](#) not long ago.

Incarcerated people are no less entitled to these basic constitutional rights. In a system that already charges them to remain in contact with loved ones by phone, this would be yet another gross and repressive injustice. I urge you not to adopt these proposed regulations.

Thank you,
Michael Leonard
Somerville, MA

From: Celine Lessard-Brandt <[REDACTED]>
Sent: Friday, February 05, 2021 4:31 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to proposed mail regulation changes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richards,

I am writing to express my opposition to the proposed changes in mail regulations in Mass DOC prisons. The proposed changes will do nothing to address the problems of drug addiction in prisons and are inhumane, unconscionable and unconstitutional.

Mail - *physical copies of mail* - are extremely important for incarcerated people to connect to friends and family outside prisons and provide mental health benefits that address, though nothing can rectify, the extreme mental health stresses that our incarceration system causes. It is additionally extremely important to ensure the privacy of mail - to give one example, in the past I have volunteered with the Black and Pink organization supporting LGBTQ+ incarcerated people, and we are trained not to reveal a person's sexual orientation or gender identity without their consent, as this may put them at the risk of homophobic violence from other incarcerated people or prison guards. The surveillance of incoming and outgoing mail poses a clear risk in this regard.

Additionally, the proposed changes will have no security benefits and don't justify the adverse impacts on incarcerated people. As outside observers have already asserted, there is no transfer of drugs into prison via mail - in fact, correctional officers are the main culprits of smuggling drugs into prisons. It is difficult to believe that these changes are being proposed as a way to keep prisoners more secure and not as a way to stifle prisoners' constitutional rights to free speech and communication.

In general, it is extremely distressing that the DOC is even considering treating people in this way. Incarcerated people's rights to dignity and privacy are constantly infringed by incarceration itself and it is unthinkable that DOC wants to strip these away even further. Most incarcerated people already face disadvantages of racism, homophobia, poverty, and/or mental health issues and are being severely tested and traumatized in prison. As such, I must oppose any further abuses being proposed as a matter of human rights and moral conscience.

Sincerely,

From: Liz Leto <[REDACTED]>
Sent: Friday, February 05, 2021 8:52 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Amanda Lewis and I live in Holyoke, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a very concerned community member with friends who are incarcerated in Massachusetts, and the new rules for mail will create hardship for my incarcerated friends and loved ones. I am very worried about the ways that these new proposed mail rules will impact people I care about, making them even more isolated and less able to access important legal documents and ways of connecting to loved ones on the outside in a timely manner.

It already can take a very long time for mail to reach people on the inside, and this new proposed process seems like it will make the timing of receiving mail even more variable, which could negatively impact people's personal and legal correspondence. I am also particularly concerned about how easy the tablets would be to damage - whether by accident or on purpose as a form of retaliation - rendering it even more challenging to maintain correspondence with the outside world. This is unacceptable.

Photocopying and monitoring personal and legal mail would have negative effects on people who are incarcerated in our state's prisons, and I am very opposed to these proposed regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Amanda Lewis

From: amanda lewis <[REDACTED]>
Sent: Tuesday, January 26, 2021 8:26 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules
Attachments: Mail rules Testimony _Lewis .docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Amanda Lewis and I live in Holyoke, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a very concerned community member with friends who are incarcerated in Massachusetts, and the new rules for mail will create hardship for my incarcerated friends and loved ones. I am very worried about the ways that these new proposed mail rules will impact people I care about, making them even more isolated and less able to access important legal documents and ways of connecting to loved ones on the outside in a timely manner.

It already can take a very long time for mail to reach people on the inside, and this new proposed process seems like it will make the timing of receiving mail even more variable, which could negatively impact people's personal and legal correspondence. I am also particularly concerned about how easy the tablets would be to damage - whether by accident or on purpose as a form of retaliation - rendering it even more challenging to maintain correspondence with the outside world. This is unacceptable.

Photocopying and monitoring personal and legal mail would have negative effects on people who are incarcerated in our state's prisons, and I am very opposed to these proposed regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Amanda Lewis

From: Morgan Lilliput <[REDACTED]>
Sent: Friday, February 05, 2021 12:08 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Melissa Lin <[REDACTED]>
Sent: Thursday, February 04, 2021 6:04 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Melissa Lin

From: Mandy Linehan <[REDACTED]>
Sent: Wednesday, February 03, 2021 2:21 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Amanda M. Linehan

From: Hunter Linscott <[REDACTED]>
Sent: Thursday, February 04, 2021 4:57 PM
To: Richard, Kathleen J. (DOC)
Subject: Prisoner rights

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing as a concerned citizen to tell you to please not let anyone violate the privacy of prisoners by photocopying and confiscating their mail.

This is not right, this is an invasion of privacy and a way to increase isolation. Please speak out in favor of human rights.

Sincerely,
Hunter Linscott

1/9/21

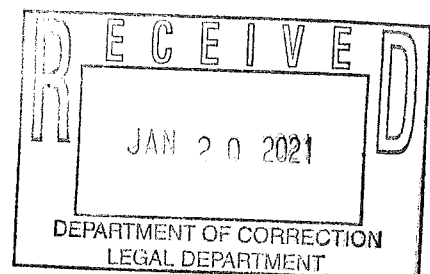
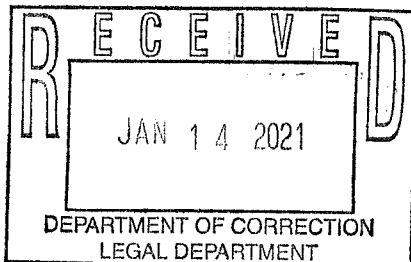
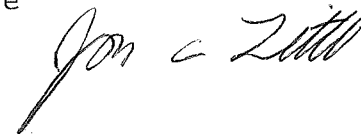
TO : Kathleen Richard
Program Coornater DOC

From Jon C Little
MCI Norfolk Box 43
Norfolk MA 02056

I am writeing to put my views on Commonwealth regulation
(CMR) 103.481 1through 23
and what I Belive should be changed
the fact that ower mail is being copyed needlessly
to keep out contraband that still gets into the feclity
on a regular basis like K2 and soboxin
allso that ower mail to media outlets has to be aproved
by the superentendent or commishener before it can be mailed
out to newspapers or telavition stations

please read this aloud at the hearing it can be heard
copying mail and stoping mail to media outlets
to me is apuntive action against ower first Amenmendment rights
and what few rights are aforded us

Thank you
Jon C Little



1/9/21

TO THE Hearing on Commonwealth of Massachsettes REGULATION
(CMR)103.481.1 through 23

the pratice of copying mail to keep out contraband drugs
is a failer from my eyes as an inmate K2 and other drugs
are still available here at MCI Norfolk even after
copying mail went into effect.

I can still smell K2 and see men stoned on soboxin
fairlly regulrllly

stoping mail has done nothing wene its being brought
in by corrorections officers and not visittations
which has been stoped by the covid-19 crissis

and as for all mail to any media outlets that has to be screned
by the superentendent or dept of corrections
commishner it ither is never sent out or sits on ther desk
for months and sent back for an obscure.
reason

stoping this allso make the MassDOC more transparent
and would stop the pratice of endless lawsuits by inmates
and making people angry wene they find out about mitakes
made by the DOC

I would prepose this that each inmate be given a code
like the ones on ower keoisk system for out going media
mail .
and as a security code it would only knowen to the inmate
and any one fraudently useing any one eles's code
be investigated by state police and charged with a feloneny
and have all mail other then legal mail inspected

I am allysending a copy of a peice of my mail sent to Iside
Edition that I had cofescated and sent back and was never
reinbursed for postage note the postage is not cansled

please excuse my typing and spelling

Jon C Little W67693
MCI Norfolk Box43
Norfolk MA 02056

From: Cassandra Lloyd <[REDACTED]>
Sent: Friday, February 05, 2021 7:31 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Hannah Long <[REDACTED]>
Sent: Saturday, January 30, 2021 5:26 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Hannah Long and I live in Arlington.

I am writing to share with you that I do not support the 103 CMR 481 Department of Corrections mail rules. I am a concerned member of the community and the new rules for mail have created hardship for those in our community. Photocopying and monitoring personal and legal mail has a negative impact on people remaining connected with their loved ones and support systems.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

I urge the Department of Correction to consider this.
Thank you for your time,
Hannah Long

From: Eric Love <[REDACTED]>
Sent: Thursday, February 04, 2021 7:47 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Jacob Lurye <[REDACTED]>
Sent: Saturday, February 06, 2021 9:36 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Jacob

From: Jared MacFarlane <[REDACTED]>
Sent: Friday, January 29, 2021 3:33 PM
To: Richard, Kathleen J. (DOC)
Subject: Comments regarding 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'd like to submit the following written comment for tonight's public hearing regarding the 103 CMR 481 proposal.

I am writing today to convey a deep dissatisfaction with the proposed regulation, which I believe could be abused by DOC staff to violate the sense of privacy and dignity that is owed to those inside and outside prison walls. A criterion for the reading, censoring, or disapproval of incoming mail is that it "contains sexually explicit pictorial material or material which features nudity". Not only would prison staff reading such mail be a profoundly violating intrusion into the details of the mailer's intimate relationship with the inmate in question, but it would also be an invasion of the privacy of the mailer of such material, particularly if that person were the subject of the "pictorial material" in question. One criterion for reading or disapproving of an inmate's outgoing mail is that the "correspondence has an improper or no return address". I can think of no less responsive, respectful protocol than to invade a person's privacy or flat-out deny their communication because of an incorrectly-written return address. Another such condition for the destruction of outgoing mail is that "the correspondence contains material not intended for the addressee, but rather, material intended for other parties". Given the expenses associated with sending mail from prison and the pitifully small stipend paid to prisoners for their labor, it does not stretch one's imagination to believe that an inmate may send an outgoing piece of mail containing multiple messages intended for multiple recipients within their family or community. This criterion lacks good sense and precedent. I could go on enumerating the conditions for destruction of inmate mail and pointing out what I find particularly repellant about each, but I fear that doing so would serve to express an objection to various here-and-there provisions of the regulation, when in fact I take issue is the broader valence of paternalism and disregard for privacy contained within 103 CMR 481. Inmates rely on mail to retain a connection with a world which they've been excluded from. To enact stricter rules concerning the content of inmate correspondence, and to reinforce the notion that mail whose subject material is suspected to fall outside of what some superintendent or another condones is worthy of destruction would be a tremendous moral failing.

From: Sarah Magidson <[REDACTED]>
Sent: Sunday, January 31, 2021 6:19 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose proposed mail processing changes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Sarah Magidson, and I live in Cambridge, MA. I am writing in opposition to the DOC's proposed changes to inmate mail rules, 103 CMR 481.

Regular communication is essential to the mental health of incarcerated people and their access to re-entry. It is also necessary for them to actively participate in the legal system. We need regulations that allow incarcerated people regular and timely access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

I urge you to instead listen to the suggestions made by those who have experienced incarceration or whose loved ones have.

Sincerely,
Sarah Magidson

From: Jen Majeran <[REDACTED]>
Sent: Friday, February 05, 2021 9:44 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Janina Majeran

From: Anthony Maniscalco <[REDACTED]>
Sent: Monday, January 25, 2021 8:38 PM
To: Richard, Kathleen J. (DOC)
Subject: Reject 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Anthony Maniscalco and I live in Lowell, Massachusetts. I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for the mail have created hardship for me, my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it presents another barrier to communication with my incarcerated friends. When you are incarcerated, your ability to maintain relationships with your family and community is critical not only to your mental wellbeing but also to your ability to reintegrate into your community once you've gained your freedom. I correspond with people currently incarcerated by the Pennsylvania DOC which uses a similar system to that proposed and is administered by Smart Communications, a private company in Florida. I know people have many issues viewing letters they receive and do not feel the same connection with their correspondence because it deprives them of what little privacy and intimacy they were previously afforded.

I am opposed to the proposed regulations. Regular communication with incarcerated people is essential to their mental health, re-entry and necessary to actively participate in the legal system. We need incarcerated people to have access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

I urge the Department of Correction to consider rejecting the changes proposed in 103 CMR 481.

Thank you for your time,
Anthony Maniscalco

From: virginia marcotte <virginia_ [REDACTED]>
Sent: Thursday, February 04, 2021 1:45 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Virginia Marcotte, 6 Hopkins Road, Boston, MA 02130

Several years ago a very dear friend was incarcerated. And I know how important "real" letters and cards were to him during that lonely and discouraging time. The new rules would have just added to difficult time for him and those who loved him. It would seem that prisoners could be accorded the privacy of their mail as far as possible.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Virginia Marcotte
[REDACTED]

From: Julia Mark <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:08 AM
To: Richard, Kathleen J. (DOC)
Subject: opposition to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richard,

I am a resident of Brighton, MA writing to express my opposition to 103 CMR 481. I believe it is important for prisoners to have access to the original copies of their mail, as original letters can have personal significance. Furthermore, photocopying mail could increase the rate of lost or delayed mail that is important for legal proceedings. Requiring mail to be photocopied will increase the cost of processing mail.

Thank you for your time and consideration.

Julia Mark

From: Cesi Marseglia <[REDACTED]>
Sent: Thursday, February 04, 2021 7:00 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

My name is Cesi Marseglia, I am a Massachusetts resident writing to express my urgent objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Sincerely,
Cesi Marseglia

From: Liza Marshall <[REDACTED]>
Sent: Friday, February 05, 2021 1:54 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Bea Masters <[REDACTED]>
Sent: Thursday, January 21, 2021 3:03 PM
To: Richard, Kathleen J. (DOC)
Subject: Comment re proposed mail policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen,

I'm writing in advance of the hearing on 1/29 about the proposed plan by the DOC to photocopy all incoming mail, including legal documents, and destroy the originals. I'm appalled at that idea and think it's incredibly important that the DOC not read, photocopy, or confiscate incoming mail. It's a clear violation of incarcerated people's right to privacy and attorney-client confidentiality.

Connections to loved ones outside are so important for people who are incarcerated. When I think of this rule change, I think about a friend of mine with a very close relationship to their young son. Imagine getting a photocopy of your child's drawings instead of the actual drawing done by your kid. It's just not the same thing, and it's incredibly important that we let people receive their own actual mail.

Thank you for your consideration,

Bea Masters
Somerville, MA
(she, her, hers)

From: Charlo Maurer <[REDACTED]>
Sent: Friday, February 05, 2021 10:57 AM
To: Richard, Kathleen J. (DOC)
Subject: Photocopying emails

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Richard,

I am writing to ask you to please stop the photocopying of inmates' emails which sounds like a horrible violation of privacy. Please:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

I have volunteered sending letters to inmates and received back very sad letters about how this affects the inmates.

Thank you for listening,

Charlo

From: Larry Maynard <[REDACTED]>
Sent: Thursday, February 04, 2021 7:46 PM
To: Richard, Kathleen J. (DOC); [REDACTED]
Subject: 103 CMR 481 - OPPOSITION
Attachments: letter to DOC mail rules.docx

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richard,

Please note my opposition to the new mail rules for the DOC.

Larry Maynard

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Larry G Maynard II and I live in Hanover, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a family member of an incarcerated individual, and concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

First, photocopying and monitoring personal and legal mail has a negative impact on me because our loved ones need our continued support to become future productive members of society, and knowing that staff within the prison has access to personal confidential information causes unnecessary anxiety and fear within the prison population. The system has determined they are guilty and require separation from society, but we as a society are supposed to rehabilitate these

men and women, and despite their transgressions against society, they will not begin to respect society until we show them we can be trusted.

Second, despite losing certain rights and privileges as an incarcerated individual, they are still granted under our judicial system, attorney-client privilege communications.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Adopt tools and techniques used by Homeland security in screening incoming parcels and mail from overseas. Xray packages and mail as necessary; then utilize invasive action only as required to verify suspicious concerns, and only to the extent needed to ascertain a threat.
- Require multiple personnel to be present during invasive action; verify personal confidential information is not available to unauthorized persons.
- Let original communication be distributed to inmates. A child's coloring book page, or a printed article can be the comfort an inmate needs to remain stable and calm, and qualify for rehabilitation.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Larry G Maynard II

[REDACTED]

From: Daniel McGowan <[REDACTED]>
Sent: Tuesday, January 26, 2021 1:37 PM
To: Richard, Kathleen J. (DOC)
Subject: Public comment on 103 CMR 481 - Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Ms. Richard,

I am submitting public comment on changes made to *103 CMR 481 - Inmate Mail*. I think the changes being proposed for people incarcerated in the Massachusetts Department of Corrections overall are a bad idea. These changes will result in a violation of incarcerated peoples' privacy and attorney-client privilege.

First off, legal mail is privileged 'special mail' in all Departments of Corrections and the Federal Bureau of Prisons. Mail is opened in front of the incarcerated person, checked for contraband and given to the person it is addressed to. This proposed change has great potential in violating privacy of the incarcerated person. Who exactly will scan the mail? What guarantees could possibly be put in place to protect legal mail? I do not see any solution here that would guarantee privacy. Attorney-Client mail must be respected.

Mail sent from family members and loved ones to those in prison should be delivered as sent. Scanning the mail and putting it on a tablet creates all kinds of problems. For one, there is a massive drop off in quality of what is delivered. A child's drawing lovingly made is very different than a scan of a drawing. The people in prison should have every right to hold these letters in their hands and cherish them.

Who will supply these tablets? Who will maintain them and insure that people have unfettered access to them? I see this as a solution in search of a problem. Why would you want to catalog in digital format all the mail that is received by and sent from incarcerated people? It seems to be an invasion of privacy promoted by law enforcement interests.

Life in prison under COVID-19 has made what is already a tough experience much harder. Its infuriating to me that at this time, when people in prison are suffering and dying from COVID-19, that the DOC would propose rules that would make it harder for people inside.

Please log this as my public comment against this cruel and unnecessary rule.

Sincerely,

From: J McGue <[REDACTED]>
Sent: Thursday, February 04, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Kerin McGue <[REDACTED]>
Sent: Thursday, February 04, 2021 5:12 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

We must remain cautious around rules and laws that remove human rights from humans of any circumstance. If we lose sight of basic, human rights, we can end up treating vulnerable populations unfairly and inhumane.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Jordanmcguire1818 <[REDACTED]>
Sent: Saturday, February 06, 2021 9:01 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Jordan McGuire

Sent from my iPhone

From: Erin M <[REDACTED]>
Sent: Friday, January 29, 2021 12:28 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

It is important to maintain a strong connection and communication with family and loved ones while a person is incarcerated and has been shown to lower recidivism rates. Please take immediate action to reverse the decision to prevent mail being sent to people in prisons.

Thank you.

Erin McNamara
[REDACTED]

From: Lizzie McQuillan <[REDACTED]>
Sent: Wednesday, February 03, 2021 8:44 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

We need to do the work to fix our broken, racist systems that harm people of color.
Stopping these changes is a huge part of that.
Thank you.

Dorothy McQuillan
Cambridge, MA 02138
Sent from my iPhone

From: Dana Mead <[REDACTED]>
Sent: Friday, February 05, 2021 8:21 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Dana

From: ellie m <[REDACTED]>
Sent: Thursday, February 04, 2021 8:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposing changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules, aside from being cruel, violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

Thank you for considering the opinions of your constituents.
Respectfully,
Ellie Meader

From: Wayne Megerdichian <[REDACTED]>
Sent: Wednesday, February 10, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: elaine emmerich <[REDACTED]>
Sent: Friday, February 05, 2021 8:48 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Elaine Emmerich

From: Maryanne Mesiti <[REDACTED]>
Sent: Monday, January 25, 2021 1:28 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481-Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Hello, my name is Maryanne Mesiti and I have a loved one incarcerated. I am writing to oppose the change with the inmates mail, adding a third-party to process, which involves delivering to a further distance makes no sense. It will waste money needlessly and further complicate matters. The way it has been done, making copies of incoming mail from loved ones in the same facility has had no issues. What is the problem? Why the change?

As well it adds to the distance and time to receive mail, which further cuts off ties from inmates and their families. It has been difficult enough not seeing our loved ones for almost a year, this situation only adds more hopelessness, less healing for both parties.

Please allow the mail to continue to be processed as it has been , with no 3rd party. Thank you for your time and consideration in this matter.

Sincerely,
Maryanne Mesiti

From: Maya Milic-Strkalj <[REDACTED]>
Sent: Friday, February 05, 2021 4:23 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident, and I have several friends and loved ones who are incarcerated in DOC facilities. I am writing to express my strong objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order.

I am also deeply concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

In addition, removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

Sincerely,
Maya Milic-Strkalj
Boston, 02130

From: Wolfe Mitchell <[REDACTED]>
Sent: Friday, February 05, 2021 11:24 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Meredith Moore <[REDACTED]>
Sent: Friday, January 29, 2021 1:59 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Dear Kathleen Richard,
My name is Meredith Moore and I live in Cambridge, MA. I am writing to share with you my opposition to the 103 CMR 481 Department of Corrections mail rules.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones.

The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Meredith Moore

From: Sam Morrow <[REDACTED]>
Sent: Saturday, January 30, 2021 6:38 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

I'm writing to request that you do not allow the proposed mail rule changes in 103 CMR 481 to pass.

Mail is the primary way inmates can stay in touch with their loved ones and those who support them. It aggrieves me that these inmates would lose access to these letters and would be forced to receive copies. It only adds unnecessary expense and time to the mailing process, and frankly demeans the humanity of these inmates, reinforcing the notion that, regardless of their behavior, they are untrustworthy. The practice of producing copies on all mail also introduces a worrisome trend towards reading confidential (i.e. legal) mail for these inmates.

I request instead the following changes towards DOC personal and legal mail policy:

1. Inmates should be given access to their mail within 24 hours of its receipt by the prison.
2. Inmates should be allowed to receive the original, physical copies of all mail sent to them.

I appreciate you reading and listening to these concerns, and I hope you will vote no on this proposal.

Sincerely,
Sam Morrow

From: Eliza Mulcahy <[REDACTED]>
Sent: Friday, February 05, 2021 11:58 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,

Eliza Mulcahy
Quincy, MA 02169

From: Marina Multhaup <[REDACTED]>
Sent: Thursday, February 04, 2021 5:53 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing and a Harvard Law student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: k.a.m. <[REDACTED]>
Sent: Friday, February 05, 2021 9:00 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Kelly Murphy
[REDACTED]

From: Nicole Muto <[REDACTED]>
Sent: Thursday, February 04, 2021 4:34 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Karry Muzzey <[REDACTED]>
Sent: Tuesday, February 02, 2021 4:47 PM
To: Richard, Kathleen J. (DOC)
Subject: Oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Boston resident writing to express my objection to the proposed changes to 103 CRM 481.

