
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 254 **Hearing Date:** March 28, 2023
Author: Skinner
Version: January 30, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Correctional facilities: media access*

HISTORY

Source: California Broadcasters Association
California News Publishers Association

Prior Legislation: AB 1270 (Ammiano), vetoed in 2012
SB 304 (Romero), vetoed in 2007
SB 1521 (Romero), vetoed in 2006
SB 239 (Romero), vetoed in 2005
AB 698 (Haynes), vetoed in 2005
SB 1164 (Romero), vetoed in 2004
AB 2101 (Migden), vetoed in 2000
AB 1440 (Migden), vetoed in 1999
SB 434 (Kopp), vetoed in 1997

Support: ACLU California Action; California Black Media; California Broadcasters Association; California News Publishers Association; California Public Defenders Association; Californians Aware; Californians for Safety and Justice; CCNMA: Latino Journalists of California; Communities United for Restorative Youth Justice; Disability Rights California; East Bay Community Law Center; Ethnic Media Services; Families Against Mandatory Minimums Foundation; First Amendment Coalition; Friends Committee on Legislation of California; Initiate Justice; Interfaith Movement for Human Integrity; Media Alliance; National Press Photographers Association; National Writers Union; Oakland Privacy; Orange County Press Club; Pacific Media Workers Guild, the Newsguild-Communications Workers of America Local 39521; Riverside All of Us or None; Rubicon Programs; Sister Warriors Freedom Coalition; Smart Justice California; Society of Professional Journalists, Los Angeles Chapter; Society of Professional Journalists, San Diego Pro Chapter

Opposition: California State Sheriffs' Association; Los Angeles County Sheriff's Department; Riverside County Sheriff's Office

PURPOSE

The purpose of this bill is to: (1) require the California Department of Corrections and Rehabilitation (CDCR) and all county and city jails in the state to permit representatives of the news media to tour a facility or interview prisoners in person; (2) prohibit retaliation against

an incarcerated person for participating in a visit by, or communicating with, a representative of the news media; and (3) require all CDCR facilities and county jails to allow state officials, as specified, to visit those facilities at any time and meet with incarcerated people upon request.

Existing law vests the Secretary of the CDCR with the supervision, management and control of state prisons. Provides that the Secretary is also responsible for the care, custody, treatment, training, discipline and employment of a person confined in those prisons. (Pen. Code, § 5054.)

Existing law provides that the Secretary may prescribe and amend the rules and regulations for the administration of the prisons. (Pen. Code, § 5058.)

Existing law delineates the civil rights that persons incarcerated in the state's prisons or who are imprisoned pursuant to Penal Code section 1170(h) possess. (Pen. Code, § 2601.)

Existing law provides that a person sentenced to imprisonment in a state prison or who are imprisoned pursuant to Penal Code section 1170(h) may only be deprived of such rights, and only such rights, as is related to legitimate penological interests. (Pen. Code, § 2600.)

Existing law provides that correctional facilities and programs are operated at public expense for the protection of society. Provides that the public has a right and a duty to know how such facilities and programs are being conducted. Provides that it is the policy of CDCR to make known to the public, through the news media, through contact with public groups and individuals, and by making its public records available for review by interested persons, all relevant information pertaining to operations of the department and facilities. Provides that due consideration will be given to all factors which might threaten the safety of the facility in any way, or unnecessarily intrude upon the personal privacy of inmates and staff. Provides that the public must be given a true and accurate picture of department institutions and parole operations. (Cal. Code Regs., tit. 15, § 3260.)

Existing law defines "news media representative" is a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, website, podcast, radio or television program or station or who, through press passes issued by a governmental or police agency, can demonstrate that they are a bona fide journalist engaged in the gathering of information for distribution to the public. (Cal. Code Regs., tit. 15, § 3261.5, subd. (a)(1).)

Existing law defines "non-news media representatives" means individuals in the publishing and broadcasting media not included in subsection 3261.5(a)(1), and may include editorial researchers, freelance writers, authors of books and independent film makers involved with the production of broadcast or print endeavors including, but not limited to, features, documentaries, commercials, and pilots for proposed news, or entertainment programs. (Cal. Code Regs., tit. 15, § 3261.5, subd. (a)(2).)

