

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/03/05/guarding-the-fortresses-how-prison-policies-limit-media-access-to-solitary-confinement/>

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by [Rachel M. Cohen](#) | March 5, 2013

Journalists face serious obstacles to reporting on prisons and even more to uncovering the truth about solitary confinement. (See James Ridgeway's essay [Fortresses of Solitude](#).)

Public oversight of governmental institutions, which can help to prevent corruption and abuse by those in power, is seen as a hallmark of an engaged, democratic citizenry. However, when it comes to obtaining information about individuals kept in solitary confinement, the press, and by extension the public, are often kept in the dark.

The Supreme Court ruled, in *Pell v. Procunier*, that the First Amendment does not guarantee the press special access to prisons beyond what is generally afforded the public. The Court reasoned that since other methods of communication feasibly exist, like letter writing, freedom of the press is not compromised by even severe limitations on access to prisons and prisoners. Suffice to say, these barriers to entry and examination, involving layers of bureaucracy as well as outright bans, help to minimize investigative inquiry and avoid close scrutiny of prison practices.

The Society for Professional Journalists recently [published a study](#) by Jessica Pupovac of press access policies to prisons in general, which vary greatly from state to state. Policies related to solitary confinement tend to be even more restrictive, and even more variable.

In an investigation of the prison systems with the largest numbers of prisoners in solitary confinement, Solitary Watch has compiled a brief summary of some notable differences and takeaways between the states' policies. We examined the Federal Bureau of Prisons, California, Florida, Illinois, Louisiana, New York, Ohio, Pennsylvania and Texas.

Differences in policy are evidenced by among other things: supervision of interviews, access to certain types of prisoners, access to certain areas of prisons, and the ability to use recording devices. Many states leave themselves the right to deny interviews if they feel it will cause a disturbance but none of the policies state what that would qualify or how that would be measured, and thus the bottom line is that in most cases, prison officials usually have considerable latitude in deciding whether a reporter may interview a particular prisoner.

Our hope is that this initial look will spark a wider conversation about public awareness with regards to U.S. citizens who are locked away for weeks, months, or years in solitary confinement. While there are alternative means for obtaining information, these are often insufficient in eliciting the types of things that can be learned through a journalist's first-hand observations, and through face-to-face conversation.

To be sure, what is written in the policy does not necessarily correlate to actions in reality, but it is a crucial first step in bringing prison conduct to light.

### FEDERAL BUREAU OF PRISONS

Prisoners in segregation, restricted, holdover, control unit, or hospital status are limited to one one-hour interview per month. They have the right not to be photographed or have their voice recorded by the media, however if the press representative obtains written permission they may.

Although interviews are not subject to auditory supervision, there are two conditions for both the press and prisoners regarding interviews. For the press, A representative of the news media is requested to provide the Bureau of Prisons an opportunity to respond to any allegation, which might be published or broadcast prior to distribution. And for the prisoners, As a prerequisite to granting the interview, an inmate must authorize the institutional staff to respond to comments made in the interview and to release information to the news media relative to the inmates' comments.

Lastly, the Federal Bureau of Prisons has the right to deny interviews if they feel it would probably cause serious unrest or disturb the good order of the institution.

In reality, no reporter has been granted access to the U.S. Penitentiary Administrative Maximum (ADX), the most secure federal

supermax, since September 11, 2001.

(Full Press Policy [here](#))

## **CALIFORNIA**

Media representatives shall not enter security housing units, condemned units, (death row), the execution chamber, Administrative Segregation Units or any other area unless they obtain approval from a correctional official. Interviews with people in prison are at the discretion of the institution head, including restricting the time, place and duration of interviews. Phone calls are limited to fifteen minutes and may be recorded.

In reality, a few reporters have been allowed to tour Pelican Bays Security Housing Unit, but can only interview designated prisoners.

(Full Press Policy [here](#))

## **FLORIDA**

The state has strict press policies: Interviews are simply prohibited if the prisoner is in disciplinary confinement, classified as close management, has serious psychological problems, is in a hospital or is an infirmary patient. (It should be noted that according to the American Psychiatric Association, 20 percent of all people in prison are seriously mentally ill.) Prisoners may also be denied an interview. If the warden or senior facility officer believes the interview will generate a panic description impair the security or normal operation of the facility.

In Florida members of the press cannot enter security housing units, condemned units (death row), the execution chamber, Administrative Segregation or any area currently affected by an emergency without approval of the communications director or designee. In lieu of these restrictions, Florida offers the option of stock video footage and still photographs of chamber, Death Row, Administrative Segregation and Security Housing Units available in the Public Affairs section of their prison website.