These proposed changes would not achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. The vast majority of drugs are brought into prison by guards. To reduce drugs in prison, search guards, not letters.

The new rules violate attorney-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between clients and their lawyers. Destroying original legal mail presents obvious legal challenges.

For incarcerated people and their families, letters are their primary way of remaining connected, and we cannot sacrifice the good that comes out of maintaining community connections. I am concerned about the creation of a surveillance log and the effect it will have on friends and family who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded.

Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can easily break, removing a person's access to all of their mail, including legal documents they may need.

For these reasons and more I believe the new regulations under review must be rejected, and immediately halted in all prisons.

Thank you,

Karry Muzzey
[REDACTED]

From: Tomoni Mwamunga <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:15 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed Change to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am Tomoni Mwamunga at 73A Columbia Road, Dorchester, MA. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Peace,

Tomoni.

From: Terry Nagel <[REDACTED]>
Sent: Thursday, February 04, 2021 5:22 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Terry Nagel, Esq.

From: Samantha Nagler <[REDACTED]>
Sent: Thursday, February 04, 2021 5:57 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richards,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,

From: Naples-Mitchell, Katy <[REDACTED]>
Sent: Friday, February 05, 2021 5:00 PM
To: Richard, Kathleen J. (DOC)
Cc: Harris, David
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

My name is Katy Naples-Mitchell, I live in Cambridge, MA, and I am a staff attorney at the Charles Hamilton Houston Institute for Race & Justice at Harvard Law School. I'm writing to oppose the proposed 103 CMR 481 Department of Correction mail rules.

As part of my work for the Houston Institute, I regularly communicate with incarcerated people and send legal materials to people incarcerated in Massachusetts prisons, including legal research, information about cases, as well as original papers requiring original signatures to be filed in courts. I also have used regular mail to send personal cards and letters to incarcerated people. I am writing to object to the proposed changes to legal mail, which risk breaching fundamental constitutional rights including the right to counsel and the attendant confidential communications protected by attorney-client privilege, as well the changes to mail generally, which create unnecessary and unwarranted hardship for people with incarcerated loved ones, undermine community safety, and undermine the dignity, family and social connections, and rehabilitation of incarcerated people.

The Department of Correction has purported to justify the proposed regulations based on alleged instances of contraband being introduced to prisons in the Commonwealth through legal mail and regular mail. This is not a credible explanation for how the majority of contraband is introduced into state prisons, even according to the limited and opaque data the Department of Correction has unearthed. By its own count, the DOC says there were a mere 49 incidents of alleged contaminated or imposter legal mail in 2018, in a prison system that at the time incarcerated 8,784 people (as of January 1, 2019).

In truth, the source of contraband in prisons is absolutely not legal mail, and even if this were a compelling reason that was not a mere pretext for greater surveillance and control and the ability to store in digital memory otherwise confidential communications--including litigation

documents related to conditions of confinement in the DOC system prior to their in-court filing--the proposed regulation would not pass constitutional muster under strict scrutiny analysis. This regulation is simply not narrowly tailored to that state interest, as would be required given that this proposed rule contravenes fundamental rights of prisoners under the First Amendment, Sixth Amendment, and Eighth Amendment to the U.S. Constitution. The proposed changes would also substantially burden prisoners' rights to participate in their own defense, especially with respect to *pro se* litigation efforts. These regulations would prevent people from receiving original documents where original signatures can be supplied, not only burdening the right to counsel but also burdening, indeed potentially fully impeding, access to the courts.

Further, there is simply no evidence that the greatest source of contraband in prisons is from regular mail either, and in fact there is substantial evidence that the source of contraband in prisons is *staff at the prisons*. See Jorge Renaud, *Who's really bringing contraband into jails? Our 2018 survey confirms it's staff, not visitors*, Prison Policy Initiative (Dec. 6, 2018), <https://www.prisonpolicy.org/blog/2018/12/06/jail-contraband>. In 2017, the New Hampshire ACLU reached a settlement with the New Hampshire Department of Correction challenging a similar mail restriction that barred all original handwritten drawings and pictures--reversing that restriction so that young children would be able to communicate with parents who are in prison. See *Y.F. v. Wrenn*, U.S.D.C. (D. NH), Case No. 1:15-cv-00510-PB. In Virginia, where just under 30,000 inmates are spread across more than 40 facilities, they received almost two million pieces of mail in 2018. That year, there were a grand total of six interceptions of substances coming in through the mail. By comparison, there were four prison employees prosecuted and an additional 13 who resigned or were fired for smuggling contraband. If the DOC is concerned about the presence of contraband in the Commonwealth's prisons, it must look inward, not to the lawyers and loved ones of incarcerated people.

The majority of incarcerated people simply do not try to introduce contraband into the prison system--nor do their loved ones, or their attorneys, who are court officers and face substantial sanctions for such a breach. The DOC's wasteful spending on substantial administrative overhead for a proposed policy that is not backed by evidence could open this Department to suit from taxpayers concerned by the expenditure of millions of dollars of taxpayer money for technology that is not necessary and has been specifically purchased in an effort that will undermine fundamental constitutional rights, in contravention of state and federal law.

Finally, from a human dignity perspective, ensuring that people can receive original hard copies of mail written by their loved ones, have the tactile experience of running their finger over the raised ink of ballpoint pen, and have the tangible connection to their families and friends that hard copies of cards and letters offer cannot be overstated for its impact on rehabilitation and the mental health and wellbeing of incarcerated people. Please consider revoking these proposed restrictions in full.

Respectfully submitted,

From: vanaja N <[REDACTED]>
Sent: Thursday, February 04, 2021 7:03 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Vanaja Natarajan

Sent from my iPhone

From: Anna Nathanson <[REDACTED]>
Sent: Friday, January 22, 2021 5:12 PM
To: Richard, Kathleen J. (DOC)
Subject: Written Testimony- NO on Proposed Amendment to 103 CMR 481:
Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

As a Massachusetts citizen and civil rights attorney, I was alarmed to learn that DOC is considering an amendment to 103 CMR 481 that would requiring incoming mail to be photocopied and destroyed.

As a law student, I was able to help represent people currently in Massachusetts prison, and witnessed 1) the propensity of correctional officers to abuse every power they are given and 2) the life-saving value of mail for the safety and healing of incarcerated people. For these reasons, I urge all to **vote NO on this amendment**. It would be a heartless infringement on the civil liberties of incarcerated people and their loved ones. It would also potentially violate the legal rights of incarcerated people and open up the DOC to costly litigation.

Thank you for your time reading and sharing my written comment.

Best,
Anna Nathanson

From: Erika Nauda <[REDACTED]>
Sent: Thursday, February 04, 2021 11:58 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Erika Nauda and I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Erika Nauda
Melrose MA

From: susan neff <neff_ [REDACTED]>
Sent: Friday, February 05, 2021 6:41 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Susan E. Neff, Esq.

From: Lorea Negroni Gillespie <[REDACTED]>
Sent: Thursday, February 04, 2021 4:10 PM
To: Richard, Kathleen J. (DOC)
Subject: I STROGLY oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a former Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Lorea Gillespie

From: Ian Nesbitt <[REDACTED]>
Sent: Friday, February 05, 2021 10:55 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

--

Ian Nesbitt

From: [REDACTED]
Sent: Tuesday, February 09, 2021 5:32 AM
To: Richard, Kathleen J. (DOC)
Subject: Felony Crime Of mail Tampering Committed By Your DOC

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

What Are You Suddenly Afraid Of?
That You Are Trying To Steal/ Intercept The Mail
Of The Individual's That You Are Holding Prisoner!?!?
Including Their Correspondance With Their Attornies!?
As Well As, Or Others That May Have Information For Them That Would
Help Them With Their Case!?!?
Which You Refer To As "Intelligence Gathered"
When They Ought Not Be In Prison, While They Are Still
Prparing A Case, As Well As, All Appeals Thereof!!!
Denying Them All ***Due Process***
***Before Any Alleged Sentence Is Executed, Carried Out!!!
What Good Does It Do To Win Your Case!?
After A Sentence Has Already been Carried Out!?
After Years Of their Life, Or Their Very Life,
By ***Murdering Them***With Alleged "COVID" In A Closed Environment
From Which They Have No Escape, No Way Of Getting What They Need
To be Well!
I Strongly Recommend That You Not Only Cease Immediately Your
Designs On Individuals Mail, Which Is A Felony Crime At A Federal Level,
But That You ****Immediately Release All Those Who You Are Currently Still Holding Hostage!!!****
{Federal Hostage Taking 1211}
As Well As, Or Whose Rights You Are Violating, As Well As, Or Have Violated In Any Way, Shape
Or Form!
*****Set Them free Immediately!*****

You Have Absolutely No Authority For The Tortures you Inflict!
Or Any Of the Actions You Are Still Continuing To Pursue!
This Is A New Age! Time!etc...et.al...
Jubilee Begins! Set The Prisoners Free!!!***
It Would Be Most Beneficial For Yourselves To Do So! ASAP!
It Would Be A Mitigating Factor On Your Behalf! That You Quickly, Swiftly,
Rectified These Horrific Wrongs!!!

Make It A Great & Honest Day!:)
MARYM.NEWELLwithoutprejudiceU.C.C.

Sent using Hushmail

LAW OFFICE OF
LISA NEWMAN-POLK

P.O. BOX 329, AYER, MA 01432
(978) 862-0462 PHONE
LISA@LISANEWMANPOLK.COM EMAIL

Sent Via Email

January 30, 2021

Kathleen Richard, Program Coordinator
Department of Correction
70 Franklin Street, Suite 600,
Boston MA 02110
Email: kathleen.richard@state.ma.us

RE: Proposed Inmate Mail Regulation, 103 CMR 481

Dear Ms. Richard:

I am a lawyer who represents a dozen men serving life sentences in the Department of Correction (DOC). I am also one of the numerous lawyers who have had their legal mail to clients falsely accused of having been infused with drugs.

I support the comments submitted by the Committee for Public Counsel Services (CPCS) and Massachusetts Association of Criminal Defense Lawyers (MACDL). I write separately to provide a personal example of how the current process of handling legal mail and the use of the NARK II field test is entirely unacceptable and must be rectified in a new regulation.

The DOC reports that there has been an increase in drugs entering the prisons on legal mail. Importantly, the mail that actually has drugs on it is *fake* legal mail; it is not mail from licensed attorneys. The DOC has ignored this reality and punished the clients of lawyers who are unfortunate enough to have their mail flagged for arbitrary reasons.

Please see the attached letter I submitted to Commissioner Carol Mici on October 26, 2020, outlining my personal experience and which I am incorporating as part of this comment.

In the time since the DOC made a false allegation that mail I sent my client had drugs on it and unconstitutionally punished him, I have learned of **over 20 other lawyers** who have had the same experience; a few of them have had their mail falsely accused more than once. I imagine there are many more attorneys dealing with this nightmare, as I only know of those who have informed me through word of mouth.


Attorneys should not fear that sending mail to a client will result in a false allegation of drug distribution and unjust punishment to our clients. Despite having a need to send legal mail to clients at MCI-Concord over the last six months, I have not sent a single piece of mail to MCI-Concord since August 2020 when the false allegation turned my life and my client's life upside down. I represent lifers seeking parole and I cannot risk that a client will be moved to restrictive housing and lose programming and employment, which is exactly what happened to my client last year.

The DOC's use of the NARK II field test should end, as the test is flatly unreliable. A public records request showed an outrageously high number of false positives from this field test. For example, in September 2020 (the month the laboratory presumably tested the mail I sent my client), MCI-Concord submitted 16 samples to the University of Massachusetts laboratory that allegedly contained drugs. **TEN** of these samples turned out to be false positives. This is a whopping **63% false positive rate**. In short, the DOC should terminate the use of the NARK II field test and incorporate language into the inmate mail regulation that will prohibit use of these tests that unfairly harm our clients and terrorize attorneys who are trying to do their jobs.

As noted above, licensed attorneys are not the problem. The issue is fake legal mail. Therefore, the DOC's efforts should focus on identifying which legal mail is from licensed attorneys and providing this mail to their clients without further interference.

I ask that the DOC adopt CPCS's proposed plan for managing incoming legal mail. The proposal ensures that privileged mail will be constitutionally protected and end the current harmful and unlawful practice of testing legal mail with an unreliable field test that unjustly punishes our clients and in turn unlawfully chills attorney-client communication.

Most sincerely,

A handwritten signature in black ink, appearing to read 'L. Newman-Polk', with a stylized flourish at the end.

Lisa Newman-Polk

LAW OFFICE OF
LISA NEWMAN-POLK

P.O. BOX 329, AYER, MA 01432
(978) 862-0462 PHONE
LISA@LISANEWMANPOLK.COM EMAIL

Via Email

October 26, 2020

Commissioner Carol A. Mici
Massachusetts Department of Correction
50 Maple Street
Milford, MA 01757
Carol.Mici@doc.state.ma.us

RE: Eugene Ivey, W114077
False Positive Field Tests on Legal Mail

Dear Commissioner Mici:

I represent Eugene Ivey, a juvenile lifer who was granted parole in a unanimous decision dated March 26, 2020. Mr. Ivey is currently serving a consecutive sentence at MCI-Concord. My co-counsel, Ryan Schiff, sent you a letter on September 22, asserting that Mr. Ivey had been falsely accused of receiving drugs infused on legal mail. Attorney Schiff explained that I sent the mail at issue and that I had not sent drugs. He further stated that Mr. Ivey was missing his fall semester of the Tufts college program and requested that you allow Mr. Ivey to resume attending classes while waiting for the laboratory results. No relief was provided to Mr. Ivey in response to Attorney Schiff's letter.

I am writing to inform you that laboratory testing confirmed the assertions in Attorney Schiff's letter. That testing showed that the legal mail I sent to Mr. Ivey was not infused with drugs, and accordingly, the Department of Correction (DOC) has dismissed the disciplinary report alleging that it did. The dismissal of disciplinary charges, however, does not change the fact that Mr. Ivey was effectively punished for a month and a half based on a false allegation of wrongdoing. I also write to highlight, more broadly, the damage done by the DOC's repeated false allegations that lawyers are sending drugs on legal mail to their clients. The current procedure in which clients are subjected to sanctions prior to confirmatory testing violates the Fourteenth Amendment right to due process and obstructs the Sixth Amendment right to counsel.

Eugene Ivey, W114077
False Positive Field Tests on Legal Mail
October 26, 2020

Page 2 of 4

On August 31, Mr. Ivey received mail from me that included two legal briefs and a card.¹ An IPS officer at MCI-Concord alleged that the documents appeared suspicious and therefore conducted field tests on both the card and at least one page of the legal briefs. Reportedly the card and piece of paper were tested twice with NARK II field tests, and both times the test results allegedly were positive for synthetic cannabinoids (“K2”). As a result, Mr. Ivey was moved to restrictive housing and then the Secure Adjustment Unit (SAU) where he was prohibited from attending the Tufts college program, in which he has been an exceptional student since the fall of 2018. Soon after, the DOC issued a disciplinary ticket based solely on the NARK II test result. Mr. Ivey requested confirmatory testing, and a month and a half later, the laboratory results came back showing **the field test result had been a false positive**. The ticket was therefore dismissed on October 14 and the next day he was finally moved back to his regular unit.

During the month and a half Mr. Ivey spent in disciplinary housing, Attorney Schiff and I repeatedly told DOC employees that I had sent the mail in question and that there were no drugs on it. Nonetheless, the response we received from the DOC was that the mail was only *purported* legal mail, and that Mr. Ivey’s continued detention in the SAU was justified, even if it prevented his continued participation in the Tufts college program.

Notably, the DOC claimed that another incarcerated man in the same legal mail line at MCI-Concord as Mr. Ivey also received correspondence from his lawyer, Joseph Kenneally, that tested positive for synthetic cannabinoids. Attorney Kenneally called the Superintendent’s office to assert that he sent the legal mail in question and that it had no drugs on it. The DOC did not return his call. Instead, just like Mr. Ivey, Attorney Kenneally’s client was placed in restrictive housing, then the SAU, and issued a disciplinary ticket. Laboratory results subsequently showed that the field test was a false positive. The mail Attorney Kenneally sent to his client was a highly confidential legal memorandum that DOC seized based on nothing more than the erroneous NARK II test result.

In the aftermath of this allegation, I have learned of at least 17 lawyers and a CPCS social service advocate who have been falsely accused of sending mail to clients tainted with drugs. I have communicated with most of these lawyers, several of whom stated that they told the DOC that they sent the legal mail in question and did not send drugs. In some instances, the attorneys had not even met their clients; they had sent introductory letters or documentation like a HIPAA release.

Because the list of impacted lawyers was gathered based on casual conversations and word-of-mouth, I suspect even more people have been impacted.

¹ The card included a quote I had inscribed by C.S. Lewis: “You can’t go back to change the beginning, but you can start where you are and change the ending.”

Eugene Ivey, W114077
False Positive Field Tests on Legal Mail
October 26, 2020

Page 3 of 4

The DOC placed all of these lawyers' clients in disciplinary units, including solitary confinement, prior to confirmatory testing. DOC employees repeatedly told Mr. Ivey that he would have to wait out "the process" for the laboratory results before he could return to his unit and programming. Even after the disciplinary ticket was dismissed, Mr. Ivey has remained unemployed because his job in the unit was reassigned during the month and a half he was in disciplinary housing. But Mr. Ivey was "lucky" compared to some other people who have waited several months longer for the return of exonerating confirmatory testing.

Punishing individuals based on unreliable field tests—especially where lawyers have said they sent the mail in question and they did not send drugs—is an egregious violation of due process. The manufacturer of the NARK II field test makes clear that results of the test "are merely presumptive" and that its "results must be confirmed by an approved analytical laboratory." Notably, the New York Department of Corrections suspended the use of the NARK II field tests in August and ordered that "no misbehavior report will be issued, nor any adverse action against an incarcerated individual" based on a positive NARK II test result.²

Every lawyer I spoke with stated that to the best of their knowledge, the disciplinary reports against their clients were ultimately dismissed, and nobody was criminally charged. Still, lawyers have felt scared and confused by these false accusations, unable to provide help to their clients. Lawyers also report that these allegations have interfered with their ability to do their jobs. Some attorneys had to withdraw from their cases.

To say that this experience has been highly upsetting is an understatement. It has had a negative impact on my health and my family, as any accusation against Mr. Ivey was effectively an accusation that I committed a serious criminal offense. Although I did nothing wrong, I felt responsible for Mr. Ivey's circumstances since I was the one who sent the mail.

Of course, what I endured is nothing compared to the fear and frustration Mr. Ivey experienced. He was moved to a disciplinary housing unit, lost his job, and was prohibited from attending his college courses. Additionally, he feared the worst-case scenario—that the Parole Board would find that he violated his parole and return him to his life sentence.

I understand more than most the importance of keeping drugs out of our prisons. I worked as a mental health clinician at Souza-Baranowski Correctional Center from 2013 to 2014 and learned from that experience that substance use disorder is the most prevalent and under-treated mental health problem in our prisons. I saw firsthand—every single day—the devastating impact of addiction. Since leaving SBCC, advocating for the health and well-

² George Joseph, "NY State Prisons Abruptly Suspend Drug Tests for Contraband," Gothamist. Aug. 26, 2020. See <https://gothamist.com/news/ny-state-prisons-abruptly-suspend-drug-tests-contraband>.

Eugene Ivey, W114077
False Positive Field Tests on Legal Mail
October 26, 2020

Page 4 of 4

being of people suffering from addiction in our criminal justice system has been a cornerstone of my work.

But the effort to keep drugs out of our prisons must be balanced with due process and the right to counsel. Although Mr. Ivey and I have been cleared of wrongdoing, I remain concerned that this will happen again with him or another client. The DOC cannot continue to make these kinds of serious allegations against attorneys and their incarcerated clients based on nothing more than positive field tests. Not only have those test results been inaccurate in many cases, but the test's own manufacturer has warned that it should not be used for this purpose. I and other lawyers cannot do our jobs effectively when we are afraid to correspond with our clients.

The DOC's use of field tests on legal mail has led to serious constitutional problems. These practices should be changed immediately so it does not falsely accuse more people and interfere with more attorney-client relationships.

Thank you in advance for your time and consideration.

Most sincerely,


Lisa Newman-Polk

cc: Andrew Peck, Undersecretary, Executive Office of Public Safety and Security
Gregory J. Dorchak, Assistant U.S. Attorney, Civil Rights Unit
Anthony J. Benedetti, Chief Counsel, Committee for Public Counsel Services
Joseph Kenneally, Esq.
Ryan Schiff, Esq.

From: Lisa Newman-Polk <[REDACTED]>
Sent: Saturday, January 30, 2021 6:34 PM
To: Richard, Kathleen J. (DOC)
Subject: Inmate Legal Mail Comment
Attachments: Inmate Mail Comment - Lisa Newman-Polk - 1.30.21.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Please see the attached comment regarding inmate mail, which specifically addresses legal mail.

Thank you for your consideration of this important issue.

Sincerely,

Lisa Newman-Polk

Lisa Newman-Polk, Esq., LCSW
Law Office of Lisa Newman-Polk
P.O. Box 329
Ayer, MA 01432
(978) 862-0462 Phone

This communication may contain information that is CONFIDENTIAL, subject to the ATTORNEY-CLIENT PRIVILEGE or other privilege, and/or exempt from disclosure under applicable law. If you are not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, please do not distribute it, notify me immediately by email at [REDACTED] or by telephone at (978) 862-0462, and delete the original message and destroy any copies. Thank you.

From: ed o'keefe <buster. [REDACTED]>
Sent: Monday, January 25, 2021 11:46 PM
To: Richard, Kathleen J. (DOC)
Subject: MA DOC/ Proposal On Prisoner's Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Edward O'Keefe, Massachusetts resident. It has been brought to my attention that the MA Department of Corrections has drafted inmate mail proposal 103 CMR 481.00. I find this to be in violation of incarcerated persons right to privacy and attorney-client confidentiality, it isolates them from their loved ones outside!
Please don't refer to incarcerated peoples mail rights as contraband.

Edward O'Keefe, Holbrook Massachusetts

From: Ikechukwu Okorafor <[REDACTED]>
Sent: Thursday, February 04, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a former Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Ikechukwu Okorafor <[REDACTED]>
Sent: Thursday, February 04, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: [REDACTED]
Sent: Friday, February 05, 2021 10:26 AM
To: Richard, Kathleen J. (DOC)
Subject: mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,
I want to express my strong objection to the opening of inmate's mail. My son-in-law is incarcerated and I would like to know that my letters to him are private.
Sincerely, Adelheid Olivier

From: Mimi Olivier <[REDACTED]>
Sent: Monday, January 25, 2021 10:33 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Richard.

I am writing to comment on the proposed amendments to regulation 103 CMR 481: inmate mail.

