

**Comments Submitted by members of the NYU
Postdoctoral Program in Psychotherapy and
Psychoanalysis**

May 25, 2010

Rules Unit
Office of General Counsel
Bureau of Prisons
320 First Street, NW.,
Washington, DC 20534
ATTN: Sarah Qureshi

Dear Ms. Qureshi: **Re: BOP Docket No. 1148-P**

We the undersigned, all members of the NYU Postdoctoral Program in Psychotherapy and Psychoanalysis, are writing in response to your proposed new rule, BOP Docket No. 1148-P regarding limitations on communication and visitation for those prisoners incarcerated in Communication Management Units. Many of us have extensive experience working in institutional as well as private settings. We are strenuously opposed to the new regulation.

The new regulation limiting telephone contact to one 15 minute call per week to one person; mail communication to one three page double spaced letter per month; and visitation to one, non-contact visit of no more than an hour per month with immediate family members, fails to take adequate account of the research, some of it notably robust, that exists on the impact of conditions of incarceration on readiness for release, recidivism, or family relationships, themselves significant for prisoner adjustment post-release.

Research indicates not only that visitation significantly reduces recidivism (Bales & Mears, 2008) but that more visits contribute to a significant decline in the likelihood of repeat offending. (“For each additional visit an inmate received, the odds of recidivism declined by 3.8 percent” Bales & Mears, 2008, p. 306.) Maruna and Toch (2005), as well as others, have emphasized the importance of visitation for prison management and increasing the post-release success of inmates. “Visitations offer inmates the only face-to face opportunities they have to preserve or restore relationships that have been severed by imprisonment” (Maruna & Toch, 2005, p. 167).

It is important as well that appropriate consideration be given to the impact on the children of inmates of these restrictions on communication. According to now outdated and therefore likely undercounted reports, “it was estimated in 1999 that over 1.5 million children had a parent behind bars” (Nesmith & Ruhland, 2008, p. 1120). Other reports indicate that as many as 10 million children in the United States have “a parent involved in the criminal justice system” (Arditti, 2005). Family relationships are critical to a child’s development. Thus policies that impact the parent-child relationship such as “no contact visitation,” telephone communication as restrictive as one 15 minute phone call to one person per week, severely hamper the potential for anything approximating “normal” familial relationships including the inability of the imprisoned parent to experience him/herself as either effective or involved in the parenting role. Without any opportunity

for contact with the incarcerated parent, with the pat-downs, searches and metal detection required for entry into the visiting areas, the child's exposure to frightening even traumatogenic conditions make visiting problematic at best with no potential for relief from such states via the kinds of physical contact that children need in order to feel safe and soothed.

Children must deal with the shame and stigma of a parent's imprisonment with little if any social support. When conditions of visitation and parent contact are as restrictive as those proposed in the new regulations they serve only to distance the child from the parent, thus effectively diminishing the potential for a meaningful parent-child bond. A number of jurisdictions have incorporated family-friendly visiting areas including play areas and toys for children to good effect for children, prisoners and correctional officers for whom behavioral control of those imprisoned is made less problematic when visits are successful for all involved (c.f. Bilchik, et al., 2001).

The proposed regulations impose restrictions on contact between the prisoner and the outside world that create significant psychological and emotional harm for all involved. It is difficult to comprehend what makes such practices necessary other than to compound the already severe punishment those imprisoned are receiving.

References:

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- Maruna, S. & Toch. H. (2005). "The Impact of Imprisonment on the Desistance Process." In Travis, J. & Vischer, C. (Eds.) *Prisoner Reentry and Crime in America*, New York: Cambridge University Press pp. 139-78.
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Respectfully submitted,

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