

September 21, 2022

Virtual Public Hearing re: 103 CMR 481.00 – Inmate Mail

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Atty. Heidi Handler:

Good morning, everyone. It is 10:02 and we are going to commence the public hearing at this time. My name is Heidi Handler, and I am the Regulations Counsel for the Massachusetts Department of Correction. Welcome to the virtual hearing for 103 CMR 481.00 - Inmate Mail.

Present with me today, and also listening to comments from the Department of Correction, are Timothy Gotovich the Director of the Policy and Development Compliance Unit for the Department, and also the Reviewing Authority for the inmate mail regulation. Second, Michele Dupuis-Clarke, Program Coordinator III is going to be assisting me in conducting this virtual public hearing. And third, Judy Elliott, Paralegal Specialist, will be assisting Ms. Dupuis-Clarke in maintaining the list of speakers.

The purpose of the hearing today, for those of you who may not be aware, is that in Massachusetts, pursuant to the Administrative Procedures Act, whenever an agency promulgates a new regulation or makes changes to an existing regulation, it is required to first submit the regulation with proposed changes to a public comment period. So today, we receive public comments on the proposed amendments to 103 CMR 481 - Inmate Mail.

The Department began photocopying inmate non-privileged mail at some of its institutions in 2018 due to illicit substance introduction, distribution, and use within the Department, which remain major problems within Department institutions. So, on August 16th of 2018, the Department implemented a Standard Operating Procedure for photocopying incoming non-privileged inmate mail at facilities authorized by the Commissioner. In conjunction with litigation, the Department promulgated a new inmate mail regulation on April 2nd of 2021. Due to notice concerns regarding the changes implemented on April 2nd, 2021, the Department is once again conducting a public hearing to ensure proper notice and opportunity for those who wish to comment to do so. In addition to changes or amendments regarding photocopying, changes that include but are not limited to, implementation of an attorney verification system, mail monitoring, and the definition of publication.

The process today that we are undergoing is that the Department will accept written comments. We began accepting those public comments on August 30th, 2022. To ensure that all who wish to comment may have the opportunity to do so, we will continue to accept written comments until so long as they are postmarked by Saturday, September 24th, 2022. Today, we will be accepting oral comments from those of you who wish to offer them.

With regard to the format of the hearing, all audio and video has been muted by the administrator, Ms. Dupuis-Clarke. Ms. Dupuis-Clarke will unmute individuals when it is their time to offer comments should they wish to do so. Only individuals identified as panelists and the list of people wishing to provide comments will appear on screen throughout the public hearing. Screen sharing or video feed has been disabled. As attendees, you will not be seen on

video, and you will not have the ability to mute or unmute your audio or screen share. If you wish to speak as an attendee, Ms. Dupuis-Clarke will activate your video and audio when you are called to speak, and this will allow everyone attending to see and hear you. This change will also allow you to screen share. Once you are finished speaking, you will be returned to the webinar and will no longer be visible or audible to others. At that time, we ask that you lower your hand. Please note, that any presentation or screen sharing of inappropriate material will result in your video or screen sharing privileges being terminated.

The list of speakers also will appear on the screen throughout the hearing, and you should be able to see it at this time. If you are unable to see the list of speakers, I suggest you go to the view options on your screen and switch to side-by-side speaker and you should be able to see the list of speakers on the screen. This list indicates who will be called to speak and in what order. With regard to order, those individuals who notified the Department in advance that they wished to speak will be called first. We will add to the list from attendees in the webinar. If as an attendee, you wish to speak, please click on the "Raise Hand" feature at the bottom of the screen. If you are watching on your computer, it may be on the "More" button, or that may also be the option on your cell phone. The "Chat" is disabled for all attendees, so you will not be able to indicate in the "Chat" that you wish to speak. Lastly, additions from audio from all in will be added.

Ms. Dupuis-Clarke will unmute all audio callers at the end of the hearing and will allow those individuals to speak or express their opinions. All callers who wish to speak will be added to this dynamic list of speakers, and Ms. Dupuis-Clarke will unmute you and this will allow you to provide comment. With regard to time limits on comments, we request that you limit your comments to no more than 5 minutes so that all who wish to speak may have the opportunity to be heard.

