



ROBERT T. JOHNSON

THE DISTRICT ATTORNEY
BRONX COUNTY

NYC BOARD OF CORRECTION

APR 16 '07 PM 2:38

April 12, 2007

Richard T. Wolf
Executive Director
New York City Board of Correction
51 Chambers Street
New York, NY 10007

Dear Mr. Wolf:

Please permit me to add my comments to those which you have already received concerning the proposed changes which the Board of Correction has published with respect to the standards governing New York City Department of Correction facilities.

Section 1-10(h), which would give the Department of Correction the authority to monitor and record inmate telephone calls, would promote safety within and without DOC facilities. It would also harmonize NYC Department of Correction practice with that of New York State, the federal government, and many other jurisdictions which currently allow such monitoring. The rule requires notice to prisoners and exempts telephone calls to investigative and regulatory bodies such as the Board of Correction itself, as well as calls to attorneys, clergy, and treating physicians.

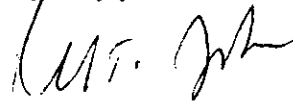
As you know, the Rikers Island facility is located within my office's jurisdiction. Through the years, we have seen many instances where inmates confined therein have used facility telephones to threaten witnesses, arrange to bring in contraband, or even commit other crimes. For example, we successfully prosecuted a man who, while an inmate at Rikers, arranged to have the primary witness against him killed. In another case, we prosecuted an inmate who was awaiting trial on charges of extorting money from a series of victims. While at Rikers, this inmate not only used facility telephones to continue to harass and extort money from his victims, but also hatched a plot to threaten the assistant district attorney who was prosecuting his case.

Some may point out that it is possible to obtain an eavesdropping warrant to intercept such calls, and we have done so in the past. However, in many if not most instances, absent the proposed rule change improper conduct over a facility telephone will remain undetected. Moreover, even if securing such a warrant is possible, it is a lengthy process, and of course only communications made after the warrant is issued can be intercepted.

For all of those reasons, I believe that the proposed change would benefit the Department of Correction, inmates, and the general public.

Thank you for this opportunity to express my views.

Very truly yours,

A handwritten signature in black ink, appearing to read "M.F. Johnson". The signature is written in a cursive style with a large, sweeping initial "M".