As a private citizen this new regulation would dramatically violate my privacy and civil rights.

I do not want my name, address and the contents of my mail to be handled and inspected by an outside company, nor do I want it transcribed by an outside company. This greatly violates my privacy.

There is no reason that the regulation needs to be changed. It was proven in court that there has been no increase in the amount of drugs entering the prisons through the mail.

I do not want my incarcerated loved one to be deprived of the personal qualities of original mail. Especially for no good reason!! The regulation already allows for any suspicious mail to be inspected.

The changes also remove any requirements for mail to be given to the inmates in a timely manner. As long as some mail is delivered every day there is no requirement for mail to be disbursed promptly once it arrives at the institution. This is not acceptable.

I also object to the addition to the regulation that allows the Department of correction to destroy all of an inmate's original mail when they move to a different institution. This is a glaring violation of the inmates civil rights.

I do plan to attend the hearing and offer these comments as testimony.

Thank you for your attention.
Best, Mimi Olivier

From: Katie Omberg <[REDACTED]>
Sent: Friday, February 05, 2021 12:01 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony in opposition to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Katie Omberg and I am the pastor at First Congregational Church in Saugus, a member of black and pink Massachusetts, and have a loved one currently incarcerated in the MA DOC.

I am here today to voice my concern, strong objection, and personal impact of the rules proposed in 103 CMR 481, the Department of Corrections mail rules, rules that as you have heard have already been in effect at some prisons since 2016.

I am deeply concerned about the further disconnect between people serving time and those in the free world. If the goal of the DOC, as stated, is to prepare prisoners for safe and successful reentry into the community, there is no reason to further sever the tenuous connections prisoners have with their communities. There are many things I could write on today, but I will only speak to two of them.

481.11, subsection 3: Privileged mail should be treated as such: privileged. Opening it, even in the presence of the prisoner, denies that privilege. It already undergoes surveillance by a fluoroscope, there is no need to do anything else. Additionally, making a photocopy of the correspondence allows an extra opportunity for DOC employees to access this privileged mail, as anyone who has worked in an office knows; when photocopying something, you look at it. This is a gross issue of public funds, time and energy, to create additional breaches of confidentiality that cannot be seen as anything less than unlawful. The suggestion that lawyers are sending contraband to their clients is disgraceful, and a poor attempt to hide the fact that the majority of drugs entering prisons are through corrections officers and other staff.

481.12, the processing of non-privileged mail, specifically item C, regarding the photocopying of non-privilege correspondence. The idea that a parent may never receive a drawing by their child again, but just a series of pixels of it on their tablet is heart breaking, with no ability to put it in a mirror's frame or tape it to a wall, decorating their space with the presence of their loved ones and community members they hope to return to. I savor the indentations of the pen on the letters I receive from my dear friend Greg in MCI Norfolk, the fact that I cannot touch his hand, but can

feel the shadow of his presence. I want him to feel the same connection to me, his friend who cares for him, and the support of the community he will return to.

As a Christian, some of our earliest books of the New Testament were written from prison. Relationships across prison walls are healing today, and are part of what makes my faith, and I know the faith of many who worked to create these dehumanizing rules. I cannot believe that there is nothing else the DOC should be working on these days, such as the toxic water in multiple prisons and the COVID pandemic that every single incarcerated loved one of mine has fallen victim to.

Everyone on the other side of the prison wall is a human, and deserves the right to privileged mail and actual letters that are afforded to all of us. It is a shame any of us need to spend time writing to tell you to uphold what is legally protected, and what should be granted to all through human decency. Thank you for your time, and I hope you are ashamed of yourselves

Katie Omberg
MDiv, Boston University School of Theology

From: Karen Osborne <[REDACTED]>
Sent: Friday, January 29, 2021 10:33 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: 103 CMR 481 proposed rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing to express my strong objection to the proposed changes to DOC mail rules, 103 CMR 481. I am a concerned member of the community and I have written individuals incarcerated in Massachusetts.

I strongly believe that photocopies and digital versions of mail are not a replacement for physical letters, drawings, and photos. The simple pleasure of being able to hold a child's drawing, a photograph of your family, or a letter from a loved one can't be overstated. Anyone who keeps these objects in their wallet or on their fridge is aware of this. Denying incarcerated individuals this right is dehumanizing. Pretending that looking at personal, sentimental items on an iPad is the same as holding them in your hands is ridiculous.

Moreover, I share the concerns expressed by many lawyers and prisoners' rights activists: that photocopying mail diminishes our trust in its privacy, which is especially important in the case of lawyer-client confidentiality.

I would also add that requiring all mail be photocopied adds a significant burden of work onto the DOC itself. It is a ridiculous suggestion that somehow manages to both add work and violate basic human rights.

Instead of implementing these cruel changes, I would encourage the DOC to consider implementing changes to help those most vulnerable in prisons. Having volunteered with Black & Pink, an LGBTQ/HIV+ prison rights group, I know that one concern they express when sending out their newsletters is that individuals may be outed as LGBTQ/HIV+, because many times individuals receive their mail when surrounded by others instead of having any amount of privacy. I would encourage the DOC to allow incarcerated people to receive their mail individually rather than while surrounded by others.

Sincerely,
Karen Osborne

From: Shristi Pant <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:35 PM
To: Richard, Kathleen J. (DOC)
Subject: A comment for incarcerated people's rights

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am an concerned citizen of MA writing to ask that the MA DOC does not go through with their new mail regulations. The DOC should not have the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy and this will only isolate people more form their loved ones.

Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.

Stop restricting original mail from loved ones. Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

Best,
Shristi

From: Addie Pappas <[REDACTED]>
Sent: Sunday, February 14, 2021 10:29 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Addie

Sent from my iPhone

From: shayna parker <[REDACTED]>
Sent: Friday, February 05, 2021 4:15 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen,

I am a Massachusetts resident writing to express my fierce objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These changes would also do little to curb the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,

Shayna Parker

From: Natalija Pavlovic <[REDACTED]>
Sent: Thursday, February 04, 2021 10:15 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Janice Peixoto <[REDACTED]>
Sent: Monday, January 18, 2021 1:07 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

My name is Janice Peixoto and my nephew is currently incarcerated at MCI Concord. I have been informed that there will be changes to the mail regulations for incoming mail to inmates. Please take note of my opposition to these proposed changes below.

I am opposed to 481.03: Applicability: The sentence that is added giving the DOC unchecked power and authority over the protections set forth in the regulations gives the Superintendent of MASAC the power to waive the protections set forth in these regulations in whole or in part. This would give the DOC unchecked power and authority.

I am opposed to 481.05: Definitions: This sentence is added to define the term "mail" to only include correspondence sent to inmates via the US Postal Service, thus removing any oversight and/or protection given to inmates regarding the Inmate Email Service.

I am opposed to 481.07(3): Distribution of Mail: The proposed amendment removes the sentence: "[incoming mail shall be] delivered to the inmates within 24 hours of collection..." This will allow DOC staff to abuse and threaten inmates by indefinitely withholding their mail from family and friends, and could allow staff to only distribute incoming daily mail to inmates once a week.

I am opposed to 481.11(3): Privileged Mail: Gives the DOC the right to photo copy Inmates' sensitive, privileged legal mail, coming from his attorney and/or the court. Of note, the machine used to copy the privileged legal mail has memory and stores all copies for uploading and sharing to additional electronic devices. Further, originals may be mailed back to the sender at the inmates' expense. If the inmate needs the original document, he may file a grievance, where the legal document will stay in the possession of the DOC until the grievance process is complete. (That could be weeks to months.)

I am opposed to 481.12 (B): Monitoring of Non-Privileged Mail: The DOC can photo copy all incoming inmate mail and family photographs, retain the originals and give copies to the inmates. Further, the DOC can authorize a "third-party vendor" to photo copy inmate mail and send it to the inmate via inmate email service.

I hope you will consider opposing these changes to the mail regulations for incoming mail to inmates.

Thank you for your consideration.

Janice Peixoto

From: Josh Peixoto <[REDACTED]>
Sent: Monday, January 18, 2021 5:45 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to, respectfully, oppose any changes to the inmate mail regulations. I feel these changes are unnecessary, while giving too much unchecked power and authority to the DOC and removing any protections for inmates and their families. Thank you for your time and consideration on this matter.
Best always,

Joshua Peixoto
[REDACTED]

From: [REDACTED]
Sent: Friday, February 05, 2021 8:31 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

I am disgusted at the proposals I have read. Paper mail holds meaning beyond any computer screen. It is an expression of love and caring that can be held at night when someone is close to losing hope. When my brother was in prison, paper mail was his last line tying him to his family. To take that away is cruel and inhumane. I expect much better out of the state I call home.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

From: nichole penney <[REDACTED]>
Sent: Thursday, January 21, 2021 1:44 PM
To: Richard, Kathleen J. (DOC)
Subject: Inmate mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

I'm writing on behalf of all incarcerated people at Sousa Baranowski. We are firmly AGAINST CO's photocopying their mail, ESPECIALLY attorney mail! This is a huge, vile invasion of privacy! We also understand that CO's have enough on their plate while at work. So to trust they would not miss an envelope & 'accidentally' throw it away, is too much. No way. There's too much mail & too many inmate's. Accidents happen.

Myself and many other's will be at the hearing on 1/29 to oppose this act! Such a gross violation it's unfathomable that this is even being proposed. We have the right to privacy, even inmate's. Please do NOT do this!

Sincerely,
N. Penney
[REDACTED]
Hyde Park, Mass.

From: Jeanne Penvenne <[REDACTED]>
Sent: Monday, February 01, 2021 10:05 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

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Testimony, 103 CMR 481: DOC Mail Regulations

Dear Ms. Richard,

I'm writing because I oppose the DOC decision to change the standard operating procedure regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals undermines prisoners opportunity to appropriately represent their cases in court. Prohibiting documents that are necessary for a person's court case is also unacceptable and illegal.

I appreciate the work everyone involved in the Department of Corrections undertakes day by day. I send solidarity for those efforts, and trust that you all have the interest of the inmates and their families at heart as well.

Sincerely,

Jeanne Marie Penvenne
[REDACTED]

LUIS D. PEREZ W33937
NCCI - GARDNER
500 Colony Rd., P.O. Box 466
Gardner, Massachusetts 01440

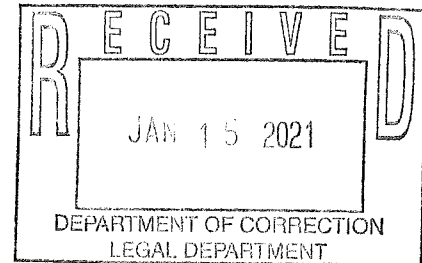
TO: Matthew Divris
Superintendent
NCCI-GARDNER

January 12th, 2021

GREETINGS!!

Kathleen Richard
Program Coordinator
LEGAL DEPARTMENT (DOC)
70 Franklin St. - Suite 600
Boston, Massachusetts 02110-1327

RE: MAIL-103 CMR 481 - PUBLIC HEARING



Dear Mr. Divris and Ms. Richard;

With the most sincere respect, I am writing this letter in order to request the opportunity to testify by video conference on the upcoming Public Hearing scheduled for 1/29/21. (Meeting ID 961 8837 8601. Passcode 996255. Tel. 1-646-558-8686.) I am in receipt of the Public Hearing Notification dated January 5th, 2021.

I also mailed a copy of this letter to EMANCIPATION INITIATIVE OF BOSTON for future reference in connection to EMANCIPATION NEWSLETTER. The mail issue is one of those things that is most important to me and I am trying to open a file on that subject matter.

Please note that I am a 70 years old prisoner with almost 50 years of incarceration. I don't have drug record, I am not a gang member, I am also work at the Law Library and now I am a Coronavirus patient from the last test in the Thompson T/2 Housing Unit. I want to address important issues as I detailed in the following sequential order;

1. Any-one who holds a grudge or anger against a prisoner for any reason or another can easily open a file against that person to futher justify a penalty, just as much as can inflame a climate report.

2. The mail issue can be characterized as it appears on my last contraband per D.O.S. (481:15) - Mr. Mark Richard dated 11/14/20. Enclosed please find a copy of that document to the Superintendent's Office.

3. I spend my time in quarantine writing to people, books and lately I am engaged in writing poems or articles for "THE EMANCIPATION NEWSLETTER" that allows inmates to write about their experiences in prison confinement. That newsletter was aimed at the idea of education exchange, so that the community can further learn the root causes of crime, treatment of individuals and root causes of people serving time in segregation units.

4. The complication of this new approach in dealing with incoming or inmates mailing letters out can be used by people in the chain of command to abuse their power by transfer individuals or creating a record for issuing a disciplinary report.

5. Another aspect for review is with nepotism where family members in different positions can change the CMR influence by other family members working in the system. Let me further explain that I also know many family members who came to work who do their duty and leave the prison without carrying a grudge or holding anger against any-one.

CONCLUSION

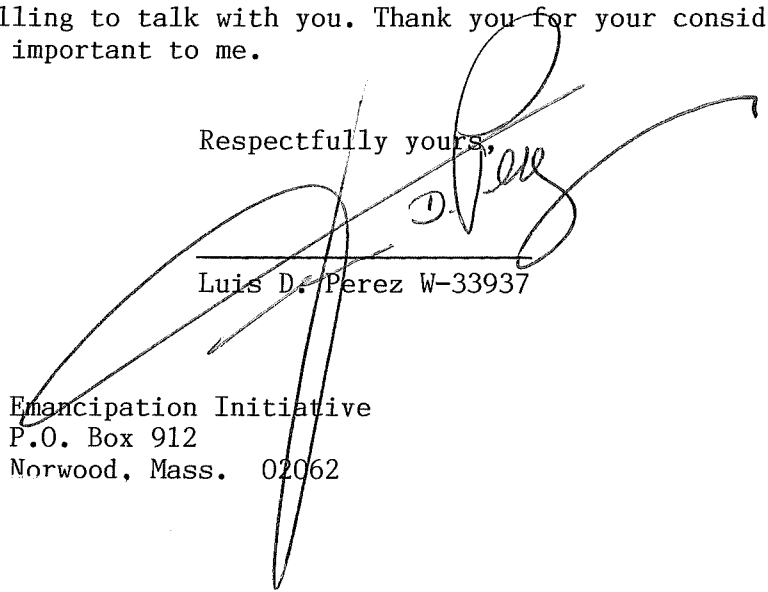
Superintendent Divris and Ms. Richard,

I am in prison for a crime and I take full responsibility for my mistakes in life, I do regret to be here, but I am also very proud of being honest and sincere as I've been growing older. Based on that maturity, I am hoping that you authorize me to testify on those hearings already scheduled for January 29, 2021.

As I am writing in good faith, I am sending you with this letter a manuscript of my new book pending publication. I sincerely hope that you enjoy the educational background that my book has.

If you feel that an interview with me about this would be beneficial, I am more than willing to talk with you. Thank you for your consideration in this matter so important to me.

Respectfully yours,


Luis D. Perez W-33937

CC: Office of the Emancipation Initiative
P.O. Box 912
Norwood, Mass. 02062

File.

From: Andrea Petersen <[REDACTED]>
Sent: Thursday, February 04, 2021 4:12 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Andrea Petersen <[REDACTED]>
Sent: Thursday, February 04, 2021 4:12 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Olivia Petipas <[REDACTED]>
Sent: Friday, February 05, 2021 1:28 PM
To: Richard, Kathleen J. (DOC)
Subject: IMPORTANT: oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richards,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: BP Legal <[REDACTED]>
Sent: Friday, January 29, 2021 4:26 PM
To: Richard, Kathleen J. (DOC)
Subject: Proposed changes to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Thank you for the opportunity to provide input on the proposed changes to 103 CMR 481 regarding inmate mail. While there are several concerns, there are a few which have the potential for significant, widespread, detrimental impact.

481.11(3) Changes to the privileged mail regulation effectively render the mail as unprivileged. The copy machine has memory and storage capabilities which means that the sensitive, legal documents would be for mass disbursement. Allowing the DOC to hold onto originals, return to send at inmate expense or shred originals is unacceptable. Having to file a grievance in order to get the original is an exercise in futility, because in addition to this being a lengthy process, the revised regulation supports the withholding of original legal mail.

481.12(B) The DOC already photocopies all non-privileged mail. Sending the mail out to a third-party vendor adds an unnecessary delay. Incarcerated persons enjoy keepsakes such as cards and drawings from children. This is a simple pleasure with a huge impact on state of mind. While it is not optimal, a photocopy replication of a greeting card is better than an electronic version.

481.07(3) Removal of the 24-hr delivery requirement allows opportunity for staff to abuse and threaten incarcerated persons by withholding mail from family and friends. Imagine getting a birthday card a month or two after your birthday. In addition, removing the 24-hr requirement for mail to be collected from incarcerated persons and delivered to the post office poses similar results. Imagine the disappointment Mother's Day card mailed timely but received on Halloween.

This restriction poses a further hinderance on an incarcerated person's ability to effectively pursue pro se litigation. The court allows a small window for mail. Removing the 24-hr collection to post office requirement allows for a pro se litigant to negatively and directly affect the outcome of the legal matter.

Thank you for your time and consideration
The family and supporters of Brian J. Peixoto

From: Kate Piper <[REDACTED]>
Sent: Monday, February 01, 2021 9:47 AM
To: Richard, Kathleen J. (DOC)
Subject: proposed mail regulations--public comment submission
Attachments: Brown, Howard--mail regs testimony.pdf; Leiva mail regs testimony 21 01 18.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Attorney Richard,

My understanding is that the deadline to submit written comments regarding the new proposed mail regulations has been extended to Friday, 2/5. We have received some public comments on the mail regulations from clients in prison, intending for those comments to be submitted to DOC. Though we understand it may technically be a violation of the mail forwarding rules for us to pass these on to you for submission, we feel certain that DOC would want to receive the comments in a timely way. Therefore, attached please find scans of the comments we have received.

Best,

Kate

--

Kate Piper (she/her)
Paralegal & Legal Intern Supervisor
Prisoners' Legal Services
50 Federal St. 4th Fl.
Boston, MA 02110
617-482-2773, ext. 6823
[REDACTED]

[Support our Work](#)

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transmission is prohibited. If you have received this transmission in error, please notify sender immediately by phone at (617) 482-2773. Thank you.

From: Cloe Pippin <[REDACTED]>
Sent: Friday, January 29, 2021 10:45 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,
My name is Cloe Pippin and I live in Cambridge.
I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.
I am a person with several loved ones on the inside and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.
Photocopying and monitoring personal and legal mail has a negative impact on me because it will prevent me and my loved ones from communicating. I have a friend inside who is incredibly old and is not comfortable using technology, and I worry he will struggle to be able to stay in touch with me if he isn't able to continue communicating the way we have for years. I also worry that the delivery rules will limit my ability to talk with several other friends, one of whom I regularly stay in touch with every day. I am his only link to the outside and I worry he will become isolated if we aren't able to stay in touch. I also worry that photocopying mail will prevent many incarcerated people from having open and honest relationships with their attorneys because of fear that their mail will be read. This is a serious issue with attorney client privilege.
An example of a negative experience I have had with DOC mail is that some of my letters are already delayed in getting to my friends, and that things have been sent back to me for no clear reason. I worry that expanding these restrictions will allow the prisons to reject mail without valid reasons and prevent communication.
I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:
-Stop photocopying mail between incarcerated people and their loved ones, because it just increases the sense of surveillance, even though

these communications are just to stay in touch and it is not necessary to review what is being talked about

- Make sure legal mail is staying completely confidential to protect the attorney-client privilege and ensure that incarcerated people are able to speak freely and openly with counsel

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the

Department of Correction to consider.

Thank you for your time,

Cloe Pippin

From: Sara Plansky <[REDACTED]>
Sent: Thursday, February 04, 2021 4:54 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Mona Pollack <[REDACTED]>
Sent: Friday, February 05, 2021 11:53 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Beth Posner-Waldron <[REDACTED]>
Sent: Friday, January 29, 2021 12:28 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the Standard Operating Procedure regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

Incarceration is already punishment. Continued maltreatment, abuse and torture of people who are incarcerated is immoral, cruel and unconstitutional. Strong connection and communication with family and loved ones while a person is incarcerated lowers recidivism rates

In addition, I am concerned about the following concerning treatment of inmates:

- The food provided is inadequate, nutritionally poor and often expired
- They receive inadequate programming or preparation for release
- They are charged exorbitant fees for phone and video calls
- There is brutal treatment of people with Significant Mental Illness ([see DOJ report](#))
- Pervasive use of solitary confinement which is in direct opposition of the reforms mandated by the 2018 Criminal Justice Reforms Act

Sincerely,

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: 103 CMR Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Zack Powers, and I am concerned citizen writing to you about the new mail rules you are proposing. Photocopying prisoners' letters into a digital form and destroying the original I think will be very damaging to the prisoner's mental health. Those letters are physical reminder that their family and friends care about them and are there for them emotionally. Prisoners need to keep these letters in their cells so they can read them during difficult times.

Please reconsider your new mail rules, these new mail rules are cruel and unusual.

Sincerely,
Zack Powers

From: Powers, Zachary <[REDACTED]>
Sent: Sunday, January 31, 2021 4:40 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR Department of Correction Mail Rules
Attachments: LetterToDOC.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

Attached is a letter I wrote expressing my concern about your new mail rules for inmates.

Sincerely,
Zack Powers

From: Rachel Probst <[REDACTED]>
Sent: Wednesday, February 03, 2021 12:48 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

--

RACHEL PROBST

Pronouns: She, Her, Hers

Master of Social Work Candidate

Boston University

CELL 925-519-5126

EMAIL [REDACTED]

From: Claire Pryor <[REDACTED]>
Sent: Saturday, March 13, 2021 8:00 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Coordinator Richard,

My name is Claire Pryor, and I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you,
Claire

From: Claire Pryor <[REDACTED]>
Sent: Monday, January 25, 2021 6:33 PM
To: Richard, Kathleen J. (DOC)
Subject: Public Comment for 1/29 Hearing

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Claire Pryor, I am a Harvard student and Cambridge resident, and I am writing to submit a comment for the 1/29 hearing on the DOC's proposed policy change allowing the photocopying of the mail of incarcerated people.

As someone with a dear friend on the inside of a MA prison, who I frequently send and receive letters to and from, I am troubled and disturbed by this proposed rule change. Privacy is a fundamental human right (not to mention attorney-client confidentiality), and codifying this intrusion into the privacy of incarcerated folks is yet another way of denying the humanity of those on the inside. What's more, photocopying mail also further isolates people from their loved ones on the outside. This is unacceptable -- especially during the pandemic, when so many are already struggling to maintain connections with loved ones in the absence of in-person visits. I am calling on you to stop reading, photocopying, and confiscating incoming mail!

