



## PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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**Via Email ([gbriggs@dauphinc.org](mailto:gbriggs@dauphinc.org); [bclark@dauphinc.org](mailto:bclark@dauphinc.org))**

Warden Greg Briggs  
Director of Corrections Brian Clark  
Dauphin County Prison  
501 Mall Road  
Harrisburg, PA 17111

Commissioner Jeffrey T. Haste (*via email: [chairman@dauphinc.org](mailto:chairman@dauphinc.org)*)  
Commissioner Michael H.W. Pries (*via email: [vicechairman@dauphinc.org](mailto:vicechairman@dauphinc.org)*)  
Commissioner George P. Hartwick, III (*via email [secretary@dauphinc.org](mailto:secretary@dauphinc.org)*)

Dear Warden Briggs, Director Clark, and Commissioner Haste, Pries, and Hartwick:

On behalf of the Pennsylvania Institutional Law Project, we write to express strong concerns about Dauphin County's plans to change mail operations at Dauphin County Prison. For reasons we explain below, we have strong objections to any prison mail system that prevents incarcerated people from receiving the original, paper versions of mail sent to them and requires that they view their mail on tablet or other electronic devices.

The Pennsylvania Institutional Law Project (PILP) is a legal aid organization dedicated to representing incarcerated and institutionalized people in civil rights and other civil matters through litigation in federal and other courts and through advocacy. We seek to ensure the health, safety, and humane treatment of incarcerated individuals, especially during this critical and unprecedented time.

We have many concerns relating to the new mail scheme. Communication between incarcerated people and their families and friends is critical in maintaining important relationships and paving a path for successful reentry. A core part of that communication is traditional mail through the United States Postal Service. While in jail, mail plays a far more significant role than in the general community, and physical letters and cards provide valuable support and meaning for those who are incarcerated.

Furthermore, the digital divide is real, and can be exacerbated by age or income. This could make tablets difficult to use for some members of the jail population. If Dauphin County Prison requires payment to purchase or use tablets, then relying on tablets for providing mail also raises additional issues of equal access. Many people who are incarcerated are indigent or do not have many financial means, which might prohibit or limit their use of the table, especially if their stay in a county jail is short.

PILP has also had clients that have court-imposed bans on accessing electronic devices, including tablets, which would therefore eliminate their ability to receive any mail. Moreover, PILP is concerned about any data collection and retention of scanned letters by the outside company, especially as the majority of people within Dauphin County Jail are pretrial detainees and have not yet been convicted.

If mail is to only be viewed on tablets, this raises serious concerns under federal disability law. County jails are subject to Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act,<sup>1</sup> which prohibit covered entities from precluding an individual with a disability from participating in a program, service or activity because of their disability and require them to provide “reasonable accommodations” to individuals with disabilities.<sup>2</sup> Dauphin County Jail unquestionably incarcerates individuals with disabilities who are entitled to the broad protections of the ADA and RA.<sup>3</sup>

Many individuals may have a hard time reading on an electronic screen, and, for some, reading on a screen could also exacerbate medical conditions due to the light projections from the screen. For example, some individuals with visual impairments, migraines, autistic individuals, people with psychiatric disabilities and others may struggle to read or process and retain information that is only available in an electronic form. Under the ADA, the County has a duty to ensure that *all* individuals with a qualified disability are able to access *all* programs and services by providing necessary accommodations.<sup>4</sup> Restricting the principal form of communication between incarcerated people and their loved ones to a potentially less accessible form runs counter to the inclusive mandate of the ADA.

Even if Dauphin County Prison is trying to prevent the entry of drugs into the prison through mail, there are other means of doing so without taking away a primary lifeline of the incarcerated people to the outside world.

**We urge you to take our concerns seriously, and stop any plans to move forward with the new mail system.** If you have any questions, please contact me at [smyeh@pailp.org](mailto:smyeh@pailp.org) or (215) 925-5184. Thank you.

Sincerely,



Su Ming Yeh, Esq.  
Executive Director

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<sup>1</sup> See *Pa. Dep’t of Corr. V. Yeskey*, 524 U.S. 206, 210 (1998); *Geness v. Cox*, 902 F.3d 344, 361 (3d Cir. 2018); 29 U.S.C. § 794(b)(1)(A).

<sup>2</sup> See 42 U.S.C. § 12132; 29 U.S.C. § 794; *Furgess v. Pa. Dep’t of Corr.*, 933 F.3d 285, 287 (3d Cir. 2019).

<sup>3</sup> See 42 U.S.C. § 12102(4)(A) and (B).

<sup>4</sup> See *Chisolm v. McManimon*, 275 F.3d 315, 330 (3d Cir. 2001) (recognizing that the ADA and its regulations “require that public entities take certain pro-active measures to avoid the discrimination proscribed by Title II.”).