

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/01/06/california-bill-would-increase-media-access-to-prisoners/>

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by [Jean Casella and James Ridgeway](#) | January 6, 2012

The nation's supermax prisons and solitary confinement units are virtual black sites, off-limits and therefore invisible to both the public and the press. While laws vary from state to state, the media are for the most part barred from touring these facilities, and forbidden to conduct in-person interviews with prisoners being held in solitary confinement. These rules are made by the prisons themselves, in the name of safety and security, and with few exceptions the courts have acquiesced, ruling that the freedom of the press stops at the prison gate.

A bill introduced in the California State Assembly seeks to challenge the California Department of Corrections and Rehabilitation's ban on interviewing prisoners in its notorious Security Housing Units (SHUs) and ease restrictions on interviews with other prisoners. [Assembly Bill 1270](#) was introduced by Assemblymember Tom Ammiano of San Francisco. Ammiano chairs the Public Safety Committee, and held [hearings on California's SHUs](#) in August 2011, following the historic [inmate hunger strike](#) that began at Pelican Bay State Prison in July.

According to a [fact sheet](#) released by Ammiano's office, AB 1270 seeks to restore the media's ability to conduct pre-arranged in-person interviews with specific prison inmates. It would allow the media to provide more balanced information about our prison systems to keep the public informed and our institutions both transparent and accountable. (The full fact sheet appears at the end of this post.)

The fact sheet notes: Media is even more restricted access to the most controversial correctional facilities such as the secure housing units (SHUs). It goes on to describe the extreme isolation of the SHUs, and mentions findings that link solitary confinement to mental illness and suicide.

According to the bill, the interviews would take place under the discretion of the California Department of Corrections and Rehabilitation, which could choose, for safety reasons, to deny a media request to interview a particular inmate. However, Any responses denying a request must be accompanied by a written explanation for the request denial. According to the text of the bill, it would also forbid retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

Earlier this week, the bill was referred to the Committee on Public Safety, which will decide whether it goes any further.



Assemblymember Tom Ammiano, 13th Assembly District
AB 1270 – California State Prisons: Media Access

IN BRIEF

Assembly Bill 1270 seeks to restore the media's ability to conduct pre-arranged in-person interviews with specific prison inmates under the discretion of the California Department of Corrections and Rehabilitation (CDCR). It would allow the media to provide more balanced information about our prison systems to keep the public informed and our institutions both transparent and accountable.

THE ISSUE

The 2011-2012 state budget allocates \$9.2 billion in taxpayer money to CDCR, yet public information regarding our prisons is limited by CDCR's restrictive media regulations. Media representatives can only conduct random interviews with a pool of inmates pre-selected by the CDCR under current regulations. In-person, pre-arranged interviews with a specific inmate are only allowed if the media representative is an approved visitor, in which case they must come at regular visitation hours and are prohibited from using any electronic recording devices or cameras. Consenting inmates with telephone privileges may engage in recorded interviews with a media representative but conversations are limited to 15 minutes.

Media is even more restricted access to the most controversial correctional facilities such as the secure housing units (SHU). Inmates detained in the SHU are kept in total isolation without any visitation and telephone privileges. These units have been heavily critiqued for confining inmates in small concrete cells for 23 hours of the day without any contact for up to several months or even years, conditions that have been shown to exacerbate mental illness.

Although SHUs house only 5% of the inmate population, the 2005 bi-partisan congressional Commission on Safety and Abuse in American Prisons reported that 70% of all California's inmate suicides occurred within this population. Without a balanced depiction of the situation, it is impossible for the public to fully understand and address potential issues within our correctional facilities.

THE SOLUTION

This bill enables media representatives to request specific in-person inmate interviews and requires CDCR to respond to requests within a 48 hour period. The department would still retain discretion over all media requests, including the ability to deny requests that pose any safety risks to the institution, staff, or a member of the public. Any responses denying a request must be accompanied with a written explanation for the request denial. Crime victims and their families would be notified of the approved interview at least two days prior to the date of the interview and inmates would be protected from any acts of retaliation by CDCR for speaking with a media representative.