If you encounter any issues with the webinar today, please call our office at 617-727-3300 and we will attempt to assist you.

As I mentioned, with regard to a Reviewing Authority, pursuant to Department Regulation and Policy, each DOC Regulation has a senior-level manager assigned to it who is responsible for monitoring the application of the regulation. Reviewing authorities are also responsible for annual reviews of the regulations under their charged to assess the effectiveness and determine whether the regulation is meeting its purpose. As I mentioned, before, Timothy Gotovich is the Reviewing Authority for 103 CMR 481 - Inmate Mail. Mr. Gotovich is the Director of the Policy, Development and Compliance Unit for the Department. He has held his current position since January 6th of 2020. Before becoming Director of the Policy, Development and Compliance Unit, Mr. Gotovich held the position of Deputy Director of PDCU from 2012 through January of 2020. He was an auditor within the PDCU from 2000 to 2012 before his assignment to PDCU, he held various positions within the Department; including Director of Security at MCI-Framingham and the position of Correctional Program Officer AB. Mr. Gotovich and I will be listening to your comments and reading written comments that have been submitted, but we will not be answering any questions today. Again, we will read and accept whatever written comments have been submitted, but no one from the Department will be answering questions today. Finally, I would like to thank each of you on behalf of the Department of Correction for

participating in the regulation process. The public comment period is integral to the establishment of effective regulations.

Following the conclusion of this hearing, the Department will take all the comments that we have gathered, both written and oral back to the Commissioner of Correction, Carol Mici. After considering all the comments, the Department may make any further revisions to these regulations as appropriate and a final version of 103 CMR 481.00 - Inmate Mail will be published in the Massachusetts Register, where it will be promulgated and become effective.

In order to call the list and accept the public comments on the proposed amendments to 103 CMR 481.00 - Inmate Mail, I am now going to turn the hearing over to Ms. Dupuis-Clarke.

Michele Dupuis-Clarke:

Good morning. As Attorney Handler stated, if you'd like to speak and be added to the list of speakers that is featured on your screen, please use the "Raise Hand" feature in the webinar. The first speaker will be promoted from Prisoners' Legal Services. Ms. Lin you've been promoted to panelist.

Ada Lin:

Hi. Thank you so much. Can you see and hear me? Great. Thank you so much for the opportunity to testify today. My name is Ada Lin and I am a Legal Fellow with Prisoners' Legal Services of Massachusetts. Prisoners' Legal Services of Massachusetts concurs with advocates, incarcerated people, family members, and community members that the DOC's regulations under 103 CMR 481.00 fail to correct the myriad flaws in the DOC's mail system.

The current system harms incarcerated people and their families, disproportionately subjects black and brown people to unwarranted scrutiny and discipline and diverts DOC resources away from urgently needed Substance Use Disorder treatment. In January of 2021, the DOC announced that it would be revising its mail regulations to allow it to photocopy all incoming mail, including legal mail, due to alleged contraband in legal correspondence; specifically, K-2. At the time, the DOC proposed sending all incoming mail to a third-party vendor for copying. Dozens of individuals and organizations at that time opposed these changes, noting that they would unfairly penalize incarcerated people who have no involvement with contraband, violate attorney-client privilege, and place an enormous administrative burden on the DOC and the State. Despite this, the DOC proceeded to revise the regulations to allow all mail to be copied.

The proposed revisions at issue today do little to alter the system. Although the proposals no longer requires mail to be issued to be sent to a third-party vendor, they do require facilities to keep a log of incoming privileged mail, including the names of the attorney and recipient. The regulations also reserved the DOC's right to copy legal mail.

PLS continues to oppose the copying of all mail, including legal mail, and instead calls on the DOC to bring its procedures in line with modern communication practices by making it possible for all incarcerated people to access electronic mail in addition to physical mail. As we have previously stated, copying attorney mail interferes with privilege and impedes access to constitutional protections.