(Full Press Policy [here](#))

## **ILLINOIS**

Interviews with individuals in solitary confinement are not explicitly prohibited. The Director will determine whether an interview can be held based upon, among other matters, the effect that an interview may have on the individual or other committed persons, and the effect upon safety, security, institutional order, or other penological concerns.

In reality, journalists report that they were not permitted into Tamms supermax before its closure.

(Full Press Policy [here](#))

## **LOUISIANA**

The policy states, All legitimate news media organizations shall be allowed reasonable access to the states correctional facilities unless security considerations dictate otherwise. Another notable condition is that offenders are not permitted to discuss the crimes they've been convicted of in interviews.

In reality, press access to Herman Wallace and Albert Woodfox, the two members of the Angola 3 who have been in solitary for more than 40 years, is severely restricted.

(Full Press Policy [here](#))

## **NEW YORK**

Individuals in solitary confinement are permitted one non-legal visit per week, and at the discretion of the Commissioner, they can substitute this for a media interview. However, prisoners in pre-hearing confinement status or serving a disciplinary confinement sanction, which includes Special Housing Units and Keeplock, are not permitted to have media interviews.

The interviews between news media and prisoners that are approved shall be supervised by way of direct observation by an assigned security employee. This is meant to maintain appropriate security observance. However the policy explicitly states that whoever is supervising cannot do so in a manner that could reasonably be interpreted as having a chilling effect.

Certain areas of the correctional facility will not be accessed during a press visit either for security reasons or for the privacy of inmates. They include but are not limited to disciplinary housing areas, arsenals, perimeter security systems, medical and mental health units, protective custody units plus any other areas deemed of a sensitive security nature by the superintendent and Public Information Officer.

In reality, since nearly all isolated prisons are in pre-hearing confinement status or serving a disciplinary confinement sanction, they are off limits to the press, as are virtually all solitary confinement units.

(Full Press Policy [here](#))

## **OHIO**

In Ohio, the Managing Officer or his designee has full control over the number of reporters who may come into correctional institutions and the duration of their visits. They also may place reasonable restrictions on the frequency, length, and starting time of personal interviews as well as visually monitor them. The Ohio policies state that the media must get permission for photographic, recording or

broadcast equipment for interviews in advance, and must get secure clearance for pictures or recorded interviews. This is at least implies that the media can theoretically use those devices.

(Full Press Policy [here](#))

## PENNSYLVANIA

Pennsylvanias press policy clearly states that under no circumstances may a prisoners face be photographed, videotaped, or filmed. In the case of audio recording, the inmate shall only be referred to by his/her FIRST name. Pennsylvania says they will select individuals for interviews based on several considerations including whether or not the prison feels confident or concerned about what the prisoner may say publicly, and whether there is a level of notoriety attached to the inmates conviction or subsequent incarceration. Their press document asks, Will this inmate bring unwanted media attention to the Department? Does the inmate present a positive image of himself/herself, other inmates, and the Department at large?

Pennsylvanias policy was also the only one that threatened disciplinary action to prisoners based on receiving compensation for interviews.

(Full Press Policy [here](#))

## TEXAS

It is made quite difficult to obtain interviews with individuals in Texas solitary confinement. According to their stated policy, An interview may be prohibited when the offender is in Solitary Confinement or Administrative Segregation. Additionally, a Warden may set limitations for media access to the unit when, in the Wardens judgment, such media access would disrupt the safety and security of the unit or cause serious operational problems. On top of that, interviews with offenders who are diagnosed with psychiatric disorders are prohibited.

When it comes to photographs or videos of offenders, there must be written consent when the offenders face can clearly be identified. It should be noted later how this contrasts with Pennsylvanias policies which states under no circumstances may an offenders face be identifiable.

(Full Press Policy [here](#).)

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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On the press As a prisoner of the 60s and 70s, we knew the press was essential to bringing change to the conditions of our prisoners. While we where serving time Dan Noland and I filled joint litigations to get the press into our prisons, author Jessica Mitford took up our plight and joined us in the action; for a short time things went well and Mass., and we led the way in change in the Early 1970 partially due to the fact the media was reporting on the development both inside and outside of what became a very strong political prison movement (that became to real problem) People got concerned over their children inside, they saw the conditions and abuse.. We as prisoners always believed if the public and our families could really see what was going on things would change and they could change thorough the vote.. (long story short) The prison movement in Mass. got to powerful and forces came against it; the media action got revised and they got the media out of the prison (there went the public eye and it has been out ever since.) When the prisoners took over Walpole and the guards walked of the job. The most violent prison in the country went over night into the lest violent, prisoners on the inside and Cons on the outside took control with a Community of 1600 volunteers as observers The administration and the guards union could not take it, prisoners were doing a better job than they where and it appeared they were not needed. guess what happened? (The Guards, went back in the Prison and started a riot) that is a history no one wants you to know about Prisons can run and run well and safe with very few guards and administrators We may have about 5% of our prisoner population that need to be under a secure tightly monitored system They rest could be in community, trusty or a minimum type system If we had a good press, folks would be knowing what is going on (not the case today, very little coverage)

<http://www.youtube.com/watch?v=SNPJMk2fgJU>

You can practice using a drone with an upcoming version of the Call of Duty video game, Activision built a version of an armed quadcopter controlled by tablet computer that is better than most any tactical drone the U.S. military currently has. Watch the guy blow shit up in the video.