BACKGROUND

Media representatives were allowed to request interviews with specific inmates for over two decades prior to 1996, when the change was made through an emergency internal regulation.

SUPPORT

American Civil Liberties Union of California
California Attorneys for Criminal Justice
California Newspaper Publishers Association
Ella Baker Center for Human Rights
Legal Services for Prisoners with Children

FOR MORE INFORMATION

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James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, *Blood in the Face*. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book *Hell Is a Very Small Place: Voices from Solitary Confinement*. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

I am hoping that Arizona will adopt similar legislation that focuses on media access to prisoners in solitary confinement as their plight, their conditions and suffering is well hidden from the public view and pretty much censored through informal channels that could be challenged by the postal inspectors if verified see video attached that explains my point of view of Arizona like California experiencing the same apathy (although CA is getting better at it through publications such as Solitary Watch) and attitude towards prisoners in solitary confinement and elsewhere <http://www.youtube.com/watch?v=eGl8nPfQtFA&feature=youtu.be>

@Vikki-

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1251-1300/ab_1270_bill_20120113_status.html

Maybe you can understand the status. Sounds like it is still working its way through the system to me.

LAST HIST. ACT. DATE: 01/10/2012

LAST HIST. ACTION : From committee: Do pass and re-refer to Com. on APPR.
(Ayes 5. Noes 0.) (January 10). Re-referred to Com.
on APPR.

COMM. LOCATION : ASM APPROPRIATIONS

HEARING DATE : 01/19/2012

TITLE : An act to add Section 6357 to the Penal Code, relating
to prisons.

Does anyone know what the status of the bill is now?

There have been many men and women who stood up and told the truth..I am sure that many have endured much more pain than I. I salute them and their courage. Unfortunately, there arent enough of them heard through official channels and taken at face value based on the fact that once you take on the system, the system will destroy you one way or another and make you look like the fool..

@Carl fortunately your not the only corrections worker that has come out against the system. Take this book and although I dont have the link there has been a long series of articles on this Green Wall of Silence mentioned in the following book.

http://www.amazon.com/Green-Wall-against-corruption-largest/dp/1440140596/ref=cm_cr_pr_product_top/177-2558019-2255306

The Green Wall: The story of a brave prison guards fight against corruption inside the United States largest prison system

He became the largest whistle-blower to uncover a group of rogue prison guards who called themselves The Green Wall. The Green Wall is a real-life drama of one mans courage to do the right thing against the California State Prison System. It is an unblinking look at what can go wrong when only one person is willing to stand up and speak for what is right, against almost insurmountable odds. Vodicakas televised state senate testimony exposed a scandal that led to resignations, transfers, sudden retirements, and reforms of the system that are still underway. The story is a classic tale of the triumph of personal integrity in the most dishonest place imaginable.

But at least one Blue Wall exists in print:

<http://www.newsmakingnews.com/vmmagerssecretwall12.12.01.htm>

It is pretty depressing to lose a brother to this system so metaphorically I m still very blue.

There appears to be a big gap in society about prison and prisoners. I am still amazed how little most of the public know anything about the system and how it impacts families and friends of those incarcerated. Just imagine if they knew what was really going on and how their money is misspent how much involved they would really want to be in the process. The public is pretty much duped on reality behind these tall walls..

As for the slip in color, it could have been anything but perhaps a Freudian slip was appropriate at the time of your writings.. though I doubt you would be THAT blue.. lol
take care

@Carl-Ha I just realized I wrote blue not green as in the prison guards clothing.

Must of been a Freudian slip for how it makes me feel. Depressed!

Lets see how the public reacts over time. The audience didnt respond well in the Republican debate last night when they talked about

about voting rights for ex-felons did they?