The copying of legal mail also impairs communication with counsel and courts in a timely manner. For example, due to processing procedures and mail copying, incarcerated people often receive legal mail many days after it was sent out by courts or their counsel, which can jeopardize their ability to comply with court deadlines and procedures. Electronic legal mail would also avoid many of the problems posed by the regulations. Existing email technology would allow the DOC to sort legal and non-legal mail, and relatively low-cost encryption tools would help preserve privilege.

This would avoid the need to shred, log and store thousands of pages of documents. We also opposed the DOC's decision to copy non-legal mail, which prevents incarcerated people from receiving original paper copies; handwritten letters, cards and drawings bear the imprint of loved ones, including children, and are an important source of emotional connection that cannot be substituted by copies.

The availability of electronic mail would drastically reduce the enormous volume of paper mail coming into the DOC. It would also narrow the scope of potential contraband, making it easier to detect. We want to clarify here that we advocate for electronic mail being available alongside original paper copies and that we would not advocate for original paper copies to no longer be an option.

PLS also opposes the proposed changes to keep a logbook of all privileged mail. PLS receives hundreds of reports every year of abuses in prisons across the Commonwealth that would otherwise be hidden from public scrutiny. Many incarcerated people already fear retaliation for reporting violations. DOC's proposed solution would have a further chilling effect on their willingness to seek help or to report unlawful actions. What is perhaps most unconscionable about the mail system is that it inappropriately focuses the Department's resources and funds on punishing incarcerated people, the vast majority of whom have no connection to the few alleged instances of contraband in mail, instead of addressing Substance Use Disorder as a public health issue that it is. Research clearly demonstrates that Substance Use Disorders, including K-2 use, are mental illnesses and that such conditions cannot be eradicated without treating the root causes. 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 that there is such a desire to self-medicate.

The proposed changes to the regulations are doomed to fail because DOC has chosen to develop a needlessly complicated mail system that penalizes thousands of incarcerated people and their loved ones, instead of providing treatment, programming, education, and therapy for substance use disorders; all of which are necessary to help overcome addiction. As long as the DOC continues to ignore the causes of contraband, there will be a supply. DOC's punitive approach to these problems is an unfortunate echo of the drug policies that have resulted in the mass incarceration of black and brown people and the destruction of BIPOC families and communities across the Commonwealth and countries country.

The regulations are a significant step backwards for us at a time when reform is more necessary than ever. Thank you so much and we will be submitting written comments as well.

Michele Dupuis-Clarke:

Thank you. Ms. Reno has been promoted to panelist.

Annika Reno:

Thank you. Can you hear me okay?

Michele Dupuis-Clarke:

Yes.

Annika Reno:

Thank you. Ms. Handler, Mr. Gotovich, Ms. Dupuis-Clarke, and Ms. Elliott for the opportunity to testify today. My name is Annika Reno, and I'm here to share comments on behalf of Harvard Prison and Legal Assistance Project or PLAP. Through our representation of people incarcerated across the state and their disciplinary and parole matters, we hear about a variety of legal issues. We frequently receive questions and complaints from prisoners about disruptions to the mail. We have represented folks incarcerated who are accused of introducing drugs into prison via illegal mail. We have spoken with attorneys who are similarly accused and at times we too have been accused falsely. The importance of mail cannot be overstated.

Personal mail is one extremely important way to maintain contact with the outside world, and more contacts with the outside community are well known to improve post-release outcomes and reduce recidivism. Privileged mail is so named because it protects a person's basic rights to access the courts and to confer with an attorney. Mail that enters and leaves the prison can pose security concerns, of course, but those concerns must be balanced against the known benefits of personal correspondence and the accepted legal rights of any incarcerated person.

PLAP offers four general comments on 103 CMR 481.00, with an eye to ensuring that a fair balance is struck. Our comments consider not only today's proposed amendments, but also on amendments previously adopted as well as those that we believe should be made to the regulation. So first, a blanket policy of photocopying all incoming non-privileged mail at a DOC facility should not be permitted.

