



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

August 20, 2015

Timothy P. Donaher, President
Chief Defenders Association of New York
and Monroe County Public Defender
177 Livingston Street
7th Floor
Brooklyn, NY 11201

Dear Mr. Donaher:

I am responding to your letter of July 22, 2015, to Deputy Commissioner Jeffrey McKoy regarding the Department Directive No. 4423, "Inmate Telephone Calls."

Thank you for applauding the Department's efforts to facilitate communications between inmates and attorneys. The Department recognizes the importance of the attorney-client relationships and has a commitment to facilitating attorney-client communications in the correctional setting. To that end, each correctional facility operated by this Department maintains Legal Visiting Rooms where inmates can meet with their attorneys in a location where documents can be exchanged and auditory confidentiality is assured. Legal visits normally occur Monday through Friday during normal visiting hours, however, requests for weekend legal visits will be considered. A copy of Department Directive No. 4404, "Inmate Legal Visits," is available to inmates in all facility libraries and posted on the Department's website.

In addition, inmates receive paper, envelopes and a weekly free postage allowance equivalent to five domestic first class one ounce letters for outgoing legal mail. Inmates can also request advances for additional legal postage based upon a showing of need. Outgoing legal mail is sealed by the inmate and incoming mail is opened in front of the inmate and searched for contraband, but not read. See 7 NYCRR Part 721.

The Department recently completed construction of inmate telephone booths at each correctional facility, with the exception of Work Release Correctional Facilities and Correctional Camps, specifically to address the need for legal and other confidential calls. These are not, however, an unlimited resource. Reasonable limitations assure that these booths are available on an equitable basis. Moreover, there are a large number of inmate needs that must be met on a daily basis apart from attorney calls. Notwithstanding the foregoing, Subsection (IX)(E) of Directive No. 4423, contains a provision that if an attorney's request for a legal call is denied at the facility level (for whatever reason) that attorney may call or write to my office. This may include, but is not limited to, the denial by a correctional facility of a request for an additional call within the 30-day time frame. Often the matter can be addressed by an attorney on my staff the very same day.

I would appreciate an opportunity to discuss your further concerns. Please let me know when and if you are available to talk.

Sincerely,

A handwritten signature in black ink, appearing to read 'KPB', followed by a horizontal line extending to the right.

Kevin P. Bruen
Deputy Commissioner and Counsel