Unfortunately, the system has regressed so much your ideas may be more relevant than you expect.. the world recycles history and mistakes like there is no tomorrow and these agencies don't seem to learn from their mistakes but rather risk losing it all one day to an apocalypse that can be prevented if the admin would only deal with respect and honest developing trust and transparency.. this is why the media is so important to create a baseline of facts and keep the truth apart from the myths, the rumors and the culturally divided that spoil progress almost every time we try to change thinking and practices. rThis Blue Wall of Silence can be broken down but it will take more than just talk and promises. It takes guts and courage to speak the truth, be a leader and show you are sincere in your workings and your writings. Making this work should always start at a smaller scale and expanded once your wring out the bugs and errors on the start up model improving as you go and making it better to suit your ultimate needs a safe and secure prison environment.

@Carl The only problem with your video was the volume, it was a bit too low. It sounds like you have thought it through and have the background that warrants a review of your ideas by policy experts. I hope there is a way out of this cycle of repression, evoking an angry response then even more repression. Other than a couple of weeks to cool things down on the mainline I never felt spending so much money to hold someone down in the end was worth it. I didn't question it until my younger brother, who I might add was a non-violent person, died under suspicious circumstances in Salinas Valley after more than a decade in different SHUs. Then after reading about the Blue Wall of Silence I became convinced it is a corrupt system. My other brother's life was ruined by the system similar to so many Vietnam vets returning from their own war. Then there were the suicides I witnessed driven to it by a feeling of hopelessness. Unlike you I lack the background to recommend changes to a system I left in early 1970 just as things began to really heat up.

My own memories are limited and pale in comparison to the current inmates. But I try and recall them to put a human face on an inhuman system.

Not very good at doing video responses but am sincere about the topic and the problem. Would like to see better oversight if not elimination in many units of the AD Seg way of controlling behaviors. I think I am now shaping my thoughts towards more reduction in these solitary confinement units and localizing them into one unit under oversight of a legislative and executive board or committee that would review placements and daily operational and treatment needs with lots of transparency and input by mental health providers and not security advisors. The balance would be delicate but when I did the STG step down program we managed to keep it both safe and orderly, the final outcome expectation of any mission statement in prisons. Remove the politics and keep it both practical and therapeutic in nature and you will see a reduction in population is my estimation of this concept that could be phased out and localized once under control of the right persons with the right attitude, qualification and cultural awareness of the impacts of solitary confinement

Go for it Carl. Oh and I watched your videos. :)

Interesting.

@Alan would like to copy and post on my blog.. what say yee Alan?? super post and to the point.

Im glad to hear that Carl. I think it has just always been easier to seek a simple answer to dealing with the unruly bunch. Here is a history lesson I just read. Evolution of the idea of SHUs from both sides of the cell door.

<http://www.theatlantic.com/past/docs/issues/95nov/prisons/prisprog.htm>

March 1922

Prison Progress

by Brice P. Disque

about twenty per cent will turn out to be hopeless, hardened, and deliberate criminals. Their presence in the place will greatly increase the difficulties of developing good results. Their example and influence will be bad on the other men, some of whom may be wavering between weakness and strength of will-power.

Additional restrictive and disciplinary measures will be necessary to guard them, and it will be desirable in every way to segregate them

I would, therefore, send the hopeless, hardened, and deliberate criminals to a third sort of institution, in which they would be forced to earn their own living, and from which there would not be the slightest possibility of escape, except after unquestionable evidence that they had qualified for the B institutions again. Not many of such fellows would qualify, but all should have a chance, and be encouraged to try. If they never take advantage of that opportunity they should remain in the third class for life, regardless of the sort of crime of which they were convicted.

<http://www.theatlantic.com/past/issues/95nov/prisons/whyriot.htm>

An inmates view observations on the subject.

October 1955

Why Prisoners Riot

Maybe it is time, now that everyone else has had his say on the continuing problem of prison riots, that a former convict should make some

some general conclusions that seem to have escaped most of the people who are trying to find out how to cure the epidemic of prison riots.