Thank you,
Claire Pryor
[REDACTED]

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: 103 CMR Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Zack Powers, and I am concerned citizen writing to you about the new mail rules you are proposing. Photocopying prisoners' letters into a digital form and destroying the original I think will be very damaging to the prisoner's mental health. Those letters are physical reminder that their family and friends care about them and are there for them emotionally. Prisoners need to keep these letters in their cells so they can read them during difficult times.

Please reconsider your new mail rules, these new mail rules are cruel and unusual.

Sincerely,
Zack Powers

From: Nick Rabb <[REDACTED]>
Sent: Monday, February 01, 2021 1:17 PM
To: Richard, Kathleen J. (DOC)
Subject: New DOC Mail Policy

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Nick and I'm a resident of Somerville, MA. I want to email to express how upset I feel about these changes that are proposed for people's mail in the MA DOC. The changes sound awful, and like they just make those who are incarcerated feel less like humans -- even more cut off from people and the world. I'm 27 and I know there are tons of people my age who are incarcerated. I feel cut off from the world from COVID, but thinking of how restrictive being locked away from the entire world just blows my mind. It's inhumane as is, so taking away a small but important connection to the world seems like just a slap in the face, and deeply psychologically troubling.

I saw these proposed changes and I'd like to put my support behind them:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

--

Best,
Nick Rabb

*Tufts University
Computer Science, Cognitive Science PhD Student*

From: Aparna Raghu <[REDACTED]>
Sent: Friday, February 05, 2021 10:40 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,
My name is Aparna Raghu and I live in Lynn.

I am writing to share my opposition to the proposed changes in regulations around Department of Corrections mail rules (103 CMR 481).

I am a concerned community member and the new rules for mail have created hardship for me and my incarcerated loved ones and community members.

I am not ok with photocopying and monitoring personal and legal mail because it violates incarcerated peoples' privacy and rights and increases delays in incarcerated people receiving mail which can be harmful to wellbeing and mental health. Also as a legal services advocate, I know that this rule will lead to breakage of attorney client privilege. There are also increased costs to me as a taxpayer for measures that in no way increase wellbeing or security.

I am opposed to the proposed changes to the regulations. I request that you listen to advocates and incarcerated people who are the experts on this to come up with better policies.

Regular communication with incarcerated people is essential to their mental health, reentry and is necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Aparna Raghu

From: Helen Raizen <[REDACTED]>
Sent: Wednesday, February 03, 2021 12:43 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Helen Raizen
[REDACTED]

From: Helen Raizen <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:19 PM
To: Richard, Kathleen J. (DOC)
Subject: Comments on proposed change to 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am Helen Raizen and I live at [REDACTED]. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Helen Raizen
Member of the Boston Ward 19 Democratic Committee
[REDACTED]

From: F. A. R. <[REDACTED]>
Sent: Tuesday, January 26, 2021 12:04 AM
To: Richard, Kathleen J. (DOC)
Subject: Mail for incarcerated persons

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms Richard,

I have just heard about the proposal to photocopy and destroy all incoming mail for incarcerated persons and was told to direct my comments to your mail. Please consider scrapping this proposed policy. What benefit could it possibly bring to destroy the original mail and give prisoners a photocopy? They are still getting the same information either way, but destroying the originals destroys a valuable emotional object -- a connection with the real world and someone on the outside -- while photocopying it only ensure that they get the exact same information but without the sentimental value of a handwritten letter and with a waste of time and taxpayer money creating all of these photocopies. Besides, what will you do when the mail is, for example, a document privileged with attorney-client confidentiality? Reconsider the policy, and allow a little normalcy in the lives of incarcerated people.

Thank you for your time,

- Foster

From: Dana Rasso <[REDACTED]>
Sent: Tuesday, January 19, 2021 2:11 PM
To: Richard, Kathleen J. (DOC)
Subject: Comment: Regarding the photocopying of prisoner mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

As a Massachusetts resident, I am writing to you today to express my opposition to the Department of Corrections proposal to photocopy all incoming mail to houses of correction and prisons.

Photocopying mail violates incarcerated people's privacy and further isolates them from their loved ones outside. It also violates their right to privacy and attorney-client confidentiality.

There is no evidence that allowing mail into prisons/HOCs presents a danger or a health concern to anyone. But it does do real harm to photocopy and destroy original mail. Furthermore, it is a colossal waste of money and time. At a time when our state faces financial uncertainty, we shouldn't be paying prison/HOC employees (or paying third-party prison profiteers) to do such a pointless and inhumane task.

Do not allow this to become policy.

Sincerely,
Dana Rasso

--

Dana Rasso (she/her/hers)

[linkedin.com/in/danarasso/](https://www.linkedin.com/in/danarasso/)

1/29/2021

Good Morning,

My name is Nia Reid-Patterson and I live in Norwood. My husband and nephew are incarcerated and housed in DOC facilities. I am writing to you today to share some experiences we have had with the current mail regulations and how the proposed changes will cause further hardships to my family. To begin proposing a change to make certain items electronically is not equitable. All incarcerated people do not have access to tablets. The price for the tablet is too expensive for many families. The DOC would have to ensure all prisoners would have tablets in order to access this mail. Right now my husband has a daily subscription to the Wall Street Journal, there have been times when he doesn't receive his paper until a week after it was sent. Once with visible drink stains and smudged fingerprints from what we could imagine as CO reading the paper and spilling his or her drink on it. Currently the wait to receive an email from my husband, or him to receive one from me can be anywhere between two days and the longest wait has been 16 days! My husband always has to go and ask about emails before they actually release them. If this is happening now, I'm afraid to see what will happen if you remove the current processing time. Our families and lives matter just as much as anyone else's.

Right now there is a processing time for mail to be delivered and many prisons do not adhere to that now. There have been many times in the past when I have sent my husband documents through certified mail so that I could know when it arrived at the prison. I live 15 minutes away from the facility and it normally takes one to two business days for mail to arrive. There have been times when my husband did not receive this certified mail until two weeks after it arrived at the prison. When the DOC switched to us having to send money to a different state to be processed there were five times when the money was applied to another incarcerated person in a different state, it took weeks for me to receive my money back. I had to

contact western union who the money order came from and go through a whole process of locating the deposit and verification etc. If this was able to happen with money, it is no secret as to what will happen with mail being sent to a third party to be copied.

Right now all pictures have to come straight from the company so that it won't be photocopied. I sent pictures to my husband of myself and our son that he did not receive. Instead our pictures we sent to another person and my husband received pictures of someone else's family. Thankfully the person was able to recognize us and returned the pictures to my husband. My son sent my husband a father's day card this past father's day and the card arrived a day before father's day, my husband did not receive the card until a month later. This had been after I had to call every week and get updates on the status of locating the card. Regular communication with incarcerated people is essential to not only their mental health, the environment of the facility, and the successful reentry into their communities. We need new regulations that improve mail conditions, not make them worse.

Please consider the harm in these proposed regulations.

Thank you for your time,

Nia Reid-Patterson

From: Nia Reid <[REDACTED]>
Sent: Friday, January 29, 2021 8:24 AM
To: Richard, Kathleen J. (DOC)
Subject: Mail Regulations Testimony
Attachments: DOC-Mail Regulations-Testimony.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Kathleen,

My name is Nia Reid-Patterson and I am sending you my testimony for the hearing today on the proposed ail regulations.

Thank you and have blessed day,
Nia Reid-Patterson

From: Thomas Reid <[REDACTED]>
Sent: Monday, February 01, 2021 2:54 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to DOC's Proposed Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Thomas. I live at 23 Dartmouth St, Boston, MA 02116. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail.

As a person who exchanges letters with someone incarcerated at MCI Norfolk regularly, I am shocked and appalled at the proposed changes to the DOC mail procedures. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people. This will take a huge toll on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Incarcerated people have a fundamental right to privacy and confidentiality in their correspondence with an attorney, as do we all. Act with conscience, act in accordance with human rights, and do not implement these proposed changes.

--

Thomas Reid

Pronouns: *he/him/his* [[what's this?](#)]
[REDACTED]

From: Reilly <[REDACTED]>
Sent: Friday, January 29, 2021 5:00 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Mary Allison Reilly and I live in Brighton, MA 02135.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail create hardship for incarcerated friends and loved ones.

I understand the importance of physical mail and the connection that can bring, even more so during this pandemic. I haven't been able to see my brother for over a year as a result of the pandemic. It's been nice to zoom and call with him, but one way that's helped me feel much more connected is when he sends me a written note. Being able to hold something he held, feel the texture of the paper, and feel a deep connection with that person. People who are incarcerated should have that same right and ability to stay connected with people who are not incarcerated. Being able to keep and build human connections is humane, and may help them to keep connections in their community to help them re-enter the free world once they've served their time.

Additionally, establishing a digital data-log increases the unnecessary surveillance of prisoners without any accompanying increase in security. This creates a risk that mail monitors will be used inappropriately to block mail from neighborhoods or areas that are considered "high crime."

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Allow folks who are incarcerated to have rights to their physical mail, without being photocopied.
- Folks who are incarcerated should be able to write and send mail for free

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Mary Allison Reilly

From: Reilly <[REDACTED]>
Sent: Friday, January 29, 2021 5:00 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Mary Allison Reilly and I live in Brighton, MA 02135.

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I am a concerned member of the community and the new rules for mail create hardship for incarcerated friends and loved ones.

I understand the importance of physical mail and the connection that can bring, even more so during this pandemic. I haven't been able to see my brother for over a year as a result of the pandemic. It's been nice to zoom and call with him, but one way that's helped me feel much more connected is when he sends me a written note. Being able to hold something he held, feel the texture of the paper, and feel a deep connection with that person. People who are incarcerated should have that same right and ability to stay connected with people who are not incarcerated. Being able to keep and build human connections is humane, and may help them to keep connections in their community to help them re-enter the free world once they've served their time.

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Thank you for your time,

Mary Allison Reilly

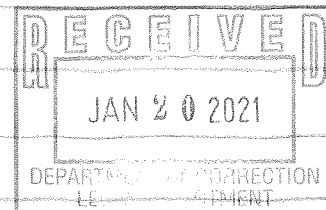
To: Commonwealth of Massachusetts

Department of Correction - Legal Division

Program Coordinator - Kathleen Richard

70 Franklin St - Suite 600

Boston Mass 02110



Re: Prisoner Opposition To Change 103 CMR 481.00

Dear Program Coordinator, Kathleen Richard

Please Find Enclosed An Opposition To your

Drafted change of Department of Correction 103 CMR 481.00 (Inmate Mail)

Thank you for your Time and Attention To This matter and I await for your Reply

Sincerely

 Donald P Benkowski

DATE: 1/12/21

Donald P Benkowski - W112470

965 Elm St - P.O. Box 9106

Concord Mass 01742

Scanned

To whom it May Concern,

My name is Donald P. Rencowicz and I am currently a Prisoner at MASSACHUSETTS CORRECTIONAL INSTITUTE - Concord Acting Pro Se in civil litigations on different MATTERS CONCERNING THE ACTIONS by THE DEPARTMENT OF CORRECTIONS and I do OPPOSE THE Proposed change of THE COMMONWEALTH OF MASSACHUSETTS - DEPARTMENT OF CORRECTION, REGULATION 103 CMR 481.00 AS FOR PRISONERS;

1.) THE DEPARTMENT OF CORRECTIONS WANTS TO CHANGE 103 CMR 481.07 (3) (COLLECTION AND DISTRIBUTION OF MAIL) BY ELIMINATING THE REQUIRED 24 HOUR PERIOD FOR DELIVERY OF INMATE MAIL?

"
" PRISONER OPPOSITION"; AS I HAVE SAID I AM A PRO SE LITIGATOR AND IT IS A FACT THAT ALL COURTS: APPEALS COURT, SUPERIOR COURTS, DISTRICT COURTS, PROBATE AND FAMILY COURTS, U.S. DISTRICT COURTS, SUPREME COURTS, HAVE A REQUIREMENTS UNDER THE MASSACHUSETTS RULES OF CIVIL PROCEDURE, MASSACHUSETTS RULES OF CRIMINAL PROCEDURE, MASSACHUSETTS RULES OF DOMESTIC RELATION PROCEDURE, MASSACHUSETTS RULES OF APPELLANT PROCEDURE, AND OTHER COURT STANDING ORDERS THAT ANY PERSON FILING MOTIONS, APPEALS, OR ANY OTHER REQUIRED DOCUMENTS IN ANY COURT ACTION HAS TIME LIMITATIONS AND OR REQUIREMENTS AND IF THE DEPARTMENT OF CORRECTIONS HAS THEIR WAY WITH CHANGING THE 24 HOUR DELIVERY PERIOD IT WOULD JEOPARDIZE A PRISONERS TIMELY RESPONSE WHEN FILING COURT DOCUMENTS UNDER THE RULES OF COURT AND IT WOULD CAUSE SEVERE HANDSHIPS WITH A LITIGATION

2.) THE DEPARTMENT OF CORRECTIONS WANTS TO CHANGE 103 CMR 481.10 (6) (PRIVILEGED MAIL) BY TAKING ALL LEGAL DOCUMENTATION FROM LAWYERS, COURTS, ATTORNEY GENERAL, ETC. AND MAKE PHOTOCOPIES OF THOSE DOCUMENTS TO GIVE TO PRISONERS INSTEAD OF ORIGINALS AND EITHER DESTROY BY SHREDDING AND OR PLACING THEM IN LONG TERM STORAGE

" PRISONER OPPOSITION " AS I HAVE SAID I AM A PRO SE LITIGATOR AND A PRISONER WITH KNOWLEDGE OF INSTITUTIONAL STORAGE AND I OPPOSE THIS CHANGE BECAUSE UNDER THE MASSACHUSETTS RULES OF CIVIL PROCEDURE MASSACHUSETTS RULES OF CRIMINAL PROCEDURE, MASSACHUSETTS APPELLATE PROCEDURE, PROBATE AND FAMILY COURT PROCEDURE, U.S. DISTRICT COURT PROCEDURE, THAT ANY PERSON FILING A MOTION, OPPOSITION, COMPLAINT, ETC, MUST FILE ORIGINAL DOCUMENTATION UNDER THE RULES OF COURT AND THE PART ABOUT HAVING PRIVILEGED CORRESPONDENCE PLACED IN STORAGE IS THE FACT THAT THE CONNECTIONAL INSTITUTIONS HAVE AND ARE NOTORIOUS FOR LOSING INMATE PERSONAL PROPERTY AT THEIR CONVENIENCE AND IT GIVES THEM THE OPPORTUNITY TO READ PRIVILEGED CORRESPONDENCE

3) THE DEPARTMENT OF CORRECTION WANTS TO CHANGE 103 CMR 481.11 - (B)(3)(a) BY ELIMINATING OR APPLYING ADDITIONS TO 103 CMR 481.11

" PRISONER OPPOSITION " AS I HAVE SAID I AM A PRO SE LITIGATOR AND A PRISONER WITH KNOWLEDGE OF DEPARTMENT OF CORRECTIONS ACTIONS WHEN VIOLATING PRISONER RIGHTS OR MASSACHUSETTS REGULATIONS WHERE ATTORNEY GENERAL IS REQUIRED TO TAKE ACTION NOW THIS CHANGE IS IDENTICAL TO THE 103 CMR 481.10 REGULATION CHANGES IN WHICH IT SHOULD NOT BE CHANGED DUE TO THE FACTS STATED ABOVE AND DEPARTMENT OF CORRECTIONS SHOULD NOT INTERFERE WITH COURT ACTION ON PROCEDURES UNDER ANY CIRCUMSTANCES AND PRIVILEGED CORRESPONDENCES SHOULD NEVER BE PLACED IN THE HANDS OF THE DEPARTMENT OF CORRECTION EMPLOYEES

DATE 1-12-21

Respectfully Submitted



PRO SE

CC: OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL - Maura T. Healey

ONE ASHBURTON PLACE

BOSTON MASS 02108

Donald P. Renkowitz - W118470

965 Elm St PO Box 9106

Concord MA 01742

From: [REDACTED]
Sent: Sunday, January 31, 2021 1:51 AM
To: Richard, Kathleen J. (DOC)
Subject: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am submitting the following comments in reference to the public hearing on 103 CMR 481: Inmate Mail

While I think that it is a somewhat futile effort, I appreciate the opportunity to comment on the implementation of this regulation. As such, I would raise three concerns.

1) Outsourcing of governmental functions is a failed economic experiment.

The Department plans to use a "Third-party vendor" to process the mail. Let us take MCI-Norfolk as an example. MCI-Norfolk currently employs five Correctional Officers in the mailroom. If the Department outsources the mail, will there be a staffing reduction at MCI-Norfolk? Not likely, but the Department will need more money in its budget to cover paying the newly hired "Third-party vendor." The misfortune doesn't end there, the "Third-party vendor" will seek to eke out a profit, and thus provide services of lesser quality. As if that was not enough, when the quality of services becomes sub-par, prisoners will be informed that the "Third-party vendor" is outside of the normal grievance procedures - nobody will know who to bring an issue or complaint to. However, perhaps the most egregious thing about the Department outsourcing its functions, is that it creates an unhealthy relationship with a corporation that has a newfound economic incentive to maintain mass incarceration - profits from it.

2) Private Attorneys are not specifically recognized as meriting/or triggering Special/Legal Mail status.

Under 481.10: Privileged Mail, "government attorneys" are recognized, but private attorneys are not. While perhaps that is a simple oversight, it seems unlikely. If prison staff treated a letter from a private attorney as regular mail, it might be a Constitutional violation of the Attorney/Client privilege, but it would not be a violation of this regulation.

3) Collective Punishment.

This regulation is being implemented as a means of drug intervention. However, the idea of prohibiting all prisoners from getting their mail - (providing a photocopy of letters and pictures) - is an overreach. If a prisoner is, or is not, smuggling drugs via the mail, that is a disciplinary issue - punish the perpetrator. Collective punishment would seem to be the antithesis of personal responsibility. Punish everybody, for the actions of some, is a tactic of dictators and tyrants.

Respectfully submitted.

From: Gabriel Reyes <[REDACTED]>
Sent: Tuesday, January 26, 2021 10:39 PM
To: Richard, Kathleen J. (DOC)
Subject: New DOC Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

I am concerned with the DOC's proposal for new regulations regarding mail. Moreover, I stand with incarcerated people in Massachusetts to make the following demands:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

I hope that these demands are taken seriously and are acted upon immediately.

Thank you,
Gabriel Reyes
Resident of Somerville, MA
Tufts University, School of Arts & Sciences

From: Mariana Robertson <[REDACTED]>
Sent: Thursday, February 04, 2021 4:16 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Mariana Robertson

From: Alma Robinson <[REDACTED]>
Sent: Friday, January 29, 2021 10:48 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Ms. Richard.

I saw a caution about opening attachments on your return email to me, so I wanted to enter the text of my letter in the body of this email to make sure that it is entered into the record.

Also, I asked to speak at this morning's hearing in the chat, as directed by the hearing officer. Unfortunately, the internet connection on my home computer has been unstable -- perhaps because of a pending storm in our area. I lost the connection to the Zoom meeting and when i tried to re-enter, I was told that the capacity of 100 persons had already been reached and I was not allowed to re-enter. This happened a couple of times to me so I am bringing this capacity issue to your attention. I can imagine that this affected other individuals who wanted to attend the hearing as well.

Thank you for your attention to my request to enter my letter into the written record for this hearing.

My best,
Alma Robinson:

January 28, 2021

Ms. Kathleen Richard
Program Coordinator
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110

Re: 103 CMR 481: Inmate Mail

Dear Ms. Richard:

I am writing as the family member of a person who is incarcerated in the state of Massachusetts and also as a representative of a community based, non-profit organization that provides legal services on behalf of incarcerated persons.

It is unconscionable to reduce the human contact that prisoners have with their families and friends by destroying the original correspondence, letters, cards and photographs that keep them encouraged during their confinement.

Furthermore, prisoners should be able to receive mail from the lawyers and other responsible representatives without their correspondence being subjected to the scrutiny of the Department of Correction. This is a violation of the client-attorney privilege that all persons should be able to depend on in developing support for their criminal defense, appeals and other legal procedures.

It is hard to believe that the state of Massachusetts cannot find another way to eliminate contraband without destroying the mail that prisoners receive or violating the confidentiality that is a bedrock of the attorney-client privilege.

Please enter this communication into the court record prior to the stated deadline of 5 pm EST on Friday, January 29.

Thank you for your attention,

Alma Robinson, Executive Director
California Lawyers for the Arts

On Fri, Jan 29, 2021 at 5:28 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Alma Robinson [mailto: [REDACTED]]
Sent: Friday, January 29, 2021 12:13 AM
To: Richard, Kathleen J. (DOC)
Cc: Rufus Friday; Alma Robinson
Subject: 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

Please enter the attached letter into the record for consideration in the hearing for Re: 103 CMR 481: Inmate Mail.

Thank you for your consideration.

--

Alma Robinson

pronouns: she/her/hers

Executive Director, California Lawyers for the Arts
[REDACTED]

p: [415.775.7200](tel:415.775.7200) Ext. 112

d: [415.796.7692](tel:415.796.7692)

f: [415.775.1143](tel:415.775.1143)

California Lawyers for the Arts
2 Marina Blvd.
Fort Mason Center C-265
San Francisco, CA 94123
www.calawyersforthearts.org

CLA Lawyer Referral Service [1-888-775-8995](tel:1-888-775-8995)

From: Ropes, Alex <[REDACTED]>
Sent: Thursday, February 04, 2021 5:55 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Alex Ropes <[REDACTED]>
Sent: Thursday, February 04, 2021 5:57 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Zaidee B. Rose <[REDACTED]>
Sent: Friday, February 05, 2021 7:59 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Zaidee Rose

January 29, 2021

Kathleen Richard
Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
Via email: kathleen.richard@state.ma.us

Re: 103 CMR 481 Department of Correction Proposed Mail Rules

Dear Ms. Richard,

I am writing to express my **strong opposition** to the proposed 103 CMR 481 Department of Corrections mail rules.

These proposed rules are harmful to people in prison and also the people they correspond with for several reasons:

1. Mail is a lifeline for people in DOC custody. Getting a photograph or full-color card or drawing from a child is a special thing; a photocopy does not have the same value. Depriving incarcerated people of the mail sent to them deprives both the recipient and the sender of their ability to communicate in the ways that are most meaningful to them.
2. By eliminating the 24-hour time frame to deliver incoming mail and to post outgoing mail, these regulations will delay the timely communication that sustains incarcerated people's wellbeing.
3. Not everyone can use a tablet or electronic device. This could be a problem in particular for people with certain disabilities. Therefore, tablets should complement – not replace – paper mail.
4. The DOC should not be opening or copying legal mail, let alone destroying originals. Nor should the DOC be maintaining any copy of privileged legal mail – and modern photocopiers work by taking digital images. This is a serious breach of attorney-client confidentiality.

