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NYC BOARD OF CORRECTION

Richard T. Wolf  
Executive Director  
NYC Board of Correction  
51 Chambers Street  
Room 923  
New York, NY 10007

Dear Mr. Wolf:

I am writing in support of the changes that the NYC Board of Correction has proposed for the minimum standards governing NYC Department of Correction facilities. In particular, I support the proposals concerning the monitoring of inmate telephone calls, limitations on package deliveries and review of correspondence. These proposals would greatly enhance public safety.

Section 1-10: authorizing the monitoring of telephone calls.

I strongly endorse the proposal to permit the NYC Department of Correction to monitor inmate telephone calls. In the experience of this office, inmates do use jail telephones to engage in criminal activity. We are particularly concerned when city jail inmates use institutional phones to intimidate witnesses, violate orders of protection or to commit other crimes. In one instance [*People v. Romance*] a defendant in a sexual assault case used correction's phones to try to contact the victim's family on the West Coast. This defendant also attempted to call three of the jurors sitting on his trial and actually spoke with one, in an effort to affect the outcome of the case. The juror reported receiving the calls and we were able to file new charges against the defendant based on the calls. However, in many other instances pernicious calls go unreported and undetected. Granting the Department of Correction the ability to monitor an inmate's calls would arm law enforcement with a crime fighting tool that has proved useful in federal, state and local correctional institutions.

Section 1-11: limiting a prisoners' right to correspond with anyone "when there is reasonable belief that limitation is necessary to protect public safety or maintain facility order and security."

Many other jurisdictions already allow correction authorities to read non-privileged prisoner correspondence. Correctional institutions should have the authority to

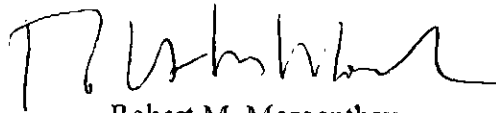
read inmate correspondence to help prevent harassment, witness intimidation or other criminal activities carried out using the mails. In one Manhattan case [*People v. Fludd*], the defendant, while detained at Rikers Island, abused his correspondence privileges by filing false financing statements with the Uniform Commercial Code Division of the New York Department of State. As a result he was able to obtain a debtor's lien against an assistant prosecutor, damaging the assistant's credit. He attempted to take the same action with respect to the trial judge, his prior defense attorney and others connected to the underlying prosecution. The defendant was subsequently convicted of false filings, but only after considerable damage had been done. In situations like this, the Corrections Department should be able to place appropriate limitations on the inmate's correspondence privileges. I support the proposal to give corrections officials that authority.

Section 1-12: allowing jail officials to limit inmates' receipt or sending of packages "when there is reasonable belief that limitation is necessary to protect public safety or maintain facility order and security."

I also agree that administrators should have the ability to limit the receipt of packages by inmates where there has been a demonstrated effort to compromise the security or integrity of the institution. It is only common sense to limit an inmate's right to package deliveries where, for example, he has attempted to have contraband smuggled into jail or has used package deliveries for other inappropriate and dangerous purposes.

I appreciate the opportunity to comment on these proposals. I believe that, if enacted, they will contribute to the safety of city jails, the safety of witnesses in criminal cases and the safety of city as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Morgenthau', written in a cursive style.

Robert M. Morgenthau