Existing law requires prior approval for access to a CDCR facility or contract facility for a news media representative, as defined, by either the institution head or the Assistant Secretary of Communications or designee. Requires prior approval of both the institution head and the Assistant Secretary of Communications or their designees for access to a CDCR facility for a non-news media representative, as defined. (Cal. Code Regs., tit. 15, § 3261.1, subd. (a).)

Existing law requires the institution head or the Office of Public and Employee Communications to provide an initial response back within two working days for each request for access from a news media representative or a non-news media representative. Requires the institution head to secure advance authorization from the Secretary of CDCR or designee in order to deny an access request for a news media or a non-news media representative. (Cal. Code Regs., tit. 15, § 3261.1, subd. (a).)

Existing law prohibits facilities, on-duty staff, inmates or records under control of the department from being used in conjunction with filmmaking, radio or television programs, or the writing of books, magazine articles or syndicated stories without prior approval of the Secretary or designee. (Cal. Code Regs., tit. 15, § 3261.1, subd. (a)(1).)

Existing law permits the institution head or designee to impose limitations on or set conditions for access should any news media or non-news media representative access to a facility constitute an immediate threat to safety and security, or generate serious operational problems. (Cal. Code Regs., tit. 15, § 3261.1, subd. (a)(2).)

Existing law requires news media and non-news media representatives within a facility to be under the direct supervision of the facility's or regional Public Information Officer or their designee as determined by the institution head, except as provided. (Cal. Code Regs., tit. 15, § 3261.1, subd. (b).)

Existing law prohibits news media and non-news media representatives from entering condemned units, the execution chamber, or any area currently affected by an emergency situation without approval of the Secretary or designee. (Cal. Code Regs., tit. 15, § 3261.1, subd. (c).)

Existing law requires that news media and non-news media representatives be allowed to interview inmates in person in accordance with the visiting requirements, as described. (Cal. Code Regs., tit. 15, § 3261.5, subd. (b).)

Existing law prohibits an incarcerated person from having his or her visitation limited or revoked solely because of a visit or potential visit from a news media or non-news media representative. Prohibits an incarcerated person from being punished, reclassified, disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a news media or non-news media representative. (Cal. Code Regs., tit. 15, § 3261.5, subd. (b)(1).)

Existing law provides that news media and non-news media representatives be allowed to bring up to three pens, three pencils and one pad of paper into the facility during an interview. Requires that these items be searched to protect against an immediate and direct threat to the security of the institution. (Cal. Code Regs., tit. 15, § 3261.5, subd. (b)(2).)

Existing law requires that phone calls to news media and non-news media representatives from incarcerated persons are allowed, as provided, and may be recorded by the media representative with the incarcerated individual's consent. (Cal. Code Regs., tit. 15, § 3261.5, subd. (c).)

Existing law requires prior approval for access by news media and non-news media representatives to department institutions and contract facilities and equipment, except as provided. (Cal. Code Regs., tit. 15, § 3261.5, subd. (d).)

Existing law requires non-news media representatives to provide proof of employment by a bona fide publication or production company, or have evidence that such a company has contracted to purchase the completed project prior to approval. (Cal. Code Regs., tit. 15, § 3261.5, subd. (d)(1).)

Existing law requires non-news media representative requests for access to departmental facilities, on-duty staff or inmates to include project and production details as necessary to determine security and operational impacts. Requires non-news media representative film productions require a California Film Commission permit, evidence of financial responsibility and general and automobile liability insurance, and Workers Compensation and Employers' Liability, as applicable. (Cal. Code Regs., tit. 15, § 3261.5, subd. (d)(2) & (3).)

Existing law provides that news media and non-news media representatives may be allowed access to security housing units and administrative segregation with the prior approval of the institution head, as provided. (Cal. Code Regs., tit. 15, § 3261.5, subd. (e).)

Existing law permits news media and non-news media representatives to conduct random face-to-face interviews with incarcerated individuals housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff. Requires such interviews to be conducted as stipulated by the institution head, including restricting the time, place and duration of interviews, and size of technical crews. (Cal. Code Regs., tit. 15, § 3261.5, subd. (f).)

