



MEDIA ACCESS AND TRANSPARENCY IN CORRECTIONAL FACILITIES

[S.1477](#), SEN. BARRETT,

[H.2394](#), REP. ROGERS, REP. DECKER

DESCRIPTION

An Act to Improve Transparency and Accountability in Correctional Facilities would shed light on and bring greater accountability to the correctional system, which is currently marked by opacity and impunity. To increase transparency, this bill ensures that media representatives would have reasonable and confidential access to visitation, telephone, and mail communication with incarcerated people, mandates the collection and public sharing of data on use of force incidents, and ensures that incarcerated people and their legal representatives would have access to video recordings and records of use of force incidents they are involved in.



WHY THIS MATTERS

Part of the difficulty of bringing the abuses of the prison system to light stems from the lack of reasonable, timely, and confidential access to incarcerated people by the media. This lack of unencumbered access inhibits the critical function of journalism to provide the people of the Commonwealth with the information we need to make well informed decisions about our systems of incarceration and their impact on our communities.

Exacerbating this lack of access, corrections officials often withhold, obfuscate, or fail to collect key data, silencing victims of abuse and denying them meaningful recourse. Reliable data and public access to information regarding use of force incidents is scarce, and incarcerated people and the public lack access to records and video recordings that show abuses.

These barriers to transparency make it easier to ignore or misrepresent the experiences of incarcerated people and allow corrections to operate with little accountability. Therefore, it is necessary for lawmakers to ensure appropriate media and records access so that we can learn more about conditions of confinement directly from people who are incarcerated, who have been segregated and hidden away from the public.



IMPACT

An Act to improve transparency and accountability in corrections will:

- Ensure that incarcerated people have confidential communication with news media representatives by telephone, visitation, and mail.
- Bar corrections officials from preventing any incarcerated person from conferring with a representative of the news media.
- Allow attorneys to bring news media to their visits.
- Prohibit retaliation against any incarcerated person for communication with a news media representative, enforced by disciplinary action up to and including termination.
- Mandate data collection on every use of force, provided to anyone upon request, published quarterly, and reported to the Joint Committee on the Judiciary, the Joint Committee on Public Safety and Homeland Security, the Attorney General and the Governor. This data must include the number of incidents and account for the conditions of confinement, race, and mental health of those involved, as well as any resulting injuries and the tools or weapons used.
- Ensure that use of force records are considered as public records other than the identity of involved incarcerated people and allow incarcerated people (and their legal representatives) to obtain copies of all records, including video, within 10 days of any request.

CONTACT

For more information, please contact Jesse White at jwhite@plsma.org or Lizz Matos at lmatos@plsma.org