As currently framed, the regulations allow a facility to photocopy all incoming non-privileged mail prior to distribution to the intended recipient. Incarcerated people are separated from their families and other loved ones for a very long time. There is meaning in touching the same handwritten card that a loved one made for them, or a drawing that their child drew for them. An all facility photocopying order would, in large part, punish people incarcerated as well as their spouses, their children, their pen pals and other loved ones who have done nothing wrong.

Second, the proposed amendment to 103 CMR 481.11(4)(d), which allows the DOC to photocopy certain privileged mail, should be eliminated. As written, the changes would: one, allow the DOC to photocopy privileged mail that is suspected of containing contraband; two, create a much greater risk that a DOC employee will read privileged legal materials than existed under the previous inspection protocols; and three, the changes would compromise confidentiality given the fact that modern copiers have internal memory which allows scanned

documents to be printed again later. All of these problems are made more troubling given the absence of any meaningful standards in the proposed regulation to govern when photocopying is justified and when it is not.

Third, the DOC, along with amending its practices for reviewing privileged mail, should provide a means for free, unmonitored, privileged digital communication with end-to-end encryption. We believe that the introduction of contraband can be prevented and the rights of the people incarcerated can be enhanced with the introduction of a privileged digital communication platform. By providing a free means of privileged email between attorneys or law students and their clients, DOC can address that concern at the root of several provisions in the mail regulation; namely preventing contraband from getting into prisons, without depriving prisoners of their right to confer confidentially with counsel.

Fourth, and finally, the regulation should state a deadline for when incoming and outgoing mail will be delivered and mailed, as the DOC once did. In its amendments to the regulation a year ago, the DOC removed its own 24-hour deadline for delivery of mail. In our own offices experience, the replacement of a 24-hour deadline with no deadline has been unsuccessful. Often, mail to or from student attorneys to their clients is delayed for two to three weeks. These delays hurt our ability to provide adequate legal representation for our clients. Such delays also lead to our resending mail that clients have yet to receive, thus increasing the mail volume for the Department unnecessarily. We recommend the regulation be amended to include a three-day deadline for the delivery of incoming and outgoing mail.

Thank you for your consideration of these comments. Harvard PLAP would be happy to discuss any of our comments as written in our submitted testimony or about the regulations in general. I believe our contact information is on our written testimony. So, thank you very much for the opportunity.

Michele Dupuis-Clarke:

Thank you. Mr. Aylesworth has been promoted to panelist.

Samuel Aylesworth:

Good morning. My name is Attorney Sam Aylesworth. I'm Assistant General Counsel for the Committee for Public Counsel Services. Can everyone hear me? Sorry.

Michele Dupuis-Clarke:

Sir, we can't hear you. Can you speak louder?

Samuel Aylesworth:

Certainly. My name is- Good morning. My name is Sam Aylesworth. I'm Assistant General Counsel.

Michele Dupuis-Clarke:

Still can't hear you.

Samuel Aylesworth:

Bear with me a moment. Is that any better?

Michele Dupuis-Clarke:

Unfortunately not. Would you like to try calling in? Have you tried adjusting the volume settings on your computer?

At this time, I'd ask you to call in to the webinar. The dial-in telephone number is 1-646-558-8656.

At this time, Mr. Aylesworth, it seems that you're using an older version of Zoom. And so, if you would like to speak and offer your comments to the panel, I'd ask that you, again, dial in to the webinar at 1-646-558-8656.

While we're waiting for that call to come in, I would remind you that if any of the other attendees would like to speak to the panel, please use the "Raise Hand" feature and your name will be added to the list.

Mr. Aylesworth I will try promoting you to panelist one more time.

He's no longer in attendance. Can you hear me, Mr. Aylesworth?

Mr. Aylesworth, again, we'd like to invite you to speak by calling into the webinar. If you're unable to do so, or would rather submit your comments in writing, please do so and they'll be incorporated into the hearing. At this time, I think everyone who has- one moment, one moment. At this point, here we go. Mr. Aylesworth, can you hear us? Please un-mute your-

Samuel Aylesworth:

How about now? How about now?