It takes considerable courage to bring – or even contact an attorney about bringing – legal action while in prison. This proposed regulation would have a chilling effect on incarcerated people who need legal assistance with adverse conditions and treatment they are experiencing in custody, not to mention anyone appealing their case, tending to family law matters, and so on.

Regular communication with friends and family is essential to all people's mental health, and has been shown over and over to facilitate successfully re-entry after prison. Regular mail communication is necessary for parents whose children are in foster care to maintain their legal rights and for anyone who is engaged in any legal proceedings (related to their case or not).

People need and deserve access to mail from attorneys, friends and loved ones. The proposed rules make it too likely that the confidentiality of legal mail will be compromised, and that all other forms of mail communication will be delayed and diminished in quality. I urge the Department of Correction to drop these draconian rules that will inhibit communication.

Thank you for your attention to my objections.

Sincerely,

Rachel Roth

Arlington MA 02474

From: rachel roth <[REDACTED]>
Sent: Sunday, January 31, 2021 4:46 PM
To: Richard, Kathleen J. (DOC)
Subject: Public Comment on 103 CMR 481 proposed DOC mail rules
Attachments: Roth Public Comment DOC Mail Regs Jan 2021.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

January 29, 2021

Kathleen Richard
Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: 103 CMR 481 Department of Correction Proposed Mail Rules

Dear Ms. Richard,

I am writing to express my **strong opposition** to the proposed 103 CMR 481 Department of Corrections mail rules.

These proposed rules are harmful to people in prison and also the people they correspond with for several reasons:

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3. Not everyone can use a tablet or electronic device. This could be a problem in particular for people with certain disabilities. Therefore, tablets should complement – not replace – paper mail.
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It takes considerable courage to bring – or even contact an attorney about bringing – legal action while in prison. This proposed regulation would have a chilling effect on incarcerated people who need legal assistance with adverse conditions and treatment they are experiencing in custody, not to mention anyone appealing their case, tending to family law matters, and so on.

Regular communication with friends and family is essential to all people's mental health, and has been shown over and over to facilitate successfully re-entry after prison. Regular mail communication is necessary for parents whose children are in foster care to maintain their legal rights and for anyone who is engaged in any legal proceedings (related to their case or not).

People need and deserve access to mail from attorneys, friends and loved ones. The proposed rules make it too likely that the confidentiality of legal mail will be compromised, and that all other forms of mail communication will be delayed and diminished in quality. I urge the Department of Correction to drop these draconian rules that will inhibit communication.

Thank you for your attention to my objections.

Sincerely,

Rachel Roth

Arlington MA 02474

From: Ari Rubenstein <[REDACTED]>
Sent: Wednesday, February 03, 2021 8:36 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,

Ari Rubenstein
[REDACTED]



Committee for Public Counsel Services

YOUTH ADVOCACY DIVISION

100 Cambridge Street, 14TH Floor

Boston, Massachusetts 02114

(O): (617) 482-6212 | (F): (617) 988-8493

ANTHONY J. BENEDETTI
CHIEF COUNSEL

JOSHUA M. DOHAN
DIRECTOR,

Testimony of Joshua Dohan, Deputy Chief Counsel, Youth Advocacy Division

Before the Department of Corrections re: Proposed Amendments to

103 CMR 481 – Inmate Mail

January 29, 2021

Good morning. Thank you for taking our perspective into account as you amend these important regulations.

We appreciate that it is the responsibility of the Department to take reasonable measures to prevent the introduction of dangerous contraband into the prisons. Our purpose in speaking this morning is to urge you to make sure that the procedures you put in place are in fact reasonable. In considering what is reasonable in this situation, we think you need to balance the extremely low risk that an attorney will mail drugs to a client, with the State's obligation to safeguard the constitutional right of incarcerated people to have confidential communication with their attorneys. To this end I would like to offer 4 points for consideration:

- 1) Lawyers do not send in drugs. The D.O.C. has been closely monitoring mail for years. We have yet to hear of a single confirmed instance of an actual attorney mailing in drugs. I would guess that attorneys mail thousands of documents a year. So, if there is any problem at all, it is infinitesimal. A problem this small does not warrant any intrusion into the attorney client privilege.
- 2) The anecdotes communicated to us from the D.O.C. involve individuals who send in fake legal mail. This mail does not come from the lawyers themselves. The process we are proposing addresses this problem. By providing each attorney with individualized stickers it becomes almost impossible to send in fake mail. We did not dream up this approach. This is the process successfully adopted in Pittsburgh, PA. The details are in our written submission and are taken almost verbatim from the PA regulations. It is worth noting that the PA process was adopted after a lawsuit precipitated by the PA DOC attempting to implement a Mail Guard system for legal mail. It is our understanding that the expensive Mail Guard equipment is now sitting there unused, while this simple and cheap system is working flawlessly. In the PA DOC, they implemented a system using a number code. Each attorney gets a number that they write on the envelope. They also receive a number from the DOC that changes weekly. The Pittsburgh adaption was

created by a former DOC employee who moved over to the county facility and developed an even easier and more effective system.

- 3) Because real legal mail never has drugs in it, there is no reason to field test. We acknowledge that there is no way to know if there has ever been a time where a lawyer sent drugs. What is clear is that if it has happened it is so rare as to not warrant a testing procedure that unnecessarily violates the constitutional right to counsel. This problem is compounded by the nature of the field test. First of all, Narc 2 is not designed to work on paper and has an unacceptably high false positive rate. That means that the test is worthless without sending the mail to an outside lab. This puts confidential mail into the hands of an outside party. Given how rare it is that legal mail has drugs in it, this is an unjustified violation of the constitutional right to counsel. This is a classic case of the treatment being worse than the illness it is intended to cure.
- 4) The collateral consequences of the current and proposed DOC procedures are similarly unacceptable. Three in particular come to mind. First of all, prisoners to whom the “suspect” legal mail is addressed are immediately punished based on the unreliable field tests. This would be unacceptable even if the field tests were reliable, absent some additional evidence that the incarcerated person played some role in arranging for the delivery of the contraband. I have heard it argued that they are not punished, but merely placed in administrative segregation. Let’s be real. Segregation is punishment and involves the loss of access to programming and a host of other privileges. Second, prisoners are required to pay for the outside lab to do the testing. We all know how little money incarcerated people have. Not only is this profoundly unfair, but whether it is intended for the purpose or not, is a strongly coercive incentive for prisoners not to contest the allegations. And third, perhaps the most important, but also hardest to quantify, is the chilling effect that this procedure has on attorney client communication. Because it is so arbitrary and unpredictable what mail will be flagged (we have a colleague who had documents printed and mailed by UPS that resulted in a positive field test) lawyers are afraid to send clients important documents. They fear harming their clients, they don’t want the stress of being investigated themselves, and they don’t want the documents floating around in the DOC and the drug lab. None of this is justified by an effort to eradicate a problem which for all intents and purposes does not exist.

In summary. We have offered you an alternative to Mail Guard that is cheaper, that has been successfully implemented in at least one other jurisdiction, and which protects the constitutional right to counsel. By using this system not only do you avoid the cost of mail guard and the hassles of implementing it, but you are able avoid the pitfalls of using an ineffective field test and unfairly punishing prisoners. Our colleague Lisa Newman-Polk will share her personal experience with the current practices.

Thank you.



Joshua Dohan



ANTHONY J. BENEDETTI

CHIEF COUNSEL

RANDY GIOIA

DEPUTY CHIEF COUNSEL

Testimony of Randy Gioia, Deputy Chief Counsel, Public Defender Division

Before the Department of Corrections re: Proposed Amendments to

103 CMR 481 – Inmate Mail

January 29, 2021

I appreciate the opportunity to comment on this important proposal to change how inmate mail is processed.

I want to focus on the changes to the processing of privileged mail.

We oppose the processing of privileged mail pursuant to the newly added language of 103 CMR. 481.11 (3) that requires the photocopying of privileged mail.

The proposed process infringes the constitutional rights of our clients and compromises the confidentiality of attorney-client communications.

A photocopier works by taking a photo of an original document and printing a copy from the photo – the photo image is retained in digital form on the copier hard driver Photocopier machines retain digitized copies of the original document.

The retention of a digitized copy of privileged mail that is at the core of the problem.

Although not directly identified in the proposed regulation, I am assuming the DOC intends to use Smart Communications MailGuard system.

The use of the MailGuard system for privileged mail is not an effective solution to the DOC efforts to prevent the introduction of illegal drugs into DOC facilities.

We are not aware of any known instances in which bona fide legal mail has been the source of illegal drugs.

The use of a MailGuard system to process privileged mail is an exaggerated response to a non-existent risk, i.e. that licensed attorneys are using privileged mail to smuggle drugs to their clients.

The Massachusetts Rules of Professional Conduct require a lawyer to “act competently to safeguard confidential information relating to the representation of a client against unauthorized access by third parties”.

Confidentiality has been described as the cornerstone of the attorney-client relationship.

If attorneys are aware that their privileged mail is being photocopied and digitized copies of the photograph are under the control of a third party, confidentiality would be compromised and attorneys would likely not be able to ethically communicate with their clients by mail.

Attorneys may be ethically prohibited from communicating by mail with their client, which would amount to a First and Sixth Amendment violation.

MailGuard is not a system that should be used for privileged mail.

The Federal DOC does not use MailGuard for privileged mail. Federal regulations prohibit the copying of attorney-client mail 28 CFR s. 540.18 (1994).

We are not aware of any statewide DOC that uses MailGuard for privileged mail.

The Pennsylvania DOC purchased MailGuard machines but never used them because they were sued by prisoner advocacy groups and entered into a settlement agreement that did not use the MailGuard system. PADOC still does not use MailGuard.

It is not clear whether there will be an inspection of the privileged mail for signs of drugs before the privileged mail is copied

The implementation of this policy for privileged mail may ethically prohibit attorneys from using the mail to engage in privileged communications with their clients.

We have another proposal that addresses the issue in a more focused way that does not infringe constitutional rights and confidentiality.

Sincerely,

Randy Gioia

From: Michael Ryan <[REDACTED]>
Sent: Saturday, January 30, 2021 11:28 AM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481: Inmate Mail- CPCS Testimony Submissions
Attachments: Testimony of CPCS Re DOC Mail Reg 1.29.21-JD and RG.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

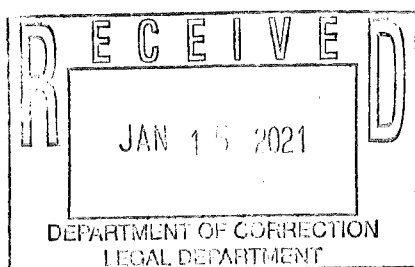
Kathleen,

This email bounce back from yesterday. Here are the written submissions from CPCS of Randy Gioia and Josh Dohan. Hope you can still accept them.

Mike Ryan

1/10/2021

David Salasky, T-94291
Souza-Boromawski C.C.
Harvard Rd P.O. Box 8000
Shirley, MA
01464



K. Richard Progan
Coord. D.O.C.
70 Franklin St
Suite 600
Boston, MA
02110

To Whom it May Concern,

This letter of Comment is in
reference to the proposal of change to
103 CMR 481.00: Inmate Mail.

481.05: Definitions

nudity.

I don't understand why and/or
now it singles out "female" or those
whom identify as such. By wording
an Inmate could receive "Play Girl"
magazine or similar naked photos
of an individual whom identifies
as a "man".

If an Inmate can be sanctioned

as a male for being on a unit without a shirt ie "bare chested" photos deliberately that show a male chest without shirt, or his buttocks, genitalia and so on should be included in the contraband as well. To not do this is not only sexist but a discrimination against straight male inmates.

Furthermore to ban topless female photos, or bikini photos increases the desire of an inmate to experience this. The ban does just the opposite of decreasing desire & desires increased will create a want to be fulfilled & therefore puts female staff at risk of attack by male inmates.

It is a total Catch-22 of sexism, if the inmate can view etc, then the want of experience decreases.

And this includes aftercare upon release as well. It even puts weaker inmates at risk of a PREA issue as well especially since MA DOC doesn't honor the

UN's Standard Minimum Rules for the Treatment of Prisoners in which accommodations are to be 1 inmate per room or cell overnight unless in a "dormsetting" (or in an overcrowding issue which is then to only be temporary).
For example: Since March of 2020 inmates in MDOC are to be singly bunked as much as possible. I am in a cell with a 2nd inmate in violation of MGL 27 (2A) and my court commitment of "SNI" with vacant cells on my unit, against my will, out of retaliation for exercising my USC rights. At any moment I could be sexually attacked. If an inmate could view pictures of his wife/girl friend etc it would lessen my chances of being sexually assaulted.

He's already been "forced" to willingly disrobe in front of me by staff on 12/29/2020, in violation of my 8th Amendment Rights since the 9th Cir Courts ruling of 1/16/20.

481.12

(A) Processing of non-privileged mail



1. (a) No inmate mail should be electronically scanned into a system as it is then vulnerable for abuse by the DOJ & MDOC Staff. Nothing electronic is ever truly closed, as we all know.

Tablet or not, unless the inmate agrees and waives his right to have a paper copy of the original destroyed. This waiver should be for the length of the commitment only or the duration of 5 years whichever is less.

If a new commitment number is issued for new charges and a new sentence, then a new waiver then applies.

If a standard sentence is 5 years or longer, a new waiver should be drafted

and signed by the inmate every 5 years or/and if new CMLs are erected.

481.03 Applicability

Specifically to waive the Inmate Mail CMLs at the MASAC, is ridiculous. The substance abuse centers are where it should be scrutinized even more as the retaining, acquiring, and planning of drug use is 100% reason why the committed individual is at the MASAC in the 1st place.

All together the Inmate Mail Policy simply further sets up MDAC staff to profit handsomely in funneling contraband and narcotics into the MDAC facilities.

In my almost 7 years in MDAC as the policies "weed" out the offenders & how it's acquired, it has made

the Goods richer & stronger by way of a "black market" for these items.

It has also increased the extreme measure of violence, even when the frequency has decreased.

The phone system needs better monitoring over the mail, (e.g. listening to pay affiliated inmates etc) as its how the items are paid for most frequently by inmate account funds being added by others families & friends and the "cash app" phone & computer transaction(s).

At SBCC for example, they've decreased canteen purchase amount allowance & it simply drove the "black market" to email & telephones to complete the transactions.

Now 1+ year later as the prices have gone up, the need

for extra hygiene due to the viral pandemic etc, the price allowance for spending remains the same? So the standard of 'living & health' is going down for all because of the few, and SBCC/MDOA isn't taking this into account. Per Int'l regulations it's to be similar as free society, as the Commonwealth is a state in the USA which in turn is a member nation of the UN.

"Group punishment" is against both the Geneva Convention of '49, as well as 2015's "Mandela Rules." What's done in the mail room to everyone because of even 5-10% of the population is in violation of both International treaties.

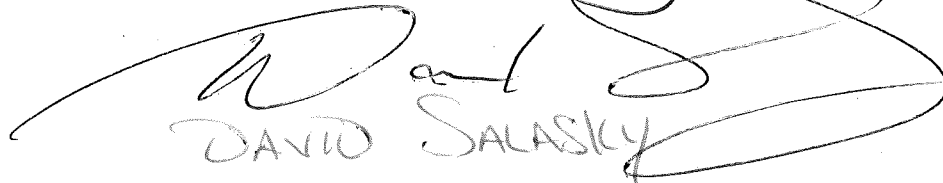
And, finally:

481.24: Responsible Staff

The Sorting Facility as well as mail room should have cameras

as no ones mail regardless of the staff involved, & how its monitored, should be accessible to staff (off cowers or not in the locked box mentioned in 481.07 (1)). This includes block offices etc., the reason being, (and I know from experience) staff will if they want to hold periodicals to read on their shifts and give to inmates at a later time. As well as at times legal outgoing mail "may get misplaced" on its way to attorneys or prison advocates. I thank you for taking my ideas into consideration, and if there are changes and improvements in the policy, I'd like to receive a copy of that via legal mail at the address provided.

Sincerely,


DAVID SALASKY

T-94291

From: Jordan Salvatoriello <[REDACTED]>
Sent: Thursday, February 04, 2021 1:58 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Jordan Salvatoriello

Director of Development + Communications

New England Innocence Project

1035 Cambridge St., Suite 28A

Cambridge, MA 02141

C: 617-733-6725

E: [REDACTED]

Pronouns: she/her/hers



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CONFIDENTIALITY NOTICE: This message is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.

From: Samuels, Michelle S. <[REDACTED]>
Sent: Friday, February 05, 2021 8:44 AM
To: Richard, Kathleen J. (DOC)
Subject: Writing to oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481, because these new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail. This would have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

Not to mention, for incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections.

I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime, who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people.

Limiting incarcerated people to digitized mail also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more, I urge you to reject these changes, and to immediately halt their practice in all prisons.

Thank you for your time and attention,
-Michelle Samuels

From: Kyra Sanborn <[REDACTED]>
Sent: Wednesday, February 03, 2021 9:21 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Kyra Sanborn and I am a resident of Medford, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

During my last couple years of high school, four years of college, and for a couple years into my early career, my older brother was incarcerated. During that time, I maintained and grew my relationship with him via letters through the mail. For both of us, those physical, handwritten letters were the most important form of human connection that we could have to each other, and they were affordable. Without those letters, I cannot be sure that my brother would be as successful as he is today, or even alive. My brother is bipolar and with the close support of his family, he has been able to manage his mental illness and all of the incredible challenges that he faces in society as a formerly incarcerated person. Our strong relationship formed while he was in prison, and we have both acknowledged how important it was that we wrote to each other. Several years later, we still have those handwritten, physical letters.

The new rules for photocopying mail would strip the humanity from handwritten letters, and the unnecessary increased surveillance risks deterring people incarcerated and their loved ones from connecting with each other. Both of these results would negatively impact the emotional well-being of prisoners and the people who care about them. **It would be a dangerous and potentially life-threatening assault by the Department of Corrections.**

I am opposed to the proposed changes to the regulations. Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for both legal and non-legal mail to be compromised.

Thank you for your time, and please feel free to contact me if you have any questions.

Sincerely,

From: Lauren Sava <[REDACTED]>
Sent: Tuesday, February 02, 2021 2:48 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Lauren

From: DONNA SAVICKI <[REDACTED]>
Sent: Monday, February 01, 2021 9:49 AM
To: Richard, Kathleen J. (DOC)
Subject: Copying and disposing of prisoners' mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Subject: Testimony, 103 CMR 481: DOC Mail Regulations

Dear Ms. Richard,

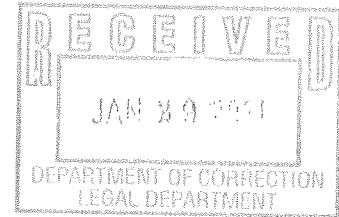
I'm writing because I oppose the DOC's decision to change the standard operating procedure regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. In addition, as I'm sure you're aware, legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable since in many cases, courts will not accept photocopies of legal documents.

Apart from the practical and emotional harm this change will inflict on incarcerated persons, I believe that everyone deserves to be treated with kindness, dignity and respect.

Thank you for your consideration.

Sincerely,
Donna Savicki

[REDACTED]



January 27, 2021

Dear Kathleen Richard:

My name is Annie Schapiro, and I live in Somerville, MA. As a member of the community, I am writing to share my concerns about the 103 CMR 481 Department of Corrections mail rules.

The ability to communicate openly through the mail, without the threat of state surveillance or hindrance, is something that most people in a free society take for granted, but we would all feel less safe if that dignity and privacy were taken away from us. That ability to communicate is just as important—if not more so—to incarcerated people, who rely upon contact with family, friends, and legal advocates for their mental health and eventual re-entry into the community. There is no guarantee that officials with the authority to distinguish between "appropriate" and "inappropriate" correspondence will make that distinction fairly. Monitoring mail will render incarcerated people and their contacts on the outside, especially those from marginalized groups, even more vulnerable to scrutiny and abuses of power by a system that purports to preserve safety and justice.

Thank you for your time and consideration.

Sincerely yours,

Annie Schapiro

From: M Schnur <[REDACTED]>
Sent: Sunday, February 07, 2021 5:43 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Maureen Schnur and I live in Framingham. I am writing to share with you my dismay related to the 103 CMR 481 Department of Corrections mail rules. I am a concerned member of the community and the new rules for mail will create hardship for those who are incarcerated as well as their friends and loved ones.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Maureen Schnur

From: Julie Schwartz <[REDACTED]>
Sent: Friday, February 05, 2021 3:18 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Julie Schwartz
Waltham, MA

From: Kristen Scioli White <[REDACTED]>
Sent: Thursday, February 04, 2021 10:27 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Kristen Scioli White, Esq.
[REDACTED]

From: Cristina S <[REDACTED]>
Sent: Friday, January 29, 2021 1:49 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Cristina Sciuto and I live in Cambridge.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because simply knowing that those who are incarcerated have absolutely no access to privacy while living in treacherous conditions in my own community weighs on me.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones.

I am opposed to the proposed changes to the regulations. Instead, I request that the ideas submitted by those who have incarcerated friends and loved ones be made to DOC personal and legal mail policy. It's always best to listen to those with lived experience to ensure that everyone is being treated as fully human and can meet their fullest potential.

The proposed changes present too many opportunities for legal mail to be compromised. I am sure you have received suggestions that would be an effective improvement. I urge the Department of Corrections to consider them because it could foster more livable conditions within DOC and again, more successful re-entry.

Thank you for your time,
Cristina Sciuto

From: Karen Segel <[REDACTED]>
Sent: Thursday, February 04, 2021 4:17 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Anna Sherman-Weiss <[REDACTED]>
Sent: Thursday, February 04, 2021 6:08 PM
To: Richard, Kathleen J. (DOC)
Subject: STOP RULE 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Anna. I am a Massachusetts resident and law student writing to express my grave concern and objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating

birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Rose Shuker-Haines <[REDACTED]>
Sent: Wednesday, January 27, 2021 1:22 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Rose Shuker-Haines, and I am from North Adams, MA, and currently living in Boston

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with incarcerated loved ones and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because it would increase the risk of my letters being delayed or lost and it increases the already considerable difficulty of communicating with the incarcerated people in my life.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the

Department of Correction to consider.