Existing law prohibits an incarcerated person from participating in specific-person face-to-face interviews except as provided. (Cal. Code Regs., tit. 15, § 3261.5, subd. (f)(2).)

Existing law requires prior approval from the institution head or designee for the use of cameras or recording equipment. Permits photographs, films, or video recording of incarcerated individuals, as provided. (Cal. Code Regs., tit. 15, § 3261.5, subd. (g).)

Existing law prohibits the possession of any camera or other recording device within a facility unless specifically authorized by the institution head. (Cal. Code Regs., tit. 15, § 3261.7, subd. (e).)

Existing law generally requires a public official of another governmental department or agency who needs to interview staff or incarcerated individuals or to conduct an inspection to request permission of the institution head at least 24 hours before the date and time of their desired arrival, stating the purpose of the proposed visit. Provides that the official's access is subject to the following requirements:

- Requires the official to produce their picture identification and consent to a search.
 - Requires the official to be escorted by staff at all times within the facility's security area.
 - Requires any equipment required by the official to be searched and under the control of staff while it is within the facility's security area.
- (Cal. Code Regs., tit. 15, § 3267, subd. (a).)

Existing law provides that an elected state official's access may be denied only during an emergency with the approval of the Secretary. Provides that access by the guests or staff of such officials may be denied when they have not been previously approved by the institution head. (Cal. Code Regs., tit. 15, § 3267, subd. (b).)

Existing law provides that in cases of immediate need, and upon notification by the Secretary in writing, any prohibitions regarding access to inmates by public officials, their guests or staff may be suspended to assist in the interest of public understanding of departmental operations and responsibilities. (Cal. Code Regs., tit. 15, § 3267, subd. (c).)

This bill requires CDCR and all county and city jails in California to permit representatives of the news media to tour a facility or interview incarcerated people in person, including prearranged interviews with specified incarcerated people and individuals encountered by a representative of the news media while covering a facility tour, activity, event, or program.

This bill requires that representatives of the news media also be allowed to document conditions that exist within the prison or jail in areas that are accessible by incarcerated people.

This bill provides that during any tour or interview with an incarcerated person, a representative of the news media may use materials and equipment necessary to conduct the tour or interview, including, but not limited to, pens, pencils, papers, and audio and video recording devices. Provides that these items may be subject to search only for the purpose of protecting against an immediate and direct threat to the security of the institution. Prohibits the contents of the information that representatives of the news media collect during a tour or interview, including notes, papers, and audio and video recordings, to be reviewed or copied by representatives of the institution.

This bill requires a news media representative who desires to tour or conduct an interview at an institution to make the request prior to the tour or interview in writing to the warden, sheriff, chief or director of corrections, or chief of police or through contact with the institution's public relations office.

This bill requires staff to notify an incarcerated person of each interview request, and prohibits an interview from being permitted without the incarcerated person's consent.

This bill prohibits an incarcerated person from receiving compensation for interviews with the news media.

This bill requires staff to notify the incarcerated person's attorney of record after the warden, sheriff, chief or director of corrections, or chief of police or their designee receives a request for a tour or interview, and at least two business days prior to the interview.

This bill provides that the warden, sheriff, chief or director of corrections, or chief of police or their designee may deny a tour or interview with a particular incarcerated person if it is determined that the tour or interview would pose an immediate and direct threat to the security of the institution or the physical safety of a member of the public. Requires this notification to be given to the requestor within 48 hours of receiving the request. Requires the representative of the news media to receive an explanation of the specific reasons for the denial no later than five days after the notification.

This bill authorizes CDCR or county or city jail, in order to ensure the security of the institution, the physical safety of the public, and the efficient administration of news media interviews, to establish reasonable time, place, and manner restrictions for prison interviews, including limitations on the number of interviews per prisoner in a specified time period, limitations on the amount of audio, video, and film equipment entering the facility for the interview, and arrangements for pool interviews if the number of journalists requesting to interview any one prisoner is excessive.

This bill prohibits an incarcerated person or parolee from having their visitation limited or revoked because of a visit or potential visit from a representative of the news media. Prohibits an incarcerated person or parolee from being punished, reclassified, disciplined, transferred to another prison against their wishes, or otherwise retaliated against, for participating in a visit by, or communicating with, a representative of the news media.

