

**CITIZENS' LAW ENFORCEMENT REVIEW BOARD  
POLICY RECOMMENDATION**

**DIGITAL SCANNING OF NON-LEGAL MAIL AT  
SAN DIEGO COUNTY DETENTION FACILITIES**

**BACKGROUND:**

From 2006 through 2020, 185 people died in San Diego County's jails. The rate of deaths in San Diego County's jails raised concerns about underlying systemic issues within the San Diego Sheriff's Department's (SDSD) policies, procedures, and practices.

The California State Auditor (CSA) conducted an audit of the SDSD to determine the reasons for in-custody deaths; concluded that the SDSD failed to adequately prevent and respond to deaths of individuals in its custody; and made several recommendations pertaining to intake screenings, medical and mental health care, safety checks, and responses to medical emergencies.

A CLERB-commissioned study by Analytica Consulting in which overdose/accidental death rates of San Diego County Adult Detention Facilities inmates were compared to those from 11 other California counties revealed that San Diego County inmates have the highest overdose/accidental death rates. An inmate in San Diego is two times more likely to die in this manner than what is expected based on county mortality rates. San Diego County was the only county with a statistically significant excess number of overdose/accidental deaths. A review of drug-related causes of death for inmates over the past two years indicated that fentanyl, a synthetic opioid, contributed to most of those deaths.

It is undisputed that illicit and prescription drugs are being smuggled into the SDSD-operated detention facilities, presumably via several different means. It is possible that substances are introduced to the incarcerated person (I/P) population via incoming mail deemed acceptable after the Detentions Processing Division (DPD) sorts, opens, inspects, and arranges for its delivery to the addressee I/P.

Not included in the CSA's recommendations was for the SDSD to consider reducing the likelihood of illicit or prescription drug overdoses and deaths via any possible and legal methods. As of this writing, there are at least two county jail operations, one in Georgia and one in Michigan, that utilize the scanning of non-legal mail and subsequent delivery of said mail to the I/P via a kiosk system.

It is probable that the digital scanning of all non-legal mail and its subsequent electronic delivery to the I/P will result in fewer illicit and prescription drugs being introduced into the I/P population, thus reducing the use of said substances and, therefore, reducing the likelihood of overdoses and deaths.

The California Board of State and Community Correction Title 15 does not prohibit the digital scanning to or electronic viewing of mail by I/Ps nor does it mandate that non-legal mail be physically delivered to and possessed by I/Ps.



CLERB knows and appreciates the importance to I/Ps of physically touching and possessing a letter from loved ones. However, CLERB also believes that all efforts must be taken to reduce the likelihood of in-custody deaths. CLERB believes the value of human life outweighs any cost or sacrifice and is greater than any resulting operational delays.

NOTE: As of this writing, I/Ps can receive emails, which are printed out by SDSD staff and hand-delivered to the I/P. At a minimum, to prevent operational delays that may result by I/Ps viewing scanned mail at a limited number of computer terminal or kiosks until appropriate funding is received to incorporate a kiosk-based program, SDSD should also consider, in the interim, scanning the mail and printing it out on County owned, controlled, and uncompromised paper for subsequent hand-delivery to the I/P. This practice will not totally eliminate the possibility of illicit substances being introduced into the I/P population, as it is dependent on the ethics, integrity, and identity of the person(s) preparing or hand-delivering the mail.

**POLICY RECOMMENDATION:**

Pursuant to Section 340.9(g) of the San Diego County Administrative Code, the Citizens' Law Enforcement Review Board (CLERB) shall have the authority to review and make recommendations on policies and procedures of the San Diego County Sheriff's Department and San Diego County Probation Department. As such, CLERB makes the following policy recommendation to the SDSD:

1. Digitally scan all non-legal mail and ideally deliver to the incarcerated person addressed the mail via an electronic and non-physical method, e.g., kiosk, computer terminal, etc.

Submitted by: 	Date: 08-05-22	Reviewed by: 	Date: 08-05-22
Paul R. Parker III, Executive Officer		Lynn Setzler, Supervising Special Investigator	