Thank you for your time,

Rose Shuker-Haines

From: Deena Me snuck Siegel <[REDACTED]>
Sent: Thursday, February 04, 2021 4:44 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Deena Siegel
[REDACTED]

From: iman sigman <[REDACTED]>
Sent: Friday, February 05, 2021 9:51 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.
Iman Sigman
02143

From: Etty Singer <[REDACTED]>
Sent: Thursday, February 04, 2021 4:49 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

--

Etty Singer

From: Willa Sippel <[REDACTED]>
Sent: Friday, February 05, 2021 4:58 PM
To: Richard, Kathleen J. (DOC)
Subject: Human rights and civil liberties of those incarcerated are under attack:
I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Hannah SittigBoyd <[REDACTED]>
Sent: Friday, February 05, 2021 9:23 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

Kathleen Richard
Program Coordinator
Department of Correction
70 Franklin Street #600
Boston, MA 02110

Bodhisattva Skandha
W28163 - Box 43,
Norfolk, MA 02056

January 9, 2021

RE: Public Hearing - 103 CMR 481

Dear Ms. Richard:

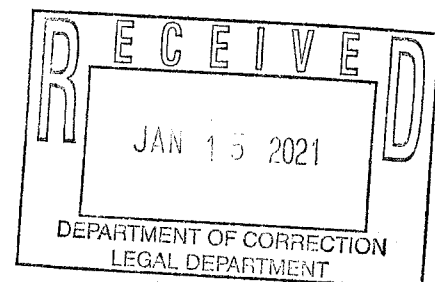
Thank you for the Notice of Public Hearing
for 103 CMR 481.*

Your version of 103 CMR 481.11 and 103 CMR 481.12
constitutes the taking of personal property, which
requires a Contraband Notice pursuant to 103 CMR 403
each time you take a correspondence, copy it, and
return a copy of that property to the prisoner. This
may be obstruction of the U.S. Mail, in violation of
18 U.S.C. §§1701, 1702.

Prior to the Public Hearing on 103 CMR 481.20,
there are outstanding Grievances pending with this
Administration at MCI-Norfolk. (##111195, 110658, and
109769, which must be resolved prior to the Public
Hearing.)

/s/ Bodhisattva Skandha
Bodhisattva Skandha, Pro Se

* Please send me the minutes
of the Hearing.



From: L Tucker Smith <[REDACTED]>
Sent: Friday, January 29, 2021 4:51 PM
To: Richard, Kathleen J. (DOC)
Cc: William Driscoll; Walter Timilty; Ordaz, Summer (HOU)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard:

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters, and photographs provide treasured connections to people's families and friends ----- photocopies are not the same. Legal documents are vitally important to people who are incarcerated: shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

I consider this new protocol to be further evidence of DOC's maltreatment and abuse and, while I am not an attorney, to be unconstitutional. Meaningful communication with family and loved ones while a person is incarcerated lowers recidivism rates and provides hope ESPECIALLY in instances of solitary confinement (which is in direct opposition of the reforms mandated by the 2018 Criminal Justice Reforms Act). Poor food and exorbitant telephone fees compound the injustice. Doing time is punishment as is.

I am retired now but directed student community service projects with MCI Concord and MCI Framingham years ago. First Parish Church Milton UU supports the Prison Book Program, a non-profit in Quincy, MA.

I respectfully ask this practice to end.
Thank you.
Sincerely,

L Tucker Smith

From: Lydia Smith <[REDACTED]>
Sent: Friday, February 05, 2021 10:05 AM
To: Richard, Kathleen J. (DOC)
Subject: Public Hearing on 103 CMR 481 DOC Mail Rules!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Lydia Smith and I live in Cambridge, MA.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules. I am a person with an incarcerated loved one and the new rules for mail have created hardship for our relationship and correspondence.

Eliminating time limits on DOC mail processing has caused long delays in incarcerated people getting mail. They already feel isolated away from their loved ones. We should be trying to shrink the time gap in correspondence, not increase it. Additionally, incarcerated people often need to get *out* their mail in a timely manner. Outgoing mail delays will jeopardize prisoners' ability to meet deadlines (e.g., court filings, bills, etc.).

During the COVID pandemic, my loved one and I have already experienced increased delays because of the strain on the mail service. Please do not add to them.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones.

Thank you for your time,
Lydia

From: Danielle Smogard <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:21 PM
To: Richard, Kathleen J. (DOC)
Subject: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Danielle and I am a resident of Roslindale, MA. I am writing to voice my opposition to the Department of Corrections' proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege. Please stop reading, photocopying, and confiscating incoming mail, and stop violating incarcerated people's right to privacy and attorney-client confidentiality!

Thank you,
Danielle

From: Tali Smookler <[REDACTED]>
Sent: Friday, January 29, 2021 11:28 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

It is hard enough being locked up, especially during a pandemic. People who are incarcerated deserve to be able to access legal documents that they need and connect with loved ones. Incarcerating a person is already punishment, let alone the poor nutrition, isolation from friends and family, high phone rates, and lack of support in reintegrating into their community on release. The decision to prevent people from getting their physical mail is illegal and unacceptable. Photocopies are not the same. As you know, destroying legal documents and replacing them with photocopies that are not admissible in court denies due process to people who are incarcerated.

It's unacceptable that the public hearing was shut down today. It's unacceptable that the DOC is yet again, making unilateral rules and ignoring due process. People deserve to have contact with their families and loved ones, and denying this because of baseless claims, is reprehensible.

Sincerely,
Tali Smookler
[REDACTED]

From: Tali Smookler <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:18 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to 103 CMR 481 proposed changes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Tali Smookler from Boston. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege. I am concerned about how all of this will impact the already challenging lives of those who are incarcerated and strongly oppose this.

Thanks,
Tali

From: Sam Snodgrass <[REDACTED]>
Sent: Wednesday, January 27, 2021 11:03 AM
To: Richard, Kathleen J. (DOC)
Subject: Public comment on 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

I am submitting a public comment for the hearing regarding 103 CMR 481. My name is Samantha, I'm 24 and a resident of Allston, MA. I believe that incarcerated people deserve the dignity of privacy. Incarcerated people have a right to privacy, in particular to attorney-client confidentiality, and the proposed new regulations would be a violation of those rights. Attorney-client privilege is a key aspect of legal representation, and it should not be denied or disrupted for those who are incarcerated. Their legal and personal mail should not be delayed or restricted to if they can pay.

The DOC should not be given the authority to open, read, copy, and confiscate incoming mail. Do not violate incarcerated people's right to attorney-client confidentiality, and do not restrict original legal documents at the expense of incarcerated people. Photocopying mail should only be done if the superintendent can provide verifiable suspicion of contraband and an explanation for every occurrence.

Thank you for your time and consideration,
Samantha Snodgrass
Allston, MA

From: Lizzy S <[REDACTED]>
Sent: Friday, January 29, 2021 1:59 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Elizabeth Southwell, and I am a Boston resident. I am gravely concerned about the proposed revisions 103 CMR 481 Department of Corrections mail rules. As a licensed social worker who specializes in trauma and also a loved one to several incarcerated individuals, I have been significantly impacted by the proposal of these intentionally isolating rules. The Department of Correction must reject these absurdly cruel new rules.

The proposed rules will cost exorbitant taxpayer funds and further gut prisoners' basic human rights while offering no apparent security improvements. All letters that I exchange with my incarcerated loved ones take at least one month to arrive, indicating that the MADOC's mail processing delays are already disgracefully long. My formerly incarcerated clients and my incarcerated loved ones tell me about the horrifying isolation that these mail delays invoke, while they rely on mail communication for basic human connection as well as basic legal rights.

If your office passes these proposed changes, my incarcerated loved ones will no longer be able to safely communicate with their lawyers or report human rights abuses due to the likelihood of DOC retaliation. My dear incarcerated friend was recently beaten by MADOC officers and put in solitary confinement as retaliation for reporting human rights abuses that he was experiencing. Another incarcerated loved one experienced worsening physical and sexual abuse by MADOC officers after she began meeting more frequently with her lawyer. These common experiences would become even more common with increased DOC surveillance of prisoners' mail.

The proposed rules will worsen the isolation, retaliation, abuse, and abysmal re-entry rates that are already rampant in MADOC facilities. Due to the overrepresentation of people of color (particularly Black and brown people) in MADOC facilities, this is a racial justice issue of the utmost importance. Further, the proposed rules will worsen the isolation that every one of us already feels from the effects of the COVID-19 pandemic.

Safe and reliable communication with legal representatives and loved ones are human rights, and your office must not pass these intentionally cruel changes.

Sincerely,
Elizabeth Southwell, LCSW



From: Melissa Spera <[REDACTED]>
Sent: Friday, February 05, 2021 8:54 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Sue StCroix <[REDACTED]>
Sent: Friday, January 29, 2021 10:51 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents which are necessary for a person's court case is unacceptable and illegal.

I keep letters and cards from family for years because of the connection those pieces of paper provide me. In theory scanning is convenient, but when I need something, I keep the paper and losing paper would disable my ability to function.

Sincerely,
Sue StCroix
[REDACTED]

From: ITTYBITS100 <[REDACTED]>
Sent: Wednesday, February 03, 2021 9:06 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Elizabeth Stanley and I live in the City of Fall River. I am writing to share with you how I am personally impacted by the 103 CMR 481

Department of Corrections mail rules.

I am a person with incarcerated loved ones and also I am a member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones. I respectfully let you know that I oppose the proposed changes to the 103 CMR 481 Department of Corrections mail rules.

Thank you in advance for your attention.

Sincerely,

Elizabeth Stanley

Sent from my iPhone

From: Ms. Pinky Stanseski <[REDACTED]>
Sent: Friday, January 29, 2021 4:55 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposing DOC's Proposed Changes To Mail Regulations
Importance: High

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern,

I'm a 41 year old woman who graduated from the university of Scranton last year with a goal to go to law school and become a lawyer. I oppose all the proposed changes to the Massachusetts DOC mail regulations, because those proposed regulations violate the rights of the incarcerated and the rights of people who send mail to their loved ones.

Sincerely,
Ms. Pinky Stanseski

[REDACTED]

From: rusty Stieff <[REDACTED]>
Sent: Thursday, February 04, 2021 5:17 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,

Rusty Stieff

From: Sydney Stewart <[REDACTED]>
Sent: Wednesday, January 27, 2021 11:04 AM
To: Richard, Kathleen J. (DOC)
Subject: Letter Opposing Mail Surveillance

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

My name is Sydney Stewart and I am a 24 year old resident of Brookline, Massachusetts. I am writing today regarding my opposition to the proposed new regulations to authorize the Department of Corrections to open, read, and photocopy all incoming mail addressed to inmates of the carceral system.

As an African American woman, I have become far too familiar with the statistics regarding the disproportionate impact the carceral state has on Black men, women, and people. The system has impacted me on a deeply personal level, and even touched my home.

People who are incarcerated deserve the right to have their mail treated with the same level of care and dignity as any citizen of the United States of America and for their correspondence to not be tampered with and surveilled. The load upon those who are incarcerated's shoulders is already heavy enough.

When you all vote tomorrow on the proposed changes, please think first about what it must be like to be removed from your family, your friends, and your community and for phone calls; occasional, time-bound, screened visits; and letter writing to be your primary means of communication with those you love. Then, imagine every one of those encounters and subtle intimacies invaded by the eyes and ears of someone with whom you are not familiar. I hope this meditation will result in your taking the following actions at the upcoming public hearing.

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

From: Ben S. <[REDACTED]>
Sent: Tuesday, January 26, 2021 11:58 PM
To: Richard, Kathleen J. (DOC)
Subject: Opposition to the Photocopy of Prisoner Mail Bill

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing this in opposition of the photocopy restraint for inmate mail. Here are my reasons:

1. First off, it's a horrible violation of inmate privacy. It's gross and inhuman to make inmates wait on a bureaucratic system to receive personal news. Prison should be about rehabilitation not dehumanization, though sadly the rest of the prison system exists to disprove this notion.
2. Furthermore, there is no limit instituted for how long the 'photocopying' process takes. This new bill could be used as a method of filibustering urgent personal *or legal* documents, denying inmates access to pressing matters, and toppling into a domino effect of charges.
3. Thirdly, there's no justification for this further disconnect between humanity and prison inmates. It's been proven that drugs coming into prisons through mail have not increased.

Ultimately, this bill, if signed into law, would be a pointless invasion of privacy that would cause more harm than the fictitious threat it claims to fix.

Urgently,

A Concerned Young Citizen

From: Strauss, Marty <[REDACTED]>
Sent: Thursday, February 04, 2021 6:03 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard:

I am a Harvard Law student writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Hannah Stroud <[REDACTED]>
Sent: Friday, February 05, 2021 9:15 AM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Hannah Stroud and I live in Somerville. I'm writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with an incarcerated friend and the new rules for mail have created a hardship for me. Photocopying and monitoring personal and legal mail has a negative impact on me because it delays communications further and further chips away at the small threads of personal connection we have left to those inside prisons.

The proposed rule changes have no backing in data and they will not solve the issues of contraband within correctional facilities- which we know the major source is from guards. However they will disrupt privacy, increase inequities, create a risk that DOC can use mail monitors to inappropriately block mail and cost the Commonwealth substantial tax funded resources with no benefit to society.

These charges are harmful. I am opposed to all of the proposed changes and regulations. While unable to attend last week's hearing, I was dismayed to hear how disorganized and poorly executed it was. The events of last week further support the idea that the proposed changes will lead to compromised legal mail.

Regular communication with incarcerated people is essential to their mental health, re-entry and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professions, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. I urge the Department of Corrections to stop all proposed changes.

Thank you for your time,
Hannah Stroud

From: Sutherland, Kelly T <Kelly_ [REDACTED]>
Sent: Friday, February 05, 2021 4:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

Best,

Kelly

[Kelly Sutherland](#), M.S.
Doctoral Candidate, [Applied Psychology and Prevention Science](#)
Research Assistant, [Applied Cognition Research Lab](#)
Room 346 | Health & Social Sciences Building
University of Massachusetts — Lowell

From: John Swomley <[REDACTED]>
Sent: Thursday, February 04, 2021 4:28 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard

I made specific objections on behalf of all criminal lawyers in Massachusetts as a member of the MACDL Board and expect to be involved in any litigation that arises out of any interference with the right to counsel. I object further below, as a person who represents many people in prison, a friend of people who are incarcerated and as one who knows and loves the people they love. The harm these regulations are designed to remedy is nothing compared to the harm these regulations will wreak.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

John Swomley
Swomley & Tennen, LLP
50 Congress Street, Suite 600
Boston, MA 02109

From: Sidney Szerszen <[REDACTED]>
Sent: Thursday, February 04, 2021 4:49 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Jessicalee A. Taddeo <[REDACTED]>
Sent: Thursday, February 04, 2021 4:15 PM
To: Richard, Kathleen J. (DOC)
Subject: Objection to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Jessica (Taddeo) Auletta

To: Kathleen Richards
Department of Corrections

Regarding proposed changes to 103 CMR 481

Tuesday
11/26/21
6:12 PM

From: Justina Talbot, Inmate at MCI Framingham

Ms. Richards,

I am asking that the Department of Corrections please reconsider the photocopying of all inmate mail, envelopes, cards, artwork & photographs.

This seems an exaggerated response to DOC concerns involving the mail. We as inmates look forward to the personal letters & things that our family & friends send to us. These letters, photos & cards help us through tough times, & help us not to give up hope.

I have had many losses over the last 20 years of being in prison. In the last 6 months, there have been 6 deaths in my family. *soft, sad look* I do not want a photo copy of letters from my still living loved ones. I want the actual paper that my loved one's touched with their hands, when they "in love" wrote that letter.

Our friends & family buy film, they take pictures, they pay to develop that film, & then pay to send those pictures to us. It is a gift from them to us.

To do this is a ... it is a bit on the cruel side & certainly does not aid in rehabilitation. It actually hurts & damages rehabilitation. Perhaps $\frac{1}{3}$ of inmates in prison abuse the "mail privilege", and it is a privilege. But there are at least $\frac{2}{3}$ (more or less) that do not abuse that privilege. It's getting to the point where the people who are following the rules to the best of their ability are saying, "Screwed if you don't obey the rules, screwed if you do obey the rules." It's as if it doesn't pay to obey the rules because we're going to be treated unfairly either way.

The Department of Corrections is supposed to be about "Correction & Rehabilitation". Teaching people how to be more humane & do the right thing. But, when Corrections acts in a criminal & harsh way, all you are teaching is "bad behavior". You're teaching that it's alright to be unjust to the people who are doing their best to do what's right. ~~Many~~ Many women in prison are abuse victims, & what does it say, when Corrections is behaving like the women's abusers? This is a sad day indeed, when everyone is made to pay for the wrongdoing of a handful of people.

I am the mother of 7 children. When one child breaks the rules or does something wrong, I do not punish all seven. And, the punishment has to fit "the crime", not be an exaggerated, unfair thing. It's no different here.

We already have a high suicide rate in prison and people are getting seriously upset about this. It's very depressing. We are having less and less reasons to hang on, and that is because of the unfair and unkind actions of the Department of Corrections.

It has always been the practice of DOC to monitor mail of gang members, people who incite violence, and ~~at~~ when drugs come in the mail for a 90 day period, sometimes more when necessary. And that is as it should be.

This is "overtkill" (the photocopying of things precious to us). And it is absolutely wrong to punish the people who are following the rules. And, that is what this new policy is... it's a punishment for those who do their best. It ~~does not~~ ^{doesn't} help rehabilitation, it hurts it & deters it in a major way.

Mercy is called for here. Sometimes, people will push the limit when granted mercy. It is inevitable at times, but

then, there are others that will appreciate the hard work they are doing to do their best not to let you down. They will do their best in gratitude.

DOC is in ~~deep~~ debt & needs money. DOC does not have enough money to make repairs, or take care of important things. Yet, DOC wants to waste the taxpayer's money to do all this photocopying. We don't have enough money for good programming & we don't have enough money to keep the programming we do have going. But, you have enough money to waste all that paper. That will cost the state, as well as DOC hundreds of thousands of dollars. That is money that could be better used for better healthcare in the prisons. Better food in the prisons (lately, it's been sad). Better programming. Better insurance for your DOC employees.

What you want to do will hurt rehabilitation, making angry resentful people. It will cause people to give up & lose hope. It will waste money better spent. And, will harm the earth because of the trash buildup.

Please, consider my words. I weep every night thinking of this. Please don't be like our abusers, and take the things from us that keep our hope up.

My mother and baby sister died while I was here. Their letters & pictures they've sent me, are all I have left of them. Please don't do this. It's a truly sad & wrong thing.

Sincerely,

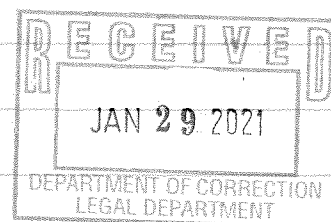
Justine Talbot

Thank you for taking the time to read this.
I appreciate that.

P.S. And, the mailroom officers work hard, they certainly earn their paychecks. Now, their jobs would be (will be) 10x's

harder because of all the things that they will have to keep track of with copying. All around, it doesn't benefit DOC, their purpose, & their objective. And, it certainly doesn't aid rehabilit-

itation. It mars it dismally. This doesn't solve problems, it creates bigger ones, that will in the long run cause much harm.



From: Rebecca Taylor <[REDACTED]>
Sent: Friday, February 05, 2021 3:51 PM
To: Richard, Kathleen J. (DOC)
Subject: No Additional Restrictive Mail Policies

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mx. Richard,

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules. I am a concerned member of the community who has written to people incarcerated in the past and the new rules for mail have created hardship for me and my incarcerated friends. My name is Rebecca and I live in Medford, MA.

Writing letters and sharing experiences is a vulnerable act and I intend for my letters to be for the recipient, not DOC staff who I have not consented to sharing my words with. I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, sense of connection, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Rebecca Taylor

From: Yanisa Techagumthorn <[REDACTED]>
Sent: Tuesday, February 02, 2021 8:32 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Yanisa Techagumthorn

From: Thotakura, Anusha <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:17 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481: Inmate Mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am Anusha Thotakura, a resident of Somerville, MA. I am writing to voice my opposition to the Department of Correction's proposed change to 103 CMR 481: Inmate Mail. The DOC's proposed changes will open up new possibilities for abuse, delay, isolation, and mistreatment of incarcerated people with huge impact on incarcerated people's mental health, connections to loved ones, access to information, and attorney-client privilege.

Thank you,
Anusha Thotakura

From: Margaret Thurston <[REDACTED]>
Sent: Thursday, March 04, 2021 3:09 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Margaret Thurston

From: tianalei84 <[REDACTED]>
Sent: Thursday, February 04, 2021 4:38 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Tiana

From: Jocelyn Ting <[REDACTED]>
Sent: Tuesday, January 26, 2021 10:43 PM
To: Richard, Kathleen J. (DOC)
Subject: Writing in opposition to proposed new regulations for incarcerated people's mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Jocelyn and I have lived in Massachusetts for 3 years now as a student and worker. I am absolutely gutted by the already inhumane form of "corrections" that incarcerated people have to bear. I do not support these new regulations which are a cruel and unusual invasion of privacy in a system where privacy is already so scarce. Please use my tax dollars to reform and uplift those that society has already shunned by providing education and therapy, not by reading and confiscating their mail.

My demands:

- Do not give the DOC the authority to open, read, photocopy, and confiscate incoming mail, privileged and non-privileged. Incarcerated people and their loved ones have a right to privacy.
- Stop violating incarcerated people's right to attorney-client confidentiality and do not restrict original legal documents at incarcerated people's expense.
- Stop restricting original mail from loved ones.
- Require that photocopying mail can only be done if the superintendent provides verifiable suspicion of contraband and explanation every time.

In tired despair that I am writing yet another email to a soulless system,
Jocelyn Ting

From: KJ T <[REDACTED]>
Sent: Friday, February 05, 2021 3:38 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Kristopher Toma-Lee
[REDACTED]
Boston, ma

From: Katie Toner <[REDACTED]>
Sent: Friday, February 05, 2021 11:06 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Mary Strawser <[REDACTED]>
Sent: Friday, February 05, 2021 4:42 PM
To: Richard, Kathleen J. (DOC)
Subject: Against mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

Dear Kathleen Richard,

My name is Mary Strawser and I live in Cambridge.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones.

Photocopying and monitoring personal and legal mail has a negative impact on me because I object to living in a society that mistreats and dehumanizes those that are incarcerated. Incarceration should protect the public, protect the incarcerated person, and provide an opportunity for growth and change. Limiting and highly overseeing mail is a terrible dehumanization. The comfort provided by a letter, a physical token that you are not forgotten or lost? You would take that away? NOW? In a pandemic where we are all so separated by screens, you would take away physical mail? It is cruel. It demeans the dignity of human beings. In addition, your changes open doors for abuses- using letter contents to taunt prisoners, delaying important legal mail at will, "accidentally" shredding mail someone didn't want shredded. There is no decency in this, there is no need for this. This does not serve the public, it harms incarcerated people, and it reduces connections to the outside world that are key in enabling incarcerated people to succeed once they leave incarceration.