This bill prohibits interviews, whether in person or via phone or video conferencing, from being subject to audio or video monitoring or recording by anyone other than the representative of the news media.

This bill defines “representative of the news media” as a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network.

This bill provides that the following persons are authorized to visit at their pleasure all CDCR facilities and county jails and meet with incarcerated people upon request:

- The Governor and all Cabinet members.
- Members of the Legislature and up to one staff member per legislator.
- Current and retired judges of the State of California.
- Members of the Committee on the Revision of the Penal Code and committee staff.

COMMENTS

1. Need For This Bill

According to the author:

The news media plays a vital role in providing information to the public and policymakers about how our government operates. California used to allow the news media much greater access to state prisons, enabling us to learn more about prison conditions. But for the past three decades, California prisons have been among the least transparent in the nation. SB 254 would restore media access to prisons so we can collect more — and better — information about how one of our largest state programs functions.

SB 254 also would apply to local jails and would bring California back up to par with other states that provide the media and public officials with greater access to carceral facilities. SB 254 would also open access for California legislators and other state officials to provide policymakers with the information they need for effective oversight.

Specifically, SB 254 would allow news media representatives to tour prisons and jails and interview incarcerated people during tours or in prearranged interviews — as long as the incarcerated person consents to being interviewed and unless the tour or interview would pose an immediate and direct threat to the security of the institution. It would also allow representatives of the news media to use video cameras and other recording devices, which are now mostly prohibited.

California prides itself on operating a transparent and open government. SB 254 will allow us to live up to that ideal when it comes to our prisons and jails.

2. Background

In 1971, CDCR adopted a regulation prohibiting media access to specifically named incarcerated individuals. This restriction was imposed following an escape attempt at San Quentin during which three staff members and two incarcerated individuals were killed. Corrections officials believed that the incident was at least partially attributable to the prior media access policy which “had resulted in press attention being concentrated on a relatively small number of inmates, who, as a result, became virtual ‘public figures’ within the prison society and gained a disproportionate degree of notoriety and influence among their fellow inmates... [and that] these inmates often became the source of severe disciplinary problems.” (*Pell v. Procunier* (1974) 417 U.S. 817, 831-32.) The regulation was upheld by the U.S. Supreme Court which found that an incarcerated person retains those First Amendment rights that are not inconsistent with his or her status as an incarcerated person and with the legitimate penological objectives of the corrections system, and the rights of the media under the First and Fourteenth Amendments are not infringed since the media can still tour prisons and talk to incarcerated individuals at random. (*Id.* at pp. 828, 835.)

In 1975, the Legislature repealed some provisions of law and enacted Penal Code sections 2600 and 2601. (Sen. Com. on Pub. Safety, Analysis of Sen. Bill 1164 (2003-2004 Reg. Sess.) as introduced Mar. 2, 2004, p. 6.) The new Penal Code section 2600 provided that during any periods of confinement, incarcerated individuals may only be deprived of rights “as is necessary in order to provide for the reasonable security of the institutions . . . and for the reasonable protection of the public.” (*Ibid.*) After this section was enacted, CDCR again allowed media access to specifically named incarcerated individuals. (*Id.* at p. 7.) For nearly twenty years, a “deprivation of rights” analysis was used to evaluate the claims of incarcerated individuals alleging that their civil rights had been violated.

In 1994, Penal Code section 2600 was amended to adopt a different test for evaluating restrictions imposed on incarcerated individuals’ rights. (*Ibid.*) As amended, Section 2600 read: “A person sentenced to imprisonment in a state prison may during that period of confinement be deprived of such rights, and only such rights, as is reasonably related to legitimate penological interests.” This change in statute prompted CDCR to issue emergency regulations in 1996 that deleted news media from the confidential correspondence authority and deleted authority for “specific person” media interviews along with the procedures that had existed to facilitate such interviews (and added language that “inmates may not participate in specific-person face-to-face interviews”). (*Id.* at pp.7-8.)

