

# Why We're Suing to Protect the Right of Incarcerated People to Receive Physical Mail

Matthew Guariglia : 3-3 minutes : 3/13/2023

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In 2021, San Mateo County, California, banned people incarcerated in county jails from receiving physical mail. Instead, family and friends were required to mail their letters to Smart Communications, a private for-profit company based in Florida that would scan and destroy those letters so that incarcerated people would be required to access them digitally through a limited number of shared tablets and kiosks in public spaces within the jails.

This is why the Electronic Frontier Foundation, the Knight First Amendment Institute at Columbia University, and the Social Justice Legal Foundation [filed a complaint](#) last week challenging this unconstitutional policy.

[The lawsuit was filed on behalf](#) of five people incarcerated in San Mateo County jails, several of their family members, and A.B.O. Comix, a collective of artists who correspond with people in jail. The complaint argues that the new mail policy violates the expressive, associational, and privacy rights of those in the county's jails, and their family, friends, and supporters who send them letters. This lawsuit is the first major challenge to the digitization of personal mail in U.S. jails.

The current policy invades the privacy of the [850 people](#) incarcerated in the Redwood City jail, as well as that of their families. With only a few tablets to go around, this procedure is also a cruel way of limiting access to communications from family and friends by drastically reducing the ability of a person to spend time reading them. It's also hard to overstate exactly [how important](#) written correspondences are to people inside jails and prisons in the U.S. — a true lifeline to the world outside.

This lawsuit also marks EFF's commitment to stopping the current trend that seeks to privatize aspects of the carceral system for profit as well as strip privacy away from incarcerated individuals. Another such practice is charging exorbitant fees for people to make phone calls to family members—a scheme that Connecticut has just made [illegal](#).

Nationwide, over 500,000 people are incarcerated in county jails like the one in Redwood City, 427,000 of [whom](#) have not been found guilty and are still awaiting trial. This lawsuit will hopefully set an important precedent that those people and their families, friends, and correspondents have fundamental rights that must not be trampled in the ongoing attempts to squeeze money out of people's interactions with the criminal justice system.

You can read EFF's full complaint against San Mateo County [here](#).