People get ready theres a change a coming.

Maybe our government wont use it on Americans but others will be interested.

But then again Texas already has a non-lethal weapon to use on citizens. But the manufacturer claims it is strong enough to mount a shotgun. Hint hint.

This is short enough to post the whole article.

<http://www.theatlantic.com/politics/archive/2013/03/a-devastating-26-word-challenge-to-president-obamas-leadership/273789/>

When Sen. Ron Wyden, an Oregon Democrat, stopped by the Senate floor Wednesday to help out Rand Paul with his filibuster, he spoke for several minutes in the guise of asking a question. But his remarks can really be boiled down to one powerful sentence that Ive transcribed:

Mr. President, what it comes down to is every American has the right to know when their government believes that it is allowed to kill them.

Ponder the modesty of that claim. He is merely asking that American citizens be given the most basic information about their legal system: when theyre lawfully subject to capital punishment.

What would possibly justify withholding it?

The mere fact that multiple U.S. Senators, civil liberties organizations and journalists are having to hound the Obama Administration for answers is a scandal. Promulgating the law is one of the most basic precursors of its legitimacy. Yet the bulk of Congress is as yet content with ignorance.

<http://www.theatlantic.com/politics/archive/2013/03/cliffs-notes-for-the-filibuster-rand-paul-in-his-own-words/273787/>

Cliffs Notes for the Filibuster: Rand Paul in His Own Words

Ill just post these two sentences below but everyone concerned citizen should read the whole article:

Unfortunately many in the media fail to understand..that on something very important, on whether or not an individual has a right to a trial by jury, whether an individual has the right to not be detained indefinitely, that there is quite a bit of bipartisanship.

Usually in the wrong direction.

Good work!

Isnt it ironic and a bit alarming that it is so difficult to peer into these dark sites while we free citizens are living in a virtual surveillance state?

The Atlantic has an article titled:

The Catch-22 That Prevents Us From Truly Scrutinizing the Surveillance State

Its hard to find someone who can complain of his or her rights having been violated, because anyones whose rights have been violated doesnt know it.

Even if someone does challenge the use of such tactics, courts are historically reticent to overrule activities that have the support of both the President and Congress.

So we have a situation where Eric Holder can declare:

Drone strikes against Americans on U.S. soil are legal

But we citizens do not know the formula those in charge would use to make such decisions. Why do we just trust them to make a just decision?

This is not just a growing problem here:

The Foreign Policy blog reports:

Democracy is in retreat. And theres a surprising culprit.

The Middle Class!

In a major survey, by the Economist Intelligence Unit, democracy deteriorated in 48 of 167 countries surveyed in 2011.

The results of the Economist Intelligence Units (EIU) Democracy Index 2011 show that democracy has been under intense pressure in many parts of the world. In most regions the average democracy score for 2011 is lower than in 2010, including the developed countries

of North America and Western Europe. There was a decline in the average score for Eastern Europe and small declines for both Asia and Latin America.

The dominant pattern globally over the past five years has been backsliding, the report says. Were not just talking about the likes of Pakistan and Zimbabwe here. Thirteen countries on the Transformation Index qualified as highly defective democracies, countries with such a lack of opportunity for opposition voices, such problems with the rule of law, and such unrepresentative political structures that they are now little better than autocracies.

Even where democracy has deep roots, disillusionment with the political process has exploded in recent years. From hundreds of thousands of Indians demonstrating against corruption to Israelis camping in the streets of Tel Aviv to protest their leaders lack of interest in basic economic issues to the French pushing back against government austerity measures, middle classes are increasingly turning to street protests to make their points.

In his second inaugural address, U.S. President Barack Obama, like every U.S. president for decades, spoke of Americas role in helping promote democracy around the globe. We will support democracy from Asia to Africa, from the Americas to the Middle East, because our interests and our conscience compel us to act on behalf of those who long for freedom, he declared. Obama may have the best of intentions, but in reality there is little he can do. The sad, troubling regression of democracy in developing countries isnt something that America can fix because it has to be fixed at home too.

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