3. Pre-Arranged Interviews by Media Representatives

Current CDCR regulations prohibit an incarcerated person from participating in specific-person face-to-face interviews. (Cal. Code Regs., tit. 15, § 3261.5, subd. (f)(2).) The only exception is that an incarcerated person may participate in an interview that takes place during a visit and complies with the department's visitation policy. (*Id.*) Pre-arranged interviews by the institutions are prohibited. Journalists who would like to interview a specific incarcerated person may write to the individual and become an approved visitor to meet face-to-face or arrange a video visit, or provide a phone number to the incarcerated person where the journalist can be reached. (<https://www.cdcr.ca.gov/media-policies/>)

This bill requires CDCR and all county and city jails to permit representatives of the news media to tour facilities and interview incarcerated people in person, including prearranged interviews with specified incarcerated people. The bill permits the warden, sheriff, chief or director of corrections, or chief of police or their designee to deny a tour or interview with a particular incarcerated person if it is determined that the tour or interview would pose an immediate and direct threat to the security of the institution or the physical safety of a member of the public. The bill additionally requires notification of the denial of a tour or interview to the requestor within 48 hours of receiving the request, and the representative of the news media must receive an explanation of the specific reasons for the denial no later than five days after the notification.

This bill also permits CDCR or county or city jail to establish reasonable time, place, and manner restrictions for interviews, including limitations on the number of interviews per prisoner in a specified time period, limitations on the amount of audio, video, and film equipment entering the facility for the interview, and arrangements for pool interviews if the number of journalists requesting to interview any one prisoner is excessive.

This bill prohibits interviews, whether in person or via phone or video conferencing, from being subject to audio or video monitoring or recording by anyone other than the representative of the news media. This bill additionally defines "representative of the news media" as a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network. This definition was codified by SB 98 (McGuire, Chapter 759, Statutes of 2021) and found in Penal Code section 409.7.

4. Media Equipment

Current CDCR regulations require prior approval from the institution head or designee for the possession or use of cameras or recording equipment while within a CDCR facility. (Cal. Code Regs., tit. 15, § 3261.5, subds. (e), (g).) Cameras and recording devices are prohibited during journalists' visits with an incarcerated person.

This bill permits a representative of the news media to use materials and equipment necessary to conduct a tour or interview, including, but not limited to, pens, pencils, papers, and audio and video recording devices. This bill additionally provides that these items may be subject to search only for the purpose of protecting against an immediate and direct threat to the security of the institution. This bill also prohibits the contents of the information that representatives of the news media collect during a tour or interview, including notes, papers, and audio and video recordings, from being reviewed or copied by representatives of the institution.

5. Tours of Correctional Facilities by Specified Categories of Non-Media Representatives

Existing CDCR regulations generally require a public official of another governmental department or agency who needs to interview staff or incarcerated individuals or to conduct an inspection to request permission of the institution head at least 24 hours before the date and time of their desired arrival, stating the purpose of the proposed visit. The official's access is subject to the following requirements: the official must produce their picture identification and consent to a search; the official must be escorted by staff at all times within the facility's security area; and any equipment required by the official must be searched and under the control of staff while it is within the facility's security area. (Cal. Code Regs., tit. 15, § 3267, subd. (a).)

Regulations permit the denial of an elected state official's access but only during an emergency with the approval of the Secretary of CDCR. (Cal. Code Regs., tit. 15, § 3267, subd. (b).) Regulations further provides that access by the guests or staff of such officials may be denied when they have not been previously approved by the institution head. (*Id.*) Finally, regulations specify that any prohibitions regarding access to incarcerated individuals by public officials, their guests or staff may be suspended to assist in the interest of public understanding of departmental operations and responsibilities in cases of immediate need and upon notification by the Secretary in writing. (Cal. Code Regs., tit. 15, § 3267, subd. (c).)

This bill provides that the following individuals are authorized to visit at their pleasure all CDCR facilities and county jails and meet with incarcerated people upon request:

- The Governor and all Cabinet members.
- Members of the Legislature and up to one staff member per legislator.
- Current and retired judges of the State of California.
- Members of the Committee on the Revision of the Penal Code and committee staff.

