

August 26, 2021

Secretary Mark S. Inch
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, Florida 32399

Re: Proposed mail rule change

Dear Secretary Inch:

We are writing to you to request that the Florida Department of Corrections (FDC) withdraw the proposed mail rule change to digitize all incoming physical mail. This proposed rule change will harm the public and wellbeing of incarcerated people.

The original goal of the [American corrections system](#) was rehabilitation, not the punishment- and retributive-based model that we see today. FDC states that it prioritizes rehabilitation. This concept was even labeled as a “[big rock](#)” by FDC in its 2020-2021 Strategic Plan report. Restoration, another value of FDC’s, emphasizes the importance of familial connection. Compassion is also said to be a value of FDC. Taking away physical mail is a direct contradiction of these values.

We acknowledge the importance of maintaining the safety of incarcerated people and FDC employees by taking measures to stop the introduction of contraband into the facilities. FDC Assistant Secretary Richard Comerford stated in the public hearing on this issue that the agency confiscated [35,000 pieces of contraband](#) sent through routine mail in the last two years and that this proposed rule change would improve security by preventing the introduction of contraband. Mr. Comerford did not, however, provide the total number of pieces of mail received and FDC did not respond to several public records requests for this information. Fortunately, Senator [Jason Pizzo](#) confirmed that each of FDC’s 67 facilities receives about 240 pieces of mail per day. This equates to 4,180,800 pieces of mail per year. Using Secretary Comerford’s number of 17,500 pieces of mail contraband per year, only four one-thousandths of a percent, **not even half of 1% of all mail received** contained contraband. Abolishing physical mail for everyone because of a miniscule percentage of rule-breakers is excessive and unfair, and will not make a meaningful dent in FDC’s influx of contraband.

Abolishing physical mail will harm public safety. FDC reported in 2020 that [86% of people incarcerated](#) in Florida prisons will ultimately return to their respective communities. Familial relationships are crucial to successful reentry, not recidivating and not being sent back to prison. Oftentimes, due to distance and financial limitations, in-person visitation is not always an option. Allowing incarcerated people to maintain their physical mail will help maintain positive relationships between family members, spouses, and children. [Research](#) has shown the frequency of mail and phone calls were significant predictors of attachment to children upon release from incarceration. [Michael Edwards](#), a formerly incarcerated person in Florida, stated that “I would feel like my physical relationship with those who don’t or can’t visit me would be cut off if routine mail was totally digitized — and I believe others in here would agree”.

Physical mail is also vital to the mental health and well-being of incarcerated people, which impacts safety within facilities. Physical mail provides hope and essential links to society, family, and friends. Receiving a handwritten letter or artwork from a child helps improve overall morale. Imagine receiving a letter and being able to smell home, something so simple can provide much-needed positivity in the lives of incarcerated people. Physical mail can provide relief to those in confinement, especially since the mentally ill are more likely to be in confinement. People in confinement have severe restrictions on their access to visits and phone calls, and physical mail is often the *only* way they have to maintain contact with family. [John Wise](#) expressed that while in confinement he received a letter from a daughter, and he loved that letter more than anything in the world. Incarcerated people who are hopeful and have high morale are more likely to engage in programs, follow rules, and stay out of trouble in prison. This increases facility safety for everyone, including staff.

Abolishing physical mail harms poorer families. As of August 2021, FDC had 80,000 people incarcerated. Most people accused of crimes are represented by Public Defenders or other pro-bono attorney groups. These people are indigent and can barely afford their court costs, private attorneys, or canteen, let alone pay to print mail that was sent to them. Phone calls under the new FDC contract increase can cost over \$4 for 30 minutes at a minimum, making physical mail a more viable option for financially-strapped families. [A study of Illinois Prisons](#) found that 81% of incarcerated people communicate with family and friends through physical mail. This proposed rule change is classist and punishes indigent people simply for being poor.

This proposed rule change also harms at-risk populations. The digitization of physical mail will disproportionately affect people of color, since 60.4% of people incarcerated in Florida are people of color. Further, those who identify as LGBTQIA+ are more prone to sexual assault and may be less likely to report assaults over email that is permanently stored in Jpays cloud. The elderly population is the fastest-growing population in prisons due to the increased use of life without parole sentences and may have problems adjusting to receiving paper mail in a digitized manner which would further isolate them.

There are good reasons for the FDOC to maintain physical mail as an additional option anyway. Digital email and its permanent storage in the cloud is not flawless, and it can occasionally be counterproductive. Numerous incarcerated people and families have informed us that missing and lost emails are a regular occurrence. Permanent storage of emails in the cloud also can have unintended consequences: if a permanently-stored email is the only way for people to report claims of sexual assault (or any other complaint), those victims may decide not to make such a complaint out of fear of retaliation or loss of privacy.

In conclusion, physical mail serves as a link to society and is essential to maintaining hope, morale, and familial relationships- all of which contribute to safer prisons and more successful reentry. Maintaining familial relationships are key factors in reentry and reducing recidivism. We agree that safety is important. We want to keep our loved ones and other incarcerated people safe, but we also want them treated with dignity and respect.

Based on the evidence and research discussed above, we respectfully request that FDC withdraw the proposed rule change of digitizing physical mail.

Respectfully,

Florida Cares Charity Corp.

FAMM

Innocence Project of Florida

FRRC

ACLU of Florida

Exchange for Change

Florida Justice Institute

Change Comes Now

Just Detention International

Prison Legal News

Human Rights Defense Center

Florida People's Advocacy Center

Florida Center for Fiscal and Economic Policy

Cure National

Worth Rises

Women Against Registry

Florida Policy Institute

Florida Action Committee Inc.

Ella Baker Center for Human Rights

SPLC Action Fund