I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,

Mary Strawser

From: larissa truchan <[REDACTED]>
Sent: Friday, February 05, 2021 12:25 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Larissa Truchan

From: Susan Turner <[REDACTED]>
Sent: Saturday, January 30, 2021 10:01 PM
To: Richard, Kathleen J. (DOC)
Subject: Please read!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As you can see I screwed up on the address - me instead of ma! And so I missed the 1/28 deadline. But I'm so concerned I'm sending it again. My message is below....

Begin forwarded message:

From: Mail Delivery Subsystem <[mailer-\[REDACTED\]](#)>
Subject: Delivery Status Notification (Delay)
Date: January 30, 2021 at 2:00:33 PM EST
To: [REDACTED]



Delivery incomplete

There was a temporary problem delivering your message to Kathleen.richard@state.me.us. Gmail will retry for 21 more hours. You'll be notified if the delivery fails permanently.

[LEARN MORE](#)

The response was:

The recipient server did not accept our requests to connect. Learn more at <https://support.google.com/mail/answer/7720> [state.me.us 198.182.162.1: timed out]

Reporting-MTA: dns; [googlemail.com](https://support.google.com/mail/answer/7720)

Received-From-MTA: dns; [REDACTED]

Arrival-Date: Thu, 28 Jan 2021 08:04:51 -0800 (PST)

X-Original-Message-ID: <9DD38ECE-193E-4D78-917E-[REDACTED]>

Final-Recipient: rfc822; [REDACTED]

Action: delayed

Status: 4.4.1

Diagnostic-Code: smtp; The recipient server did not accept our requests to connect. Learn more at <https://support.google.com/mail/answer/7720> [state.me.us 198.182.162.1: timed out]

Last-Attempt-Date: Sat, 30 Jan 2021 11:00:33 -0800 (PST)

Will-Retry-Until: Sun, 31 Jan 2021 08:04:51 -0800 (PST)

From: Susan Turner <[REDACTED]>

Subject: **Changes to incarcerated people's mail and phone calls**

Date: January 28, 2021 at 11:04:50 AM EST

To: Kathleen.richard@state.me.us

Cc: "[REDACTED]" <Joseph.Boncore@masenate.gov>, "Livingstone, Rep." <jay.livingstone@mahouse.gov>

Dear Ms. Richard,

The contact that incarcerated people have with their family, friends, and any 3rd parties creates a barrier to the incarcerated's important supports. Until our prison system is replaced by more humane ways of dealing with crime, we need to make it as much as possible a time for the imprisoned to be rehabilitated, and given supports to help when they are released. Cutting into their privacy does nothing but increase their feeling of isolation and loss of hope for a better life.

Please reject these changes that the DOC is proposing to 103CMR 481: Inmate Mail.

I am also writing my legislator and senator about my concern that this be refused.

Thank you.

Susan Turner
[REDACTED]

CC: Rep. Livingstone, Sen. Boncore

From: Susan Turner <[REDACTED]>
Sent: Sunday, February 28, 2021 9:35 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Please read!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you SO much for your response to my email. Now I must add another concern - about the plans for the new woman's prison. I'm sure you have seen the article in the Globe with statistics about the costs of incarcerating women in Framingham and the ages of the 200 women left there at this point. I understand it would take quite a big effort to set up the kind of rehabilitation that would really help women involved in various crimes. But putting money into that approach will begin the reformation we are all hoping for - and building a new jail is a step backwards. Be a leader!! Do the right thing.

Thanks.

Bless you.

Sue Turner.

Sent from my iPhone

On Feb 4, 2021, at 7:46 AM, Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations. We extended the date to receive comments through tomorrow, so no worry, your comments have been received timely.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Susan Turner [mailto: [REDACTED]]
Sent: Saturday, January 30, 2021 10:01 PM
To: Richard, Kathleen J. (DOC)
Subject: Please read!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As you can see I screwed up on the address - me instead of ma! And so I missed the 1/28 deadline. But I'm so concerned I'm sending it again. My message is below.....

Begin forwarded message:

From: Mail Delivery Subsystem <[mailer-](#)[REDACTED]>
Subject: Delivery Status Notification (Delay)
Date: January 30, 2021 at 2:00:33 PM EST
To: [REDACTED]



Delivery incomplete

There was a temporary problem delivering your message to Kathleen.richard@state.me.us. Gmail will retry for 21 more hours. You'll be notified if the delivery fails permanently.

[LEARN MORE](#)

The response was:

The recipient server did not accept our requests to connect. Learn more at <https://support.google.com/mail/answer/7720> [state.me.us 198.182.162.1: timed out]

Reporting-MTA: dns; googlemail.com

Received-From-MTA: dns; [REDACTED]

Arrival-Date: Thu, 28 Jan 2021 08:04:51 -0800 (PST)

X-Original-Message-ID: <[9DD38ECE-193E-4D78-917E-\[REDACTED\]](mailto:9DD38ECE-193E-4D78-917E-[REDACTED])>

Final-Recipient: rfc822; Kathleen.richard@state.me.us

Action: delayed

Status: 4.4.1

Diagnostic-Code: smtp; The recipient server did not accept our requests to connect. Learn more at <https://support.google.com/mail/answer/7720> [state.me.us 198.182.162.1: timed out]

Last-Attempt-Date: Sat, 30 Jan 2021 11:00:33 -0800 (PST)

Will-Retry-Until: Sun, 31 Jan 2021 08:04:51 -0800 (PST)

From: Susan Turner <[REDACTED]>

Subject: Changes to incarcerated people's mail and phone calls

Date: January 28, 2021 at 11:04:50 AM EST

To: Kathleen.richard@state.me.us

Cc: "[REDACTED]" <Joseph.Boncore@masenate.gov>, "Livingstone, Rep." <jay.livingstone@mahouse.gov>

Dear Ms. Richard,

The contact that incarcerated people have with their family, friends, and any 3rd parties creates a barrier to the incarcerated's important supports. Until our prison system is replaced by more humane ways of dealing with crime, we need to make it as much as possible a time for the imprisoned to be rehabilitated, and given supports to help when they are released. Cutting into their privacy does nothing but increase their feeling of isolation and loss of hope for a better life.

Please reject these changes that the DOC is proposing to 103CMR 481: Inmate Mail.

I am also writing my legislator and senator about my concern that this be refused.

Thank you.

Susan Turner
[REDACTED]

CC: Rep. Livingstone, Sen. Boncore

From: Sagie Tvizer <[REDACTED]>
Sent: Wednesday, January 27, 2021 12:13 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Sagie and I live in Medford, Massachusetts. I am writing to share with you my objection to the proposed Department of Corrections mail rules (103 CMR 481).

Just a few days ago I received a letter from a friend. It was handwritten, personal, and touching. I excitedly tore open the envelope, read the letter, and threw it on top of my pile of mail on my desk. It was *so* nice to hold something in my hands that was my own. If my partner had asked to read it I would be uncomfortable. If it were an email instead it would mean much less to me. As a concerned member of the community, I feel that incarcerated people, along with their friends and loved ones, should not be burdened with intrusive monitoring of their mail correspondence.

Accordingly, I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

- Provide incarcerated people an annual allowance for sending mail;
- Eliminate all monitoring of mail to be received by or which is sent by incarcerated people;
- Expand access to no-cost digital communication (such as email).

If the goals of the Department of Corrections are to reduce costs, reduce recidivism, and support rehabilitation, the proposed rule change would be outright rejected. Regular communication with incarcerated people is essential to their mental health & reentry. Moreover, it is necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones without creating costly, unnecessary, and invasive barriers. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions are a constructive alternative which I urge the Department of Correction to consider.

Thank you for your time,
Sagie

From: Ella Tyler <[REDACTED]>
Sent: Friday, February 05, 2021 4:37 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: mary valerio <[REDACTED]>
Sent: Wednesday, January 27, 2021 10:16 AM
To: Richard, Kathleen J. (DOC)
Subject: 103CMR481 Testimony Mary Valerio

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

As you know I have often testified at hearings in the past. However, this time I would like to offer a more personal observation. In my case I do not send much mail to my husband as he was born in the Dominican Republic and has no formal education and is illiterate. After ten years in the Dept, of Corrections he is still being told that he is on a waiting list for education and still cannot read. I think that alone is a disgrace in a state like Massachusetts which is number one in education in the country. Despite his lack of ability he does enjoy a greeting card on occasion and the fact that they photocopy it and ruin the sentiment of the card is shameful. With COVID raging in his facility in Gardner, with men dying , I think this is not the time to further isolate people. Contact visits have stopped, outside volunteers have been stopped and men are confined to quarters. For most people who are classified as medium inmates this is solitary confinement like conditions. I feel the DOC should give all of the inmates Pandemic Good Time of 30 days per month for each month they are living under such restrictions. Instead, now the mail is to be tampered with.

As for legal mail, this is even more important to protect. In our case we have been in court fighting for years over legal paperwork and it's accuracy as originals are not available. To give only copies will cause many legal problems later. Accurate checking of the actual mail should be sufficient to ensure that it is safe. I would ask the DOC to reconsider their actions and think of the suffering inside at this time. To further create trauma is unnecessary and does not promote good mental health inside as the Dept. of Justice has already pointed out to the DOC. Please reconsider as the mail is all some men have left.

Mary Valerio Actual Justice Task Team UCC Churches.

From: Caroline Van Rijckeghem <[REDACTED]>
Sent: Sunday, January 31, 2021 8:57 PM
To: Richard, Kathleen J. (DOC)
Subject: opening and copying inmate mail

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am writing to express my concern about a proposed new program of opening and copying inmate mail in Massachusetts.

Opening inmate mail impacts on inmates' privacy as well as confidential attorney-client communications.

I understand that there is no evidence of drugs being smuggled in the mail, whereas on the other hand, the general understanding (which may not be true) is that any smuggling occurs via staff of prison facilities.

If I understood correctly, implementing this measure could cause inmates to spend more time in line to obtain their mail, which has implications for the spread of coronavirus.

I hope that you will be able to show sympathy for inmates and reconsider this measure,

Thank you for your consideration,

Caroline Van Rijckeghem

From: Kate Vander Tuig <[REDACTED]>
Sent: Saturday, February 06, 2021 10:00 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a loved one of a MADOC prisoner writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Dear Ms. Richards:

I, Nigel Vaughn, am writing to address my concerns about what the DDC is doing with the mail.

To begin with, I have been in prison nearly 16 years. A great part of my sanity has been preserved due to the support I've gotten from love ones throughout the years, most of which has been letters, pictures, cards and educational info sent to me via mail by love ones. Not once have I committed an infraction through incoming mail that would warrant the illegal denial of my rights to receive mail. In cases where other prisoners may have committed such infractions, they only represent a very small percent of prisoners who receive mail and should not justify the blanket policy to deprive the majority of prisoners of privacy in their family affairs and as well as the sentiment of their love ones' written advice, words of inspiration, poems, cards of celebration and memorials etc. Additionally, the senders of all prisoners' mail have a great percentage over those senders whom contributed to any mail infraction. I must have received letters etc. from over 100 different people and not one has mailed me any illegal substances via the mail. However, even if so, it is a sad day if just one of them is given the power to spoil it for everyone else. For, throughout my sentence, I've known of many vindictive people who have sent people contraband so that the inmate is punished for it. And I have been a victim of such vindictiveness. These tactics always works as the

Regarding proposed changes to 103 CMR 481
the DOC's practice is to punish first and hold a hearing on the charges later. While the DOC must maintain the safety of its staff and prisoners, these single acts should not be enough to justify an entire break in the support prisoners receive from their loved ones. Here we are in the middle of the prison reform era and despite the fact, the DOC has continuously sought to implement policies which make the conditions and incarceration term far more harsh than it has ever been.

Although the DOC is "seeking" to be given authority to implement a new mail policy. The reality of it is that they have already spent large amounts of money to install the station/charging/uploading ports demonstrating that this policy will be enforced despite the results of the Public Hearing to promulgate its policy. As a prisoner of all these years, I can't help but notice, how, when it's time to spend money and change policies for the benefit of prisoners or to conform to the prison reforms of the 2018 § 2371 Prison Reform Bill, the DOC's action is to "appear" to be making the transition, however when it's time to make matters worse for prisoners, their actions are premeditated and established overnight. We have been denied our very limited very limited recreation time here at S.B.C.C. while the DOC installed the stations where these new mail tablets will be operated through, prior to a Public Hearing and proper promulgation process. This to me demonstrates the DOC's disdain

for the process of law. Either that or somehow the DOC knows the outcome of the Public Hearing before it's even held. Meanwhile, most of the reforms listed in the 2018 § 2371 Prison Reform Bill is completely undermined.

What is most concerning is that the DOC seems to implement this policy in direct response ~~to~~ the Court's Order in Edward Wright v. DOC, Suffolk Superior Civil Action No. 1884CVD3232 ruling against the DOC's illegal implementation of photocopying all incoming mail in violation of their own policies. This is concerning because the Court already ruled against the illegal tampering with our mail and now the DOC disregards that ruling & will tamper with our mail a different way. Essentially, although we've waited over 3 years to get this ruling, the DOC will force us to litigate for an additional few years. DOC has no regard for the Court's ruling.

This policy is unfair for a number of reasons. The DOC is monopolizing on prisoners' family & friends by forcing them to correspond through this policy and forcing prisoners to mail back the mail we receive. It also places information, words of sentiment etc. in the possession of DOC official and vendors whereas such info is intended for only the prisoner it was mailed to. The DOC has already established electronic corresponding via courlinks and tablets. What isn't clear about that policy however, is that the DOC often disables prisoners' tablets and thus severely limiting prisoners' communication with their love ones. Even now during the pandemic I'm subjected to a disabled tablet despite the fact that this type of sanction shouldn't be imposed during the pandemic. S.B.C.C. staff simply do not care. To put this policy into effect is to give the DOC more unchecked power to arbitrarily deny and capriciously

limit prisoners' contact with their loved ones. Additionally the automatic option erases all correspondence after a maximum of 120 days. All prisoners and our loved ones would like to keep our correspondence as they are of sentimental value. This is how it has been my entire sentence for my loved ones as well as myself. Yet, the DOC has unlimited access to all our correspondence. This policy is also not authorized by the Regulatory Authority G.L. c. 127 § 87

To photocopy our legal mail is illegal. It should never be done. However, it's still being done nonetheless through the former photocopying policy. It is in violation to the Attorney/Client Privilege and privacy. The DOC has often made false reports of substances being sent in the mail and I ask you to investigate those incidents and make it know to all who attended to Public Hearing. Often prisoners have plead guilty to these "false positives" which the DOC has charged prisoners with claiming they have a "field test" which tests for substances as well as tests for urine of these substances. I ask that the truth of these tests are also investigated and the outcome also be reported publicly. Prisoners plead out most the time simply to get out the hole sooner and because they do not know how to defend themselves in disciplinary hearings. So believing that they will be found guilty regardless and sanctioned more harsh, they plea bargain.

For all the above reasons I ask that the DOC proposal to implement such a policy is denied in accordance with the Court's recent Order in Edward Wright v. DOC.

Sincerely

Nigel Vaughn

1/23/20

From: Shruthi Venkata <[REDACTED]>
Sent: Friday, February 05, 2021 4:52 PM
To: Richard, Kathleen J. (DOC)
Subject: No changes to 103 CRM 481!

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481. These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters. For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need. Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes. For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons. Thank you.

From: Laura Wagner <[REDACTED]>
Sent: Friday, January 29, 2021 11:10 AM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

Incarcerating a person is already punishment. The continued punishments of inadequate food and poor nutrition, lack of meaningful programming, isolation from loved ones, exorbitant phone and video call rates, failure to prepare a person for a successful transition back to their community upon release, the torture of solitary confinement and the criminal behavior of torturing people with SMI ([see DOJ Report](#)) is unacceptable. The decision to prevent people from getting their physical mail is illegal and unacceptable. Photocopies are not the same. As you know, destroying legal documents and replacing them with photocopies that are not admissible in court denies due process to people who are incarcerated.

It's unacceptable that the public hearing was shut down today. It's unacceptable that the DOC is yet again, making unilateral rules and ignoring due process. People deserve to have contact with their families and loved ones, and denying this because of baseless claims, is reprehensible.

State-sponsored violence against people who are incarcerated must end.

Sincerely,
Laura Wagner, MSW
Unitarian Universalist Mass Action, Executive Director
40 mechanic St., Suite 306
Marlborough, MA 01752

Laura Wagner MSW, Executive Director (pronouns: she/ella mypronouns.org)
Unitarian Universalist Mass Action Network
40 Mechanic St., Suite 306, Marlborough, MA 01752
Cell: 508-308-9261 Office: 617-356-7737
Email: [REDACTED] Website: www.uumassaction.org
<https://www.facebook.com/pages/UU-Mass-Action>

Stay informed! [Sign up for our weekly newsletter](#)



Help support UU organizing in Massachusetts and [make a donation today!](#)

We acknowledge that we are on the land of the Massachusett, Mohican, Nauset, Nipmuc, Pawtucket, Pocumtuc, Wabanaki Confederacy and Wampanoag peoples.

From: Les Wallerstein <[REDACTED]>
Sent: Thursday, February 04, 2021 10:41 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Les Wallerstein
[REDACTED]

From: Annabelle Walsh <[REDACTED]>
Sent: Friday, February 05, 2021 2:41 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CRM 481 — Reject the Proposed Changes

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richards,

My name is Annabelle Walsh, and I am a Massachusetts resident. I am writing to you to express my utmost objection to the proposed changes to 103 CRM 481.

The new rules violate lawyer-client privilege by creating circumstances in which it would be possible for the DOC to monitor legal mail. These rules also engender serious consequences regarding the legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. It is critical to note that guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, the state should consider searching guards. Letters are not the issue.

For incarcerated people and their loved ones, **letters are a lifeline**. We cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime **who will have their name, address, and content of their letter recorded**. Digitizing their letters also opens up the **possibility for widespread surveillance of non-incarcerated and incarcerated people**. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may require.

Removing guidelines on the quick and efficient processing of mail presents a **threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes**.

For the aforementioned reasons, I believe the new regulations under review **must be rejected**, and their practice immediately halted in all prisons.

Thank you,
Annabelle Walsh

From: Katie Walsh <[REDACTED]>
Sent: Saturday, February 06, 2021 10:06 AM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Katie Walsh

From: Wendy Walters <wendy_ [REDACTED]>
Sent: Sunday, January 24, 2021 5:56 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am writing in regards to 103 CMR 481. Incarcerated people have the right to privacy and attorney-client confidentiality, and the DOC must Stop reading, photocopying, and confiscating incoming mail, and stop violating these rights!

Thank you,
Wendy W. Walters

Wendy W. Walters
Director, Honors Program
Professor, African American Literature & Culture
Writing, Literature, & Publishing Dept.
Emerson College
120 Boylston St.
Boston, MA 02116

From: Elizabeth Wang <[REDACTED]>
Sent: Friday, January 29, 2021 5:58 PM
To: Richard, Kathleen J. (DOC)
Subject: Re: Please say no to photocopies

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the consideration. I was not able to make the hearing but look forward to checking in with friends who did.

Take care,
Liz Wang

On Fri, Jan 29, 2021, 5:54 AM Richard, Kathleen (DOC) <kathleen.richard@state.ma.us> wrote:

Good Morning,

Thank you for your participation in making comments regarding the proposed changes to the Department of Correction's Regulation, 103 CMR 481, *Inmate Mail*. Comments such as yours provide a valuable perspective to the Department as it seeks to promulgate effective regulations.

Your comments were insightful and they will be taken into careful consideration as the regulation continues to undergo a more extensive review prior to any changes being made.

Sincerely,

Kay Richard
Program Coordinator III
Department of Correction
Legal Division
70 Franklin Street, Suite 600
Boston, MA 02110

From: Elizabeth Wang [mailto: [REDACTED]]
Sent: Wednesday, January 27, 2021 11:27 PM
To: Richard, Kathleen J. (DOC)
Subject: Please say no to photocopies

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Kathleen Richard,

My name is Liz Wang, and I reside on [REDACTED]. I am a proud pen pal to 2 incarcerated folks, and like many incarcerated folks and their family and friends, I am tired of the restrictions in the prison mail system.

Please do not approve the proposed guidelines. This is one step closer to violating incarcerated people's constitutional right to receive mail. This procedure would add burdensome costs, opens the door to reduced legibility/quality of their mail, and removes any attorney-client confidentiality and privacy. Without any requirement to have verifiable suspicion of contraband, this can easily turn to abuse.

It is such a hurdle to stay connected with a dear friend and it is even harder to hear all they go through to even receive mail from their loved ones. Thank you for your time! I hope you keep their concerns and base needs in mind. Have a great day.

Best,

Liz Wang

she, her, hers

From: Jonas Wanstok <[REDACTED]>
Sent: Friday, February 05, 2021 1:49 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Thera Webb <[REDACTED]>
Sent: Friday, January 29, 2021 10:27 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Kathleen Richard-Program Coordinator
Department of Corrections
70 Franklin Street Suite 600
Boston, MA 02110
kathleen.richard@state.ma.us

Dear Kathleen Richard,

My name is Thera Webb and I live in Watertown, Ma.

I am writing to share with you my concerns about the 103 CMR 481 Department of Corrections mail rules.

I am a concerned community member and the new rules for mail have created hardship not only for incarcerated people but also for their families and loved ones.

I am opposed to the proposed changes to the regulations.

Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system.

It is also essential to the mental health of their non-incarcerated family members!

We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,

Thera Webb

From: Liz Weber <[REDACTED]>
Sent: Tuesday, January 26, 2021 10:57 PM
To: Richard, Kathleen J. (DOC)
Subject: Virtual Public Hearing on 103 CMR 481 DOC Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

I write as a resident of Concord and a concerned member of the clergy. Please count this as my testimony for the 103 CMR 481 DOC Mail Rules virtual public hearing.

I strongly object to the new 103 CMR 481 Department of Corrections mail rules.

The new rules for mail have created hardship for both incarcerated people and their loved ones outside the system. They are immoral and must not become permanent.

Regular communication with incarcerated people is essential to their mental health, impacts their potential for successful re-entry, and is necessary to actively participate in the legal system. We need regulations that allow incarcerated people full and timely access to mail from legal professionals, friends and loved ones.

The proposed changes present too many opportunities for legal mail to be compromised. They also take away the tactile comfort of mail from loved ones that can help incarcerated people be resilient and change for the better.

I urge the Department of Correction to reconsider.

Thank you for your time.