Michele Dupuis-Clarke:

There we go. Welcome Mr. Aylesworth. Thank you for your patience.

Samuel Aylesworth:

Thank you for yours. Can you still hear me?

Michele Dupuis-Clarke:

Yes, sir.

Samuel Aylesworth:

Okay, great. Thank you. So, again, I apologize for that technical snafu. Again, my name is Sam Aylesworth. I am Assistant General Counsel for the Committee for Public Counsel Services. And this morning, I wanted to primarily direct my comments to CPCS's position relative to the Department's treatment in the proposed regulations to the attorney-client privileged mail.

But as a general precept, CPCS's position with these amendments is that privileged mail should not be photocopied in any instances. This impinges and potentially chills our clients' constitutional rights to adequate attorney representation, which the previous speakers also touched upon. Further CPCS supports the Prisoners' Legal Services' and the Harvard Prisoner Legal Assistant Project's positions that photocopying mail in general, to incarcerated persons, causes much more harm than the problem that it attempts to solve.

As CPCS pointed out at a previous hearing on amendments to these regulations, and it bears repeating here, at the federal level, Federal Law. 28 C.F.R. Section 540.18 simply prohibits the photocopying of mail to incarcerated persons in facilities; presumably recognizing these concerns, and the impact it has on privileged communications. Notwithstanding CPCS's general objection to the photocopying of mail, the photocopying of attorney-client correspondence is not adequately addressed in these proposed regulations. As the Department is no doubt aware of the course of the past year, the Department, CPCS and the Executive Office of Public Safety met and discussed procedures to address the concerns around the Department's processing of attorney-client correspondence, and through that collaborative process, the Department promulgated the Standard Operating Procedures for privileged mail, which the Commissioner approved on July 18th of this year. And although CPCS still has serious concerns about the ability of prison officials to read privileged communications through those Standard Operating Procedures, even in the presence of a client, the SOP importantly provides a procedure for how privileged mail should be handled if the communication itself is concerned or suspected to be contraband- containing contraband. These proposed regulations do not sufficiently address the protocols that EOPS, the Department, and CPCS, worked so hard to collaborate on.

They're vague and offer little guidance other than the portion of Section 481.11 where the Department retains and reserves the right to photocopy privileged mail to ensure that the mail is legitimate. This is in stark contrast to the detailed sections on processing of incoming mail in the mail room, the delivery of privileged mail to incarcerated persons, the procedures DOC officers must follow up if the mail is considered suspicious, and how and when photocopies of privileged mail are made, as set out in the Standard Operating Procedures.

On this final issue, this SOP still does not actually address how the digitized form of any photocopies is safeguarded from disclosure to any third-party; such as photocopying vendors, and from CPCS's perspective, this still needs to be addressed by the Department in any future regulations. We do support the Department's provisions regarding instituting an attorney verification system, and we welcome further information from the Department on that proposed system.

At a bare minimum, CPCS urges the Department to further amend 103 CMR section 418.11 to include the Standard Operating Procedures that the Commissioner has already promulgated and make them a part of the regulations at issue here. Thank you for taking our perspective into account as you amend these important regulations. Thank you.

Michele Dupuis-Clarke:

Thank you. Ms. Walsh is being promoted to panelist this time. Ms. Walsh, please un-mute your audio.

Laura Walsh:

Hi. Thank you. Thank you for allowing me this opportunity to speak. And I'm here- My name is Laura Walsh, and I'm here as the mother of an incarcerated young man. And I'm also here as a member of a grassroots advocacy group called FFIMI, we're Family and Friends of Individuals with Mental Illness.

And I just want to say that our- that we are a Massachusetts based grassroots organization that has been advocating for justice involved individuals with serious mental illness since 2014. Our mission is to ensure that these individuals are provided a continuum of proper psychiatric care, medical treatment, and clinical services across the entire spectrum of the legal and justice system. And our vision is that people suffering with mental illness, regardless of their legal standing, are treated humanely with dignity and provided comprehensive therapeutic treatment oriented mental health care.

