

Pre-COVID intention to remove original letters

Communication between Justice Action and the Acting Commissioner reveals the removal of original letters was planned before COVID-19. While the motivation was stated to be increased transmission of drugs via letters during COVID-19 there was already a misplaced focus on letters as a main source of contraband when Corrections NSW data shows a negligible amount of letters were actually detected with contraband. There are more effective ways to screen letters for contraband and other sources, such as Corrections staff, which should receive greater scrutiny.

On the 14th of May 2024 Justice Action wrote to Minister Chanthivong, Minister for Corrections and Acting Commissioner Leon Taylor requesting support to seek an alternative to the blanket photocopying and destruction of mail policy enacted under the Crimes (Administration of Sentences) Amendment (Inmate Mail) Regulation 2020 (NSW). This was part of the NSW response to COVID-19 in custody and the rationale for the policy was due to mail being the only access between prisoners and the outside world and concerns over increases in contraband (specifically drugs) being introduced via mail.

This rationale was reinforced in Minister Chanthivong's response in the [Budget Estimates hearing](#) on 1st March 2024 where he stated;

“I understand that the reason the copies are actually made is for a security risk and that often contraband can be used as part of the mailing process ... it can be quite a sophisticated operation... For example, what I think they call buprenorphine is a paint-like substance that is actually put on paper material.”

We received a [response](#) from Acting Commissioner Leon Taylor on 14th June 2024 which indicated that NSW Corrections had received legal advice to implement these changes in 2019, before COVID-19. Clearly the claim that the policy was implemented due to COVID-19 is incorrect as the legal advice pre-dates the COVID-19 outbreak.

Justice Action proposes a response that would resolve corrections concerns about contraband introduction while allowing for a compassionate approach using the VeroVision Mail Screener – or similar – to non-invasively screen mail for contraband. This would enable prisoners to maintain a connection with their families through receiving original mail imbued with all the personal touches and visceral sensations of original mail; a wife's perfume, a child's drawing. These elements cannot be captured with a photocopy even if the letters are photocopied correctly.

Almost 4 years on from this policy's inception and we are still receiving complaints about the poor quality of photocopying practices which negatively impacts the readability of letters and connections between prisoners and families. The Inspector of Custodial Services [Review of the response to COVID-19 in NSW custody](#) noted this went from a “non-existent subject of complaints ... to one of the most frequently raised complaints.” This shows that the real-life correct implementation of this policy is unrealistic and cannot be achieved. Regardless, this method can never replace the receipt of original mail and the positive impact of this on prisoner well-being, mental health and connection with community which is well-known to reduce recidivism.

The blanket photocopying policy necessitates increased staffing costs as well as the cost of ink, toner and paper using Australian taxpayer funds while diverting staff from an already understaffed system.

The Acting Commissioner has indicated the introduction of a secure messaging system but there is no timeframe given for when this may be introduced and this still does not replace the importance of tangible, original sentimental letters from home. Secure messaging does not provide the ability to physically stick a child's drawing on a wall for encouragement and hope for the future and is reliant on access to a charged tablet device at limited hours in the day.

We call for the Amendment to be repealed and for a trial of a mail screener device to balance NSW Corrections' need to screen for contraband with the human rights of NSW prisoners.