

How Would Relaxing the Mailbox Rule Affect Public Safety and Security?

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The United States Postal Service (USPS) has long held statutory monopolies to deliver mail (the *Postal Monopoly*) and to have the exclusive right to deliver mail to the mailbox (the *Mailbox Rule*). Critics have argued against the monopolies primarily on economic, antimonopoly grounds, but relaxing the Mailbox Rule may also raise public safety and security concerns by allowing private couriers or individuals to deliver items directly to mailboxes. The RAND Corporation was asked to assess such concerns and did so using qualitative analyses (e.g., literature review and key-actor interviews) and descriptive quantitative analyses (e.g., secondary data analysis of United States Postal Inspection Service [IS] incident databases and a consumer survey).

Relaxing the Mailbox Rule: Effect on Public Safety and Security Incidents

In analyzing trends for five types of incidents in the IS's reported-incidents database to assess what impact relaxing the Mailbox Rule might have, we find that, if access to the mailbox is opened up, the main risk may be in terms of theft at the mailbox, although there are also increased risks of mail-related financial crimes and the delivery of suspicious items to consumers, including explosives-related items.

In our view, the key reasons for the increased risk are differences in training between the USPS and couriers and the number of personnel with access to the mailbox. While we had only publicly available documents to use in comparing the two systems, there are some suggestive data from the IS incident database related to the point at which the two systems overlap: last mile delivery. In this case (as shown in the figure), customers send an item through a courier who eventually transfers it to the USPS when the delivery point is beyond the courier's own delivery network.

Abstract

This study assessed the potential public safety and security implications of relaxing the U.S. Postal Service's Mailbox Rule; it finds that doing so could have a moderate negative impact on public safety and security of the mail, potentially leading to increases in the number of security-related incidents and decreases in the U.S. Postal Inspection Service's ability to detect, deter, and investigate crime. Some of these impacts could be mitigated. The report concludes with issues to consider if Congress decides to relax the Mailbox Rule.

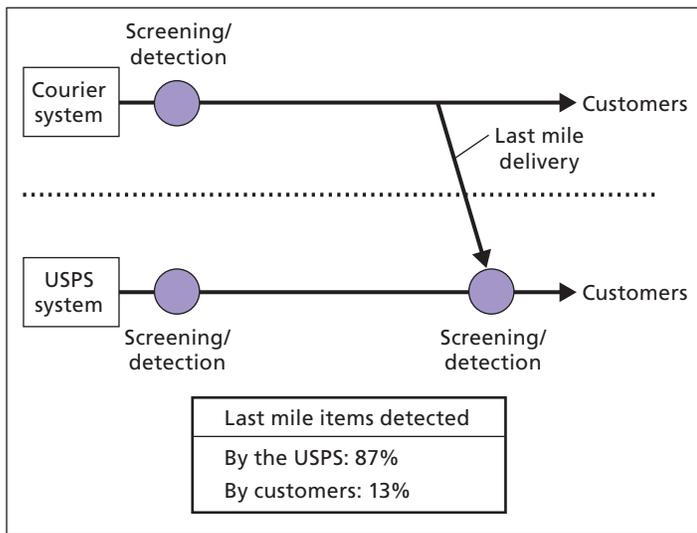
Between 2003 and 2007, IS's Suspicious Incidents Reporting System included 267 last mile items discovered to be suspicious after reaching the USPS—items that may have had a leaking substance, triggered radiological alerts, or met some other criterion but did not ultimately contain a substance.

As shown in the figure, couriers put the items through screening and detection processes, but none of these items was detected as suspicious. However, once the USPS received the items, the USPS's screening and detection systems identified 87 percent of these 267 items as being suspicious; the remaining 13 percent reached customers who reported them as suspicious. This suggests that the USPS—both its systems and its people—detects suspicious items with greater sensitivity than couriers and that there may be variation in the screening procedures and detection techniques among couriers. If courier detection was as sensitive as the USPS system, predelivery identification of suspicious items by USPS should be close to zero among the last mile items.

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How much risk depends on the volume of mail that shifts to couriers and on how many couriers are involved in deliveries. Depending on these factors, USPS and IS training will likely have to increase to deal with the variability of events at the point of delivery. Fully understanding this concern requires more-detailed data on courier screening practices.

Relaxing the Mailbox Rule: Effect on the IS's Ability to Detect, Deter, and Investigate Crime

Based on an assessment of the limited available data and of USPS arguments, we find that relaxing the Mailbox Rule would limit the number of crimes the IS investigates, denying the public the benefit of the only law enforcement agency that specializes in this field. Indeed, relaxing the Mailbox Rule would make it more complicated and costly for the IS to police the crimes that remain in its jurisdiction, for example, by increasing the pool of potential suspects.

Specifically, relaxing the Mailbox Rule would limit federal jurisdiction over deliveries diverted to couriers. Except for those that include a provision for federal jurisdiction based on interstate commerce, mail-crime statutes do not apply to couriers, because their deliveries are not considered “mail.” Even if Congress were to add mail-crime statutes that provide federal jurisdiction based on interstate commerce, doing so would not address *intrastate* crimes.

Also, relaxing the Mailbox Rule would raise the cost and complexity of IS investigations (e.g., the need to confirm

that the crime involved a USPS delivery) and reduce the IS's visibility into national mail-crime trends because the IS would have less information—and less-consistent information.

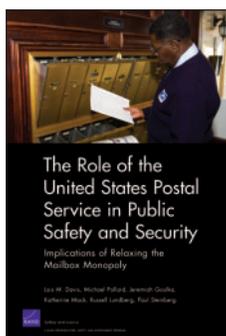
Finally, although the Mailbox Rule has a negligible deterrent effect against crime, any deterrence gained from the IS's current strategic focus of resources—such as mass mail theft—may be lost.

Issues to Consider If the Mailbox Rule Is Relaxed

Overall, we find that *relaxing the Mailbox Rule could have a moderate negative impact on public safety and security of the mail and would increase the cost and complexity of IS investigations.* The impact could be reduced depending on degree of relaxation and whether only the major couriers or a range of different types of couriers were allowed to enter the postal market. If Congress decides to explore relaxing the Mailbox Rule, it should address a number of issues:

- Consider options for establishing national training standards for couriers, and identify what agency will be responsible for oversight and enforcement.
- Establish a national reporting system so that the IS and the Department of Justice can continue to track mail crime and crime involving couriers and assess mail-crime trends over time.
- To address the issue of federal jurisdiction over the mailbox, consider mandating that mailboxes remain authorized depositories of mail for USPS deliveries.
- To somewhat mitigate against the loss of federal jurisdiction over mail crime because of diversion of mail to couriers, increase the number of mail-crime statutes with an interstate commerce hook, and decide what federal agency would appropriately investigate interstate crimes involving competing couriers.
- Implement public education and awareness campaigns to inform consumers about what will change and what the changes will mean for them.

Finally, if there is strong political will to relax the Mailbox Rule, a pilot project should be undertaken in a limited number of areas. If such testing occurs, data should be collected to quantify any effect on public safety and mail crime. Having such information would be crucial in designing a national implementation plan. ■



This research brief describes work done for RAND Infrastructure, Safety, and Environment documented in *The Role of the United States Postal Service in Public Safety and Security: Implications of Relaxing the Mailbox Monopoly*, by Lois M. Davis, Michael Pollard, Jeremiah Goulka, Katherine Mack, Russell Lundberg, and Paul Steinberg, MG-800-USPS (available at <http://www.rand.org/pubs/monographs/MG800/>), 2008, 220 pp., \$33, ISBN: 978-0-8330-4615-4. This research brief was written by Paul Steinberg. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors. RAND® is a registered trademark.

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