Rev. Liz Weber

Rev. Liz Weber
Minister for Pastoral Care
First Parish in Concord
(978) 369-9602 x414

From: Jenna Wechsler <[REDACTED]>
Sent: Thursday, February 04, 2021 5:43 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Sent from my iPhone

From: Maddie Weikel <[REDACTED]>
Sent: Friday, February 05, 2021 10:45 AM
To: Richard, Kathleen J. (DOC)
Subject: I do not support changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I live in Massachusetts, and I am reaching out to say I object the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you,
Maddie Weikel

From: Alexander Weinstein <[REDACTED]>
Sent: Thursday, February 04, 2021 4:56 PM
To: Richard, Kathleen J. (DOC)
Subject: 103 CMR 481 Public comment

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I write to express my opposition to the proposed changes to DOC mail rules (103 CMR 481) in the strongest possible terms.

My name is Alex Weinstein and I live in Brookline. I am a third-year law student at Boston University.

Opening, reviewing, and photocopying (!) legal mail is a blatant and outrageous violation of attorney-client privilege. You know this. You must know that you will be sued six ways to Sunday and you will lose. Please do not waste taxpayers' time and money to implement and defend this unconscionable measure.

Further, doing the same things to personal mail is a heartbreaking violation of one of very few ways through which incarcerated people can communicate with loved ones. How would you feel if you could only receive a photocopy of a drawing from your child? How would you feel if you knew your mother anxiously re-considered what private thoughts she could share with you, what family news she could write, in order to keep the depth of her feelings from prying eyes?

Please do not implement these proposed regulations. They violate the law, they will result in immense waste in order to defend them, they will result in considerable public embarrassment for Massachusetts, and they are just plain wrong by any moral standard.

Thank you,
Alex Weinstein

--

Alexander Weinstein
J.D. Candidate, Class of 2021
Boston University School of Law
[REDACTED]

From: Veronica White <[REDACTED]>
Sent: Thursday, February 04, 2021 11:38 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

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For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Veronica

From: Liz Whitelam <[REDACTED]>
Sent: Thursday, February 04, 2021 4:38 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Karen Wickert <[REDACTED]>
Sent: Friday, February 05, 2021 5:11 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

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For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

Karen Wickert
Somerville, MA 02144

From: Cindy Wilson <[REDACTED]>
Sent: Monday, February 01, 2021 1:58 PM
To: Richard, Kathleen J. (DOC)
Subject: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Subject: Testimony, 103 CMR 481: DOC Mail Regulations

Dear Ms. Richard,

I'm writing because I oppose the DOC decision to change the standard operating procedure regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

Incarceration is already punishment. With exorbitant fees for phone and video calls, it is already difficult for families to stay in touch. I am sure that continuous communication with families and love ones must be an important factor in lowering recidivism rates. An original personal note from a loved one, an original picture from one's child, not to mention an original legal document, can never be replaced by a copy.

I hope that you will oppose the DOC decision to change the procedures regarding mail being sent to people in prison.

Sincerely,
Cynthia Wilson
[REDACTED]

From: Evan Wilson <[REDACTED]>
Sent: Friday, January 29, 2021 12:27 PM
To: Richard, Kathleen J. (DOC)
Subject: Testimony, 103 CMR 481: DOC Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Kathleen Richard,

I'm writing because I oppose the DOC decision to change the SOP regarding mail being sent to people in prison. Cards, letters and pictures are crucial connections to people's families and friends and photocopies are not the same. Legal documents are crucially important to people who are incarcerated and shredding the originals is unacceptable. Prohibiting documents that are necessary for a person's court case is unacceptable and illegal.

I believe that we as a nation and commonwealth need to think critically about how we engage in rehabilitation and incarceration. Incarceration is already punishment and it seems like the barriers we set up are only further harming people and preventing them for a productive life after incarceration. Recidivism will also be impacted based on whether or not people imprisoned are able to connect with their loved ones through phone calls that do not have exorbitant fees. Finally, it is critical to recognize the humanity of people imprisoned and support people's mental health and avoid the pervasive use of solitary confinement.

Sincerely,

Evan Wilson

Evan Wilson
[REDACTED]

From: Robin Wolff <[REDACTED]>
Sent: Thursday, January 07, 2021 7:46 PM
To: Richard, Kathleen J. (DOC)
Subject: Inmate Mail Regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I would like to oppose the proposed changes to the Department of Corrections Inmate Mail Regulations. The proposed changes are unnecessary and grant the D. O. C. unchecked authority while removing any and all protections for the inmate population and their families.

Thank you,
Robin Wolff

From: Chandler Wood <[REDACTED]>
Sent: Thursday, February 04, 2021 10:01 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

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Thank you.

Chandler Wood

From: Nancy Wrenn <[REDACTED]>
Sent: Friday, January 29, 2021 12:39 PM
To: Richard, Kathleen J. (DOC)
Subject: CMRule change re. DOC mail (103.CMR481]

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

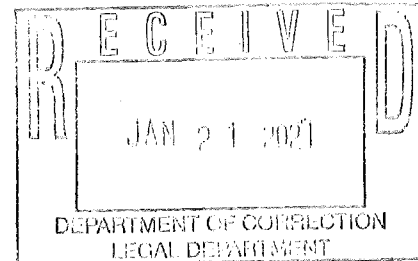
I would like to urge the DOC to sustain privacy for inmates' mail. This includes mail which may be used as an affidavit in court and personal mail. Prisoners have the right to originals. It should not be destroyed or copied.

Nancy Wrenn
Member of EMIT (End Mass Incarceration Together)

Kathleen Richard
Program Coordinator
Department of Correction
70 Franklin Street, Suite 600
Boston, Ma. 02110

January 15, 2021

Edward G. Wright
W-41312
MCI-Norfolk
P.O. Box 43
Norfolk, Ma. 02056



RE: Comments Relating To 103 CMR 481
Inmate Mail Regulation

To Whom It May Concern:

In regards to 481.07 Collection An Distribution Of Mail, the proposed changes to remove the word "directly" from Section (2) and removing the words "delivered to the inmates, within 24 hours of collection and" from Section (3) eliminates any time limit for delivery of incoming inmate mail to the inmate once it is collected from the postal service. Further, said removal of those words will allow for wide spread abuse where the regulation allows for improper interpretation at each facility, Vendor and person responsible for processing and delivering incoming inmate mail. One such interpretation which will be the likely result from the removal of the Time limits, will be, **As long as some inmate mail is distributed Monday through Saturday the Regulation is being complied with, even if inmates mail is being withheld for days, weeks or months before delivery.**

The removal of Time Limit from 481.07(2)(3) has a substantial effect on 481.12(c)(5) which states: "Third party vendors and Department institutions which photocopy mail shall ensure that the time frames set forth in 103 CMR 481.07(3) are adhered to specifically:...and incoming mail shall be picked up from the post office and processed in accordance with 103 CMR 481.07(2)..." This section gives the appearance of time limits when in actuality there are none.

Object to the proposed removal of sentence from 481.12(2) Inspection of Non-privileged Correspondence and Packages which states: "If there is reason to believe contraband is being introduced through the mail based on the paper color, texture, etc., a photocopy of the original correspondence rather than the original correspondence may be forwarded to the inmate." In 2017 this section was added to the regulation which had a tremendous impact in the prevention of drugs entering facilities through the mail. This was borne out in Edward G. Wright v. Department of Correction et al., Suffolk Superior Court 1884CV03232 when

Kathleen Richards

Jan. 15, 2021

pg. 2

the department turned over evidence that drug introduction into Massachusetts Department of Correction facilities decreased by more than half in some facilities and totally in others. This section is an important tool in allowing inmate incoming mail to be processed with the least restrictive means. This is so where incoming inmate mail is already fluorescented, black lighted, searched by canine and white boarded.

The use of Third Party Vendors for photocopying incoming non-privileged mail by photocopy machine or electronic violates the senders First Amendment Right to send the inmate mail with the expectation of privacy subject to only having their mail opened for inspection for contraband and to receive any funds sent to the inmate. A third party vendor can not guarantee privacy or security, especially where by taking possession of the mail, they in essence become agents of the Department of Correction which is a part of law enforcement. Just as the Department cannot guarantee privacy or security once it turns over the incoming inmate mail to a Third Party Vendor. As stated, The Privacy and Security cannot be assured by Third Party Vendor

Object to the proposed addition 481.12(C) Photocopying of Incoming Non-Privileged Inmate Mail specifically (C)(1-5). The Commissioner should not be given broad authority through a regulation to pick and choose any particular institution "creates an unacceptable risk for introduction of contraband" through paper mail. Especially where there are no checks and balances on that determination or any means to determine that such a determination is valid and not based on misrepresentation or skewed information to further other individuals wants or desire to prevent paper mail from entering a particular prison. In Wright v. department of Correction et al., such information was provided the prior Commissioner of Correction which led to him creating a policy that led to illegal photocopying of inmates mail in all medium and maximum security facilities that exist to this day, since 2018. This is why this proposed regulation is being written to continue the photocopying of incoming inmate mail.

(C)(1)(a-c) Photocopies and electronic copies of incoming inmate mail removes the personal touch, expression within the letter including the small whiff of fragrance from a loved one and the ability to keep that dear and personal touch and expression.

(C)(1)(3) Contraband any original paper mail the inmate has when he is transferred to any Department of Correction facility. This section improperly and illegally preempts 103 CMR 403 Inmate Property Regulation which allows inmates in all levels of security to possess and retain their mail, originals and photocopies.

Object to proposed addition to 481.11(3) Identification and Processing of Privileged Mail "Legal Mail" The photocopying of Privileged Legal mail and or storage by the department as a routine occurrence without reasonable cause to believe the individual piece of mail contains contraband would violate the privilege communication doctrine. Further, photocopies of original documents and shredding the original would harm the inmate defendant in further court proceeding in the future when original documents are required.

Leaving the non-retention of an original document up to the ineffectual grievance process fails to protect the inmates rights or the documents where the denial of storing the document is left to the individual officers discretion as there is no guidance as to what reasons the inmate can be denied storage of the original legal document.

Respectfully submitted,


Edward G. Wright, pro se

W-41312

MCI-Norfolk

P.O. Box 43

Norfolk, Ma. 02056

Dated: January 15, 2021

cc:file
1-Carol Mici
Commissioner of Corr.

From: Wyman, Georgia <[REDACTED]>
Sent: Sunday, February 07, 2021 5:49 PM
To: Richard, Kathleen J. (DOC)
Subject: I oppose changes to 103 CRM 481

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathleen Richard,

I am a Massachusetts resident writing to express my objection to the proposed changes to 103 CRM 481.

These new rules violate lawyer-client privilege by creating circumstances in which it would be easy for the DOC to monitor legal mail and have a chilling effect on legally-protected communication between client and attorney. Destroying original legal mail presents obvious legal challenges. These are also not the least restrictive rules necessary to achieve the Department's stated goal of cracking down on drugs entering Massachusetts prisons. Guards and staff bring the vast majority of drugs into prison. To reduce drugs in prison, search guards, not letters.

For incarcerated people and their loved ones, letters are a lifeline and we cannot sacrifice the good that comes out of maintaining community connections for the vague illusion of order. I am concerned about the creation of a surveillance log and the effect it will have on people who are not incarcerated or convicted of any crime who will have their name, address, and content of their letter recorded. Digitizing their letters also opens up the possibility for widespread surveillance of non-incarcerated and incarcerated people. It also creates a dependence on tablets, which can be easily broken, removing a person's access to all of their mail, including legal documents they may need.

Removing guidelines on the quick and efficient processing of mail presents a threat to all incarcerated people working on cases, sending money for bills home, or simply communicating birthday wishes.

For these reasons and more I believe the new regulations under review must be rejected, and their practice immediately halted in all prisons.

Thank you.

From: Kim Wynne <[REDACTED]>
Sent: Thursday, February 04, 2021 2:38 PM
To: Richard, Kathleen J. (DOC)
Subject: NO Restrictive New Mail Regulations by MA DOC

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Kim and I live in Boston, MA. I'm writing to share how I'm personally impacted by the 103CMR 481 Department of Corrections mail rules.

I'm a person with incarcerated loved ones and the new rules for mail have created hardship for me and my loved ones.

Photocopying and monitoring personal and legal mail is based on the expectation that law enforcement officers will behave professionally and oftentimes they do not, and there is no accountability. It is inviting officers to abuse to incarcerated people.

Regular communication with incarcerated people is essential to their mental health, re-entry, and necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends, and loved ones. The proposed changes present too many opportunities for legal mail to be compromised.

Thank you for your time,
Kim

To whom this may concern.

My name is David Yarde wlos085 and I'm writing to inform you of the constant violation of the Mass Doc surrounding personal mail and Attorney Client privileged mail. All ^{personal} mail is still being copied which is in violation of a court order and my personal legal mail has been taken back to the IPS office after they opened it in front of me and had copies made of it and once before my legal mail came up to me opened both issues of which are in violation of the Attorney Client privilege right we are entitled to. However now the Doc are attempting to further violate said rights by trying to force us to receive our legal mail on tablets provided by the Doc which I highly doubt can guarantee will stay within the guidelines of the attorney client privilege rights.

Sincerely Innocent
David Yarde
wlos085
1, 24, 21

From: Jamilee Young <[REDACTED]>
Sent: Friday, January 29, 2021 9:50 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Chancellor Young I'm currently incarcerated at Souza-Barakowski correctional facility. I'm writing in regards to the current mail policy that to my knowledge was/has been enacted several years ago. I/we incarcerated peoples so not receive our physical mail in the fashion in which it was initially sent to us. In fact all of our incoming mail such as letters, pictures, drawings by kids etc are all photocopied by S.B.CC personnel. Exactly what happens to the original copies of my mail that is sent to me is unbeknownst to me, I was never ever given a opportunity to send the original copies of my mail or pictures back out, so as far as I'm concerned my mail/personal pictures of my wife and kids could be in some administrative personnel's office. The IPS and the current administration currently copies all mail because they probably feel that although its a more arduous fatiguing task to photocopy all prisoners mail, it's worth it in the long run because they are trying to get a handle on incoming drug activity. All prisoners are not involved in drug activity nor are we all conspiring to introduce any drugs into the facility, but we/all uninvolved prisoners must suffer the consequences of a rare few minority drug conspirers. The IPS as well as the administration all have jobs to do, nobody said that its always gonna be a easy job but its their job nonetheless as detailed in their job description, for which they get paid for. If the same standard of accountability was applied to the correctional officers as it is prejudicially imposed upon me a incarcerated prisoner, than all correctional officers would be held accountable for the actions of one or some rogue lawless officers. (It wouldn't be fair at that point would it?) But since the voice of the prisoners are not always loud enough to be heard than all of the wrongdoings bestowed upon us remain unheard and unseen. I am a son... I am a husband.. I am a father... And I am a citizen of the U.S so I am afforded the same protections of the law as you and the person next to you! Thank you for your time and attention to this matter. #God bless #closethemax

Chancellor Young

From: Jamilee Young <[REDACTED]>
Sent: Friday, January 29, 2021 9:48 AM
To: Richard, Kathleen J. (DOC)
Subject: New Mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Kathleen Richard,

My name is Jamilee Young and I live in Boston.

I am writing to share with you how I am personally impacted by the 103 CMR 481 Department of Corrections mail rules.

I am a person with incarcerated loved ones, and a concerned member of the community and the new rules for mail have created hardship for me and my incarcerated friends and loved ones. Photocopying and monitoring personal and legal mail has a negative impact on me because mail is the only way for my family to stay connected with my loved ones, touching the drawings my children send, and the paper I write on. These are the only human connections my loved ones have with our family. Since the DOC has been photocopying mail, the pictures that we send, our efforts and finances are thrown away with the originals. These are human beings. Not only has our their freedom been taken, but so has any glimpse off closeness to their loved ones they have left.

An example of a negative experience I have had with DOC mail is pictures being misplaced or decaarded by DOC Staff without a authorization. Further discouraging family and friends from spending money and sending pictures, greeting cards and heart felt letters only to have them diminished to mere smeared ink copy of what it once was, all personalality derived from its path.

I am opposed to the proposed changes to the regulations. Instead, I request that the following changes be made to DOC personal and legal mail policy:

Idea #1 stop photocopying mail.

Idea #2 open substance abuse programs for incarcerated individuals who struggle with substance abuse.

Idea #3 realize it's only a small percentage if any of subastances that are actually introduced through mail. Find an alternative solution. Incarcerated individuals need their legal mail in a timely manner and in hand to work on their cases.Regular communication with incarcerated people is essential to their mental health, re-entry & necessary to actively participate in the legal system. We need regulations that allow incarcerated people regular access to mail from legal professionals, friends and loved ones. The proposed changes present too many opportunities for legal mail to be compromised. My suggestions would be an effective improvement that I urge the Department of Correction to consider.

Thank you for your time,
Jamilee Young

From: Jamilee Young <[REDACTED]>
Sent: Friday, January 29, 2021 9:55 AM
To: Richard, Kathleen J. (DOC)
Subject: Re: Virtual Public Hearing on 103 CMR 481 Department of Correction Mail Rules

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

The importance of prisoners receiving the original mail sent to them from family and loved ones cannot be overstated. The department of corrections give lip service to that reality but falls far short in the actualization. Having already disenfranchised many prisoners from their loved ones by implementing their barriers to who can visit you, they now want to expand those barriers into the area of mail.

Having a policy where prisoners can only receive photocopies of the mail sent to them renders the correspondence impersonal from the prospective of the prisoner. From the prospective of the Mother, Father, Brother, Sister, Son, Daughter, extended family members and friends it only serves to discourage them from taking the time to write a letter only to have the recipient receive a copy. My family members no longer sent greeting cards or general well wishes cards because they do not want to spend the money only to have me receive a photocopy.

The same can be said for pictures. Who wants to take a picture and send to someone who is only going to receive a photocopy. It may be argued that the photo can come in if it comes through a DOC vendor- a vendor from which the DOC will in all likelihood receive a kick back. One of the problems with that is that people are forced if they want to share personal moments with prisoners they must also share them with people they don't know and who don't have the same restrictions that the Department Of Correction has as far as releasing information.

The purported reason for these new regulations are to prohibit the introduction of drugs into the institution. Since the inception of the regulations that have been invalidated by the Court's the flow of drugs into prison institutions have not been stopped. Perhaps not even slowed. Its a failed policy.

In the 90s the DOC erected barriers for prisoners wanting to stay in contact with family and friends via telephone. In 2019 the DOC implemented barriers to prisoners wishing to maintain ties with family and friends via contact visit's. In 2019 the DOC erected barriers to prisoners wanting to maintain contact with family and friends via the mail. That having failed they now again attempt to erect barriers to prisoners maintaining contact with family and friends via mail.

The common theme running through all of these erected Barriers is the flow of drugs into prisons or the need to monitor calls for the purpose of tracking drug conversations. Considering the fact that the drug flow has not stopped perhaps the policies should be designed to prevent the drug flow, if it really existed, at other entry points.

As stated at the beginning of this opposition, the importance of prisoners cannot be overstated. Many studies have been conducted proving the connection between positive reintegration of prisoners back into society. Don't let over zealous officials blinded by non existent, or over exaggerated security concerns, erect a barrier to that thing that would benefit the offender and the offended.

Thank you for your time..

"The argument to the legal mail has no merit, in short they will open it in front of you make a photocopy and shred the original document. You can request your original document be stored and they will. The I.P.S can come and shake you down and read your legal mail.

From: Dianne Zimbabwe

To: Massachusetts Department of Corrections

re: Hearing on DOC Mail Policy, January 29, 2021

Every Voice Matters

The Massachusetts Department of Corrections should implement policy that supports the rights of men and women to receive their mail intact and in a timely manner, in Massachusetts prisons.

Contact and communication with family, friends, attorneys, and supporters are major *contributors* to a person's overall health and development during incarceration and a successful re-entry for the majority who will eventually return to the community. The DOC's current mail policy is an unnecessary and expensive disruption in this process of bonding and well-being during and after incarceration, and it adversely affects the prison environment, as well as people and community on both sides of the walls.

The DOC's intention to build further restrictions into this already inefficient practice will create more frustration, complication, and harm in the lives of people who need to feel closer to their loved ones and their attorneys. Losing a person's long-awaited letter or delivering it to the wrong person feels worse to incarcerated persons than it would to someone like you or me, whose movement is not restricted. Having to ask someone in charge does not always result in successful recovery of one's personal property.

Every voice matters, but before selecting a strategic approach to your problem, you have got to listen intently to every one of those voices and feel the anger, the hostility and the injustice. Are you going to choose to have a policy that's effective, or are you going to choose one that has more problems than it's worth?

From: Dianne Zimbabwe <[REDACTED]>
Sent: Friday, February 05, 2021 12:55 AM
To: Richard, Kathleen J. (DOC)
Subject: Opinion on DOC mail handling policy and changes.
Attachments: Hearing on DOC Mail Policy.1_29_2021.docx

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From: Dianne Zimbabwe [REDACTED]
To: Massachusetts Department of Corrections
re: Hearing on DOC Mail Policy, January 29, 2021

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someone like you or me, whose movement is not restricted. Having to ask someone in charge does not always result in successful recovery of one's personal property.

Every voice matters, but before selecting a strategic approach to your problem, you have got to listen intently to every one of those voices and feel the anger, the hostility and the injustice. Are you going to choose to have a policy that's effective, or are you going to choose one that has more problems than it's worth?

--

Dianne Zimbabwe
diannezimbabwe.com

From: Brita Zitin <[REDACTED]>
Sent: Sunday, January 31, 2021 3:17 PM
To: Richard, Kathleen J. (DOC)
Subject: DOC mail regulations

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Richard,

I am submitting this testimony in opposition to 103 CMR 481, the proposed changes to Massachusetts' DOC mail regulation.

Eliminating time limits on DOC mail processing could cause delays in prisoners getting mail, which impedes their ability to meet deadlines such as court filings and bill payments.

Photocopying incoming legal mail poses significant challenges to prisoners' legal proceedings (accessing original documents where required by courts; sending and receiving sensitive documents due to fear of retaliation, reprisal, and disclosure). There are other, less restrictive means of controlling fraudulently sent legal mail. Photocopying non-legal mail is also problematic, as it further isolates prisoners from their loved ones and support networks. It increases the risk of lost/late delivery and decreases data quality without increasing security, and unnecessarily uses tax funds to do so.

I also object to eliminating photocopies of suspected contraband, as parameters for what constitutes contraband are not specific enough. Monitoring of non-legal mail grants superintendents broad discretion to surveil and block communication, e.g. inappropriately blocking mail from addresses in "high crime" neighborhoods. Finally, digitizing non-legal mail, magazines, and newspapers prevents prisoners from sharing informational reading with peers. Since tablet access is not equitable or reliable, this change also limits access to those materials in the first place.

Thank you for conveying this testimony to the public hearing.

Sincerely,
Brita Zitin
Jamaica Plain, MA