6. Argument in Support

A coalition of press groups and open-government organizations, including the California News Publishers Association, First Amendment Coalition, California Black Media, and National Writers Union supports the bill writing:

California prisons currently are among the least transparent in the nation. But prior to the 1990s, state prisons were much more accessible to the news media, enabling the public and policymakers to know more about conditions for those incarcerated and working in jails and prisons.

In the absence of effective and impartial outside scrutiny, the public is left to rely on limited information that law enforcement is willing to release and what any individual incarcerated person or corrections employees relay. Ensuring members of the press have a meaningful process to tour facilities and conduct in-person interviews is a way to help give the public a more complete picture of issues affecting incarcerated people and workers alike.

In addition ... SB 254 will open access for legislators and other state officials, allowing them to provide policymakers with the information they need for effective oversight. This will help California's elected and appointed leaders more

fully understand the impact and effectiveness of the many decisions and changes from within CDCR.

...

Journalists require access to those who are incarcerated to properly investigate newsworthy events and tell more complete stories. For over 20 years, CDCR allowed journalists to conduct face-to-face interviews. The publication of the resulting stories helped inform the public and initiate important policy changes necessary to achieve the efficient administration of the prison system and to provide accountability for one of California's largest and most expensive public institutions. CNPA is not aware of a single incident in which a journalist's interview or use of confidential correspondence with an incarcerated person posed a threat to the security of any of California's prisons.

In addition to ensuring meaningful access to state prisons, the bill covers city and county jails. Local jails are a critically important part of the criminal legal system, and the public deserves to have a more complete picture of operations and conditions of these facilities. Importantly, the bill also directly prohibits any retaliation toward incarcerated people who speak to the media, which further increases transparency by creating conditions that help journalists do their important work of informing their communities.

Opponents of this bill may argue that interviews with incarcerated people only serve to publicize crimes or make celebrities of people serving time for serious crimes. But the public has shown, through protests and action across the country, that they demand more insight into our criminal legal system, not less. Such concerns over news coverage they may not like should not trump the public's right to information. Access is about accountability and a more complete story. Notably, many journalistic interviews are conducted to obtain information and to inform the public about the policies and procedures of the CDCR or local jails, which the public deserves to know about.

... SB 254 would accomplish twin aims bringing more transparency to one of the most crucial parts of California's criminal legal system and aiding advocates and policy makers in considering possible reforms. The free flow of information is an invaluable component – and precursor – of any effective reforms.

7. Argument in Opposition

The Riverside County Sheriff's Office writes:

SB 254 would requires state, county, and city correctional facilities to permit representatives of the news media to tour a facility or interview incarcerated people in person. SB 254 would also allow state officials to visit correctional facilities at any time and meet with incarcerated persons upon request.

Existing law and court mandates already require tours of our correctional facilities by government agencies and advocacy groups. Members of the Board of State and Community Corrections (BSCC), the Prison Law Office (PLO), as well as our

internal department's Quality Assurance Team (QAT) routinely tour and inspect our facilities. These tours and inspections ensure that our facilities are complying with applicable local, state, and federal laws, and court mandates.

Unlike the BSCC, PLO, and our internal QAT, media organizations are not regulatory agencies and have no authority to inspect or report their findings to the state and federal governments. The desire to add yet another layer of transparency falls flat because there are already rigorous and stringent policies, regulations, and procedures in place for monitoring and inspecting facilities by vested parties.

In addition, members of the media are not pre-screened, and they are not subject to a background check like representatives from those organizations listed above. Background checks are required on all those who enter our facilities to ensure they are not otherwise prohibited from entering. ...

Granting media access to areas accessed by the incarcerated population, with little to no advanced warning, poses a significant security risk because we would not have adequate time to prepare security measures to protect media personnel, the incarcerated population, and our staff. Access to these secured areas of the facility would require an increase in staffing ... needed for escorting members of the media ensuring the safety of those entering the facility. ...

SB 254 prohibits our staff from reviewing information collected during the tour or interviews ... Although most content within an interview could be considered benign, denying custody staff the ability to review that content poses a direct threat to the facility, staff, and incarcerated population. Members of the media do not have attorney-client privilege with the incarcerated population ... [and] an incarcerated person has no expectation of privacy during their custody stay. ... It is