1. Convicts are generally not mature, fully developed people; they are truncated personalities a separate breed whose natural habitat is prison and who find an outlet for all of their limited facilities in prison surroundings. From a therapeutic view, the important thing is to find and to concentrate all corrective efforts on the relatively small percentage who are complete human beings capable of assuming the responsibilities of free citizens.

2. the greatest threat to prison order always lies in the small group of violently unstable men, usually at least mildly paranoid, which every prison holds. It is equally clear that convicts of this sort respond to specific kinds of treatment in a quite predictable way. They will respect strict discipline and not much else. And with absolute dependability they will interpret kindness or a softening of discipline as a sign of weakness to be exploited. Obviously, then, the first requirement of prison management is to curb this element vigorously, using whatever means are necessary.

3. But in a general, all-purpose prison, this isn't as easy as it sounds. The disciplinary standard of any prison has to be geared to the requirements imposed by the most troublesome element in the total group and one man's discipline, after all, is another man's repression. It is obviously neither just nor wise, from a morale or security view, to impose on tractable prisoners the relatively severe disciplinary measures necessary to whittle the paranoiacs down to size. It doesn't seem enough, then, merely to suppress the style-setters of anarchy. As soon as they are identified they should be shipped off, bag and baggage, delusions and pretensions, to a separate, maximum-discipline institution. And if no such institution exists as in the case of all one-prison states it should be provided.

4. This would mean that the old technique of inmate classification would have to be relied on but with a difference. Maximum-discipline prisons have always existed, but they are regarded as a special preserve for escape risks and bad men who for security reasons need closer watching. It is a perfectly safe bet that there are several prison wardens in the nation today who recognize (perhaps belatedly) that it is less disastrous that an occasional convict should escape, if it comes to that, than that his prison should go up in flames at the hands of a flock of bobby-soxers. And the danger signs are easy to spot. It is the convict who swaggers in his walk, who shoulders a guard out of his path, who makes a theatrical production of his contempt for authority and not the convict who gets caught with a pair of bar-spreaders in his mattress, who is the real threat to prison security.

an uprising needn't have any element of good faith or good sense about it. Too often it hasn't had. The goal of sensible convicts, after all, is to get out of prison, not to run one.

@Alan I am beginning to sway towards your way of thinking on the matter of solitary confinement writing this book made me realize that no matter what I think or expect, the prisoner is at the mercy of the system and does what they need to do to maintain their own survival in these matters.. watch this intro to the book on YouTube.. it shows how my thinking has changed..
<http://www.youtube.com/watch?v=h84hNnBwR-0>

@Carl I agree and applaud your decision. I will look into the book when I catch my breath. Thank god I got a large order at work times are lean.

@Alan 0) the e book is on sale for \$ 3.99 at Xlibris and the paperbacks are under \$ 20.00 dollars. The contents are realistic and counterfeit that include a lot of stuff you and I talked about and this time from the prisoners eyes. It focuses on how someone can end up in solitary confinement and forgotten leaving them in an abyss hell hole. Hope to do well but the message is more important to me.. Awareness and the mental effects should be apparent when you read what happens to this fictional character put in the hole and experiencing a whole different world that exists behind the razor wire.. If it sells, I plan to donate \$ to this page and a couple other groups that support prisoner rights.. Its . only right that I share any benefit with those working so hard to teach the world about solitary confinement and its self-destructive ways on our prisoners and human beings locked up and forgotten my most

@Carl-Oh I have been reading all your comments with much interest. I just don't comment as much. With your inside knowledge from the other side of the cell door, Gorilla Justice sounds like something I would like to read. How much is it? Good luck with it!

When I worked inside a SMU in AZ we would never be allowed to talk or even allow the media cross the invisible line at traffic control that allows people inside the compound. Talking to the media is a violation of their internal control policies and whether you are active or retired the rules still apply causing much stress to speak of the truth and allowing the solitary confinement nightmare to continue without any outside oversight or scrutiny to determine the way the practice resembles the policies in place. You may even say that when a prisoner contacts a reporter, that prisoner is in for a hard ride the rest of his or her sentence and eventually locked up to silence him or her. Paybacks are common and this prevents much information from being read or printed by those who do care and listen to others experiencing solitary confinement in many states. New book I wrote Gorilla Justice illustrates the way a good man can be driven to madness through torture and deceptive practices not written anywhere in the manual for staff working in a SHU or SMU.. This is where the Supreme Court and attorneys should focus and find staff willing to speak out without fear of retaliation and discipline to speak the truth. So far, its been sporadic but growing. Good to hear from you Alan

Nationally it seems we will continue to error on the side of more authoritarian powers rather than a loosening of restrictions. Take this article for example.

<http://harpers.org/archive/2012/01/hbc-90008380>

President Barack Obama signed into law the National Defense Authorization Act for 2012. He issued a significant signing statement in the process:

I have signed this bill despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists

The article includes this:

Obamas decision hardly provoked applause from the NDAA's critics. The ACLU stated that it was a blight on his legacy because he will forever be known as the president who signed indefinite detention without charge or trial into law. Jonathan Turley has called Obamas

decision to sign the NDAA into law Americas Mayan momentthe dooming moment when the nation embraced authoritarian powers with little more than a pause between rounds of drinks.

..The measure can fairly be called the Gitmo Forever Act because it contains a series of provisions designed to frustrate Obamas pledge to close the detention operations at Guantnamo.

Eric Cummins wrote in his book ,

The Rise and Fall of Californias Radical Prison Movement

on Page 248:

Governor Reagan had vetoed a 1971 bill.that would have established a prison ombudsman. That same year, crucial legislation failed in the legislature that would have given prisoners facing disciplinary charges the right to call witnesses and to cross-examine their accusers, in hearings, the right to have guilt decided by preponderance of evidence, and the right of appeal.

Page 249:

In the 1950s the American Prison Association had viewed an inmates contacts with outsiders as crucial to his reformation. Now San Quentin decided to take away that contact.

the prisons associate warden of custody, explains the guards staffs point of view at the time:

For years we invited people to help us in the system, for years we invited people to help usThe philosophy was to provide as much opportunity and out-of-cell activity that you could possibly provide. When we began to get help from people in the community we got the people we didnt want. The revolutionaries and the folks with an unwritten message, with a hidden agenda, infiltrated under the guise of being the good benefactor of the inmateThe revolutionaries came in and did it to us, did it bad to us, killed lot of us, hurt a lot of us.

The question is how much have the two sides positions changed over time?

As I see it, whenever there is no oversight, to speak of, of what government does by anyone outside of it, government does whatever it pleases. It gets away w/all manner of criminal behavior that would not occur anywhere near as much IF there were people outside the state, like the media & even private citizens, who could see whats going on behind high walls/fences & closed doors. All the better that media gets access to & is able to interview inmates to get their version of life behind walls/fences, & their side of the story w/a conflict or controversy arises.

We are going to introduce a similar bill in Colorado; i.e., starting with Veterans Incarcerated. If you know of any such legislation regarding Veterans in the prisons system how we would appreciate knowing of same

The War Widows

Mary Murphy, former VA/Prison Chaplain/Marshal Oklahoma Court of Criminal Appeals

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This is most necessary requirement for transparency and policy compliance issues.. Remember that written guidelines are fragmented by verbal directions that contradict written mandates but are not detected due to no record being made of verbal directions thus making it nearly impossible to glean the truth of the actual operation.. The media, through the Freedom Information Act can and should research actual operational issues and how they are managed through frequent requests on certain topics that include medical and mental health care, serious incident reports including use of force situation and other financial and operational issuses that have created controversy in the past.

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