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*****FOR IMMEDIATE RELEASE*****

***Legal Aid, Appellate Defense Offices, and Prisoners' Rights Groups Condemn
DOCCS Proposed Mail Screening Plan***

***Rule, If Adopted, Would Let DOCCS Destroy Privileged Legal Mail Based on
Flawed Scanner Alerts***

***Incarcerated New Yorkers' Constitutional Rights at Risk if DOCCS Mail Plan
Moves Forward***

(NEW YORK, NY) - The Legal Aid Society, Prisoners' Legal Services of New York, Appellate Advocates, the Center for Appellate Litigation, the Office of the Appellate Defender, and the Parole Preparation Project submitted [comments opposing a proposed regulation](#) by the New York State Department of Corrections and Community Supervision (DOCCS) that would authorize the scanning and potential destruction of legal mail flagged by automated contraband detection systems.

The proposed rule would expand the use of scanning technology, allowing DOCCS to confiscate and destroy privileged attorney-client correspondence without requiring human review or verification. RaySecur, the company that currently contracts with DOCCS under an emergency rule, has itself stated that its technology is designed only to flag items for further inspection — not to make final determinations positively identifying contraband.

“This misguided rule gives unchecked power to machines never designed to have the final say over privileged legal mail,” said **Antony Gemmell, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society**. “By allowing destruction of legal mail based on unverified scans for ‘potential contraband,’ DOCCS is building a system primed for error — one that impairs constitutionally protected attorney-client communications and endangers the clients we serve.”

“DOCCS’ installation of the RaySecur technology has resulted in our legal mail being flagged simply because it contained ‘post-it’ notes to identify signature lines, a client’s original documents and carbon paper, or, in some cases, for no discernable reason at all,” said **Karen Murtagh, Executive Director of Prisoners' Legal Services, a state-wide legal services organization that represents incarcerated individuals in New York State prisons**. “Worse, in some cases, we have not received notice of flagged mail for weeks and important client documents, including originals, have been destroyed. This new technology is delaying and impeding PLS’ ability to have critical, timely and secure legal communications with our clients.”

The comments also cite [DOCCS's troubling history of misusing drug tests to wrongly punish thousands of incarcerated people](#), and warn the agency is poised to repeat those mistakes with mail screening.

Key criticisms of the proposal include:

- **Overreliance on flawed technology:** DOCCS plans to treat automated scanner flags as final decisions, without regard for potential false positives and despite the manufacturer's warning that results require further review.
- **Lack of procedural safeguards:** There are no clear standards for notifying legal mail senders, retaining flagged correspondence, or allowing appeal.
- **Opaque process:** The rule imposes no requirement to log scanner flags, preventing accountability and systemic reform.
- **Retaliatory risks:** The lack of standards and transparency around this provision will facilitate malicious or retaliatory screening and destruction of incarcerated individuals' outgoing privileged correspondence by facility-level staff.
- **Financial and logistical burdens:** The notice of proposed rulemaking also fails to account for the financial and logistical burdens it imposes, both on incarcerated people and the organizations which serve them.

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The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.
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