So having said that, I am here also and primarily as a family member whose loved one is incarcerated. And I just want to speak to the aspect that's already been brought up of the personal mail system being a lifeline of- for the support system for those who are incarcerated. So, from my personal experience, when our son was first incarcerated, being able to receive handwritten notes, cards, letters etcetera, was just hugely meaningful to him and helpful during that darkest of days.

And when the regulations changed to mail being photocopied, that was definitely difficult in that not only was it untimely in getting to him at times, but oftentimes sloppily done. So, we would take great care, as well as his large support system, to meaningfully select things to mail to him and leaving margins and trying to make it as easy as possible for it to be received by him in a readable form. And I just have to say that that did not always happen. Things that were sent in portrait were sometimes photocopied in landscape, things were double-sided, sometimes they were missed. The other sides- entire pages were missed or, you know, just the not being able to send a handwritten note card or a drawing from a family member, just to say that it really does make a difference in just the ability of that person to feel warmly connected to those out on the outside that really, truly love him and want to support him.

So, it's to me, in my mind, a real step backwards in that key support system that we all know, and studies show, make a huge difference on the well-being of incarcerated individuals. So, thank you for allowing me to share that. And yeah, thank you.

Michele Dupuis-Clarke:

Thank you Ms. Walsh. Again, at this time, it seems everyone who has raised their hand or pre-registered to speak has had the opportunity to do so.

If any of our attendees, again, would like to offer oral comments, please raise your hand at this time.

Christy has been promoted to panelist. Christy, please un-mute your audio if you haven't done so.

Christina Cardillo:

Hi, my name is Christina Cardillo. My fiancée is currently incarcerated, and I just wanted to add, it's pretty much to what everybody kind of has been saying that, you know, with him being incarcerated and not- for quite some time now, it has been very hard on him and on- you know, I'm sure I'm not- everybody, for families and for our incarcerated loved ones- and it's really difficult when we have to tell our children that, you know, like when they- when he go- wants to receive a birthday card or a- you know, a holiday card, it's a piece of paper. And it's really inhumane. Like it's taking away normalcy and dignity from our loved ones. So, I, you know, and also being able to, you know, receive handwritten letters and having those copied, that's very, very hard on them.

As far as- I mean, just because they've made mistakes doesn't mean that they don't deserve normalcy. And, you know, I just wanted to kind of put that out there as, you know, not being professional, but being someone who has experience with their loved one, being incarcerated for a long time and not being able to go visit. And because of COVID 19 and not being able to do these things. So having said that, you know, I really do hope that they do make a change for the better so that our loved ones can receive you know, birthday cards and holiday cards and drawings from their children, because it does really affect them. It may seem like it doesn't, but it does. So, thank you very much for allowing me to you know express my concern. I did submit a written letter and I just hope that our concerns are taken into consideration in this process.

Michele Dupuis-Clarke:

Thank you.

Christina Cardillo:

Thank you.

Michele Dupuis-Clarke:

Okay, again at this time it appears that that everyone who wanted to speak has had an opportunity to do so. If you are in attendance and would like to speak at this time, please raise your hand.

Okay. I'm going to turn the meeting back over to Attorney Handler.

Heidi Handler:

Thank you, everyone. We are going to wait just one more minute to ensure that everybody has the opportunity to speak should they wish to do so. Again, as Ms. Dupuis-Clarke indicated, please use the "Raise Hand" feature. In addition, the Department will continue to be receiving public comments so long as they are postmarked by Saturday, September 24th, 2023, ...2022, excuse me.

And we do have a new speaker and I am going to turn it back over to Ms. Dupuis-Clarke to allow the new speaker - Eunice, if you could just enunciate your last name when you speak for our record, that would be appreciated. Thank you.

Michele Dupuis-Clarke:

You've been promoted to panelist. Unmute your audio please if you haven't already done so.

Eunice Ribeiro:

Can you hear me?

Michele Dupuis-Clarke:

Yes.

Eunice Ribeiro:

Oh- Eunice Ribeiro.

Michele Dupuis-Clarke:

Could you spell that please?

Eunice Ribeiro:

E-U-N-I-C-E R-I-B-E-I-R-O,

Michele Dupuis-Clarke:

Ribeiro, R-I-B-E-I-R-O. Thank you.

Eunice Ribeiro:

I can speak now?

Michele Dupuis-Clarke:

Yes.

Eunice Ribeiro:

Oh, yeah, my brother, he's been in jail for a while, and the only way we would communicate is through is through- I don't know. It's emotional for me right now. The only way for us to communicate is through mails, or pictures, or sometimes flashbacks from, from, like, back in the days, you know, and sometimes, like the other lady said, he never gets them.

And it's hard for us. It's hard for them. It's hard for everybody. And sometimes I wish they would do a way that everybody could communicate, and everybody could feel it, and everybody could join together and be on one page, not because like the other lady said, not everybody that did something should pay for the rest of their life, not knowing like- they still living too, and they would like to feel it.

Even if they're in there, they can still feel it in there, and it's hard for everybody in jail or out. It doesn't matter where you are in the world. It doesn't matter- Massachusetts, doesn't matter- where it- where it is. And yeah, if they can make it fair for everyone. That's it.

Michele Dupuis-Clarke:

Thank you for your comments.

Again, final call for any attendees wishing to speak. Please raise your hand, I'll wait a moment before turning things back over to Attorney Handler. Before I promote the next panelist, please be reminded that you do not have to wait to raise your hand until someone finishes speaking. So, at this time, I'll ask anyone who wishes to speak prior to my turning the meeting back over to Ms. Handler, please go ahead and raise your hand. Your name will be added to the list and you will be promoted to panelist in the order seen on your screen.

The next speaker has been promoted to panelist. You may speak at this time. Please unmute your audio if you haven't done so.

Jonai Whitfield:

Hello?

Michele Dupuis-Clarke:

You may speak at this time.

Jonai Whitfield:

Hi. I'm calling on behalf of one of my loved ones that is currently at Norfolk. In regard to the mail situation, this is the only little bit of normalcy at these guys are getting. The whole COVID- it's still going on while we're living in a normal world, which is so messed up for them because they're in a place to be rehabilitated and they're not getting any type of services, including the mail situation. That's the last little bit of normalcy that these guys can get, and we're still barring them as if they're animals.

I understand that there are other people in there who are abusing the mail situation, but to penalize everyone in there, it's so unfair.

It's just like we're going through another situation as if it's COVID all over again. It's not right. And they have to switch or do something to make it fair. It's a little piece of mail, a piece of paper that gives them some sense of normalcy. And they can't even get that, and the people there in the facilities who are making these copies, they could care less.

At the end of the day, they go home. They don't. So please hear us out, hear us out on behalf of them and give them one little- one little grain of hope. It's not fair for our loved ones, all of them, to be penalized because of a couple of people. They tell us not to judge one another, but yet you guys judge the whole facility. It's not right.

So, I'm asking on behalf of all of us speaking today, please hear us out, hear them out and make a significant change. Thank you.

Michele Dupuis-Clarke:

Thank you for your comments.

Again, final call for raised hands. At this time, I am going to turn the meeting back over to Attorney Handler, reminding anyone who would like to submit a written comment that they still may do so.

Heidi Handler:

Again, I'm going to wait approximately one more minute to ensure that there are no additional raised hands as the Department would like to ensure that everybody that wishes to comment has the opportunity to do so.

Seeing no more raised hands, it is approximately 10:52 a.m. the Department has had seven speakers in this hearing, and we are seeing no more raised hands at this time. I would again remind you that the Department will continue to accept written comments until- that are postmarked by Saturday, September 24th, 2022. I believe I may have misspoken before and said 2023. It should be Saturday, September 24th, 2022.

And we do thank you all for your participation in this process. Your comments and feedback are integral to the Department's process in promulgating new regulations. Thank you very much and I am going to end this meeting now.

END