



March 18, 2026

Chair Hans Johnson
Los Angeles County Sheriff Civilian
Oversight Commission
350 S. Figueroa St., Suite 288
Los Angeles, CA 90071

**Re: March 18, 2026 Letter Regarding Sheriff Luna's
Recent Comments about Digital Mail**

Dear Chair Johnson and members of the Civilian Oversight
Commission:

We understand that the Sheriff's Office has recently proposed adopting mail digitization to reduce drug use in the County's jails.¹ Our organizations are all deeply concerned about policies that would prevent incarcerated people and their loved ones from communicating by mail, and three organizations—the Social Justice Legal Foundation, the Electronic Frontier Foundation, and the Knight First Amendment Institute—currently represent eight plaintiffs in a challenge to San Mateo County's adoption of mail digitization in its jails, *A.B.O. Comix v. County of San Mateo*.

We urge L.A. County not to make the same mistakes that other locations have made. Mail digitization is dehumanizing for people behind bars and those who love them; it further strains family connection by introducing invasive and unprecedented surveillance of letter-writers outside of jail; and it is simply ineffective at achieving the Sheriff's stated goal of reducing drug use.

First, mail digitization—which typically involves the destruction of original correspondence and includes a prohibition on physical mail in jails—compromises the connection between people who are incarcerated and those who want to support them. Correspondence is a lifeline for people who are incarcerated. It connects them to loved ones, community members, educators, religious leaders, and social services. The plaintiffs in *A.B.O. Comix*, and many others across the country,

¹ See Dennis Broad & Jonathan Lloyd, *Two Arrested in Foiled Attempt to Mail Narcotics to LA County Jail Inmates, LASD Says*, NBC4 Los Angeles (Mar. 5, 2026), <https://www.nbclosangeles.com/investigations/la-county-sheriff-jail-narcotics-drugs-narcan/3857390/>.

have spoken movingly about the importance of original mail to their emotional well-being during incarceration. They have saved drawings from their children, birthday cards, and letters from home to help them manage stressful times and remain focused on their goals. They used mail to embark on educational opportunities beyond what their correctional facilities provided and to maintain and grow religious practices that helped them find meaning during their difficult months of incarceration.

Research supports what families already know: there is simply no substitute for original mail. Mail is tangible, durable, emotionally significant, and accessible.² While other forms of communication—like in-person visiting or electronic messaging—can become practically inaccessible due to limits on time, money, or technological acumen, mail is reliable, inexpensive, and relatively private. And the ability to maintain social ties and family connection throughout incarceration is associated with better wellbeing during and following incarceration, including with successful health and reentry outcomes.³ It may also disrupt negative outcomes for children of incarcerated parents.⁴ Mail digitization interferes with the deep emotional connections that are forged through physical letter writing and ultimately harms the ability of jails to rehabilitate people in their custody.

Second, mail digitization further strains family connection by introducing new and invasive surveillance of unincarcerated community members, which predictably chills their speech and communication with their loved ones behind bars. While correctional facilities have historically subjected mail to manual inspection and review upon delivery, mail digitization threatens to usher in much more intrusive and far-reaching forms of digital surveillance of both the senders and recipients of mail. For example, under mail digitization, correctional facilities, law enforcement, and private mail-digitization

² Cf. Taryn Bell & Penny Spikins, *The Object of My Affection: Attachment Security and Material Culture*, 11 *Time & Mind: J. of Archeology, Consciousness & Culture* 23, 26–30 (2018); Russell W. Belk, *Possessions and the Extended Self*, 15 *J. of Consumer Research* 139 (1988).

³ Johanna Folk et al, *Behind Bars but Connected to Family: Evidence for the Benefits of Family Contact during Incarceration*, 33 *J. of Family Psych.* 453 (2019), <https://dx.doi.org/10.1037/fam0000520>; Chantal Fahmy, *First Weeks Out: Social Support Stability and Health among Formerly Incarcerated Men*, 282 *Social Science & Med.* (August 2021), <https://doi.org/10.1016/j.socscimed.2021.114141>.

⁴ Emily Mooney & Nila Bala, *The Importance of Supporting Family Connection to Ensure Successful Reentry*, 63 *R-Street Shorts* (Oct. 2018), <https://www.rstreet.org/wp-content/uploads/2018/10/Final-Short-No.-63-1.pdf>; cf. Ryan Shanahan & Sandra Villalobos Agudelo, *The Family and Recidivism*, *American Jails* (Sept./Oct. 2012), <https://www.prisonpolicy.org/scans/vera/the-family-and-recidivism.pdf>.

providers retain electronic copies of mail for years, if not indefinitely. In 2018, the CEO of Smart Communications, one mail-digitization provider, told a reporter that “[in] almost 10 years of business[,] Smart Communications has never lost or deleted any records or any data from our database. There are hundreds of millions of data records stored for investigators at anytime [sic].”⁵ The long-term retention of letters is particularly concerning in the context of jails, because most mail recipients are pretrial detainees with a presumption of innocence, and digitized mail may be retained for years, even after someone’s release from custody.

Beyond mere retention, mail digitization comes with advanced searching capabilities that far exceed traditional mail monitoring practices. The companies themselves do not impose any limits on when, how often, or for how long correctional officers or others can search their databases of scanned mail. Nor, to our knowledge, have any of the jurisdictions that have adopted mail digitization policies imposed any such limitations. In San Mateo County, for example, hundreds of individuals—including people who are not employed by the County and who are not affiliated with the jails—have access to every piece of scanned mail sent to someone incarcerated in the jails, and there are no specific rules designed to prevent misuse. Without independent oversight and strict safeguards against abuse, law enforcement may search digitized mail for reasons wholly unconnected to identifying drugs, keeping the correctional facility safe, or even investigating wrongdoing. Subjecting jail mail to this new form of invasive surveillance deters members of the public from sending letters and pictures to their loved ones. Many of the *A.B.O. Comix* plaintiffs stopped sending or receiving mail following the adoption of mail digitization in San Mateo County, and their experiences are not unique. Correctional policies should encourage communication and intimacy despite incarceration; they should not force family members and loved ones to upload their private writings to a law enforcement database, to be saved indefinitely and searched for potentially any purpose.

Third, mail digitization is simply ineffective. Drug use can be a serious and life-threatening problem in correctional facilities, but there is little evidence that mail digitization is the answer. Several jurisdictions that have adopted restrictive mail policies have not seen a related and sustained decrease in drug use. The *Jefferson City News Tribune* reported that after the Missouri Department of Corrections adopted mail digitization, the average number of overdoses in its

⁵ Samantha Michaels, *Pennsylvania Replaced Prison Mail with Photocopies. Inmates and Their Families Are Heartbroken.*, Mother Jones (Dec. 13, 2018), <https://www.motherjones.com/crime-justice/2018/12/pennsylvania-replaced-prison-mail-with-photocopies-inmates-and-their-families-are-heartbroken/>.

prisons increased from 31 to 37 per month.⁶ The *American Prospect* reported that the average drug test positivity rate in Pennsylvania increased in the year following Pennsylvania’s adoption of mail digitization.⁷ And *Source NM* relied on public corrections department reports to show that drug test positivity rates nearly doubled after personal mail was banned in New Mexico prisons.⁸ This is consistent with the experience of San Mateo County, where the number of people in jail sent to the emergency room for opioid-related illness increased following the adoption of mail digitization.

Although the Sheriff’s Office has not, to our knowledge, pointed to staff safety risks as a reason to prohibit mail, it is worth emphasizing that the risks to staff from opening and handling mail are nearly nonexistent. Experts in toxicology have made clear that there has *never* been a confirmed case of unintentional drug intoxication resulting from passive (unintentional and incidental) exposure to drugs. Although there are anecdotal stories of first responders or correctional staff becoming ill, these examples frequently involve symptoms inconsistent with opioid intoxication and are more likely related to psychological symptoms associated with the expectation of illness that results from seeing unproven media reports of fentanyl-related exposure (e.g., “fentanyl panic”).⁹ The American College of Medical Toxicology and American Academy of Clinical Toxicology issued a position statement in 2017, updated in 2025, concluding that “[t]he risk of clinically significant opioid exposure to law enforcement officers and other

⁶ Claudia Levens, *Overdoses in Missouri Prisons Continue Despite Electronic Mail Policy*, Jefferson City News Tribune (Oct. 18, 2022), <https://www.newstribune.com/news/2022/oct/18/overdoses-in-missouri-prisons-continue-despite/>.

⁷ Marcia Brown & David Dayen, *Physical Mail Could Be Eliminated at Federal Prisons*, The Am. Prospect (Feb. 24, 2021), <https://prospect.org/justice/physical-mail-could-be-eliminated-at-federal-prisons/>.

⁸ Austin Fisher, *Restrictions on Prison Mail Don’t Appear to Decrease Drug Use, Legislative Report Says*, Source NM (July 7, 2022), <https://sourcennm.com/2022/07/07/restrictions-on-prison-mail-dont-appear-to-decrease-drug-use-legislative-report-says/>.

⁹ See Andrew Stolbach et al., *ACMT and AACT Position Statement: Preventing Occupational Opioid Exposure to Emergency Responders* (Nov. 11, 2025), https://www.acmt.net/wp-content/uploads/2025/11/ACMT-and-AACT-Position_Statement_Preventing-Occupational-Fentanyl.pdf; Leo Beletsky et al., *Fentanyl Panic Goes Viral: the Spread of Misinformation about Overdose Risk from Casual Contact with Fentanyl in Mainstream and Social Media*, 86 Int’l J. of Drug. Pol’y (2020), <https://pmc.ncbi.nlm.nih.gov/articles/PMC7492952/pdf/main.pdf>.

emergency responders performing routine duties—including overdose case—is essentially zero.”¹⁰

Instead, common-sense measures can meaningfully impact the rate of drug-related incidents while protecting the free speech and privacy rights of incarcerated individuals and members of the L.A. community. Many correctional facilities have found success by, for example, increasing searches of correctional staff and improving access to life-saving treatment for substance use disorder.

For these reasons, we urge the Sheriff’s Office to reconsider its proposal to prohibit physical mail in the county’s jails, and we ask this Commission to use its oversight powers to conduct further research into the source of drug-related problems in the county’s jails and the expected impact of banning mail.

Sincerely,

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¹⁰ Stolbach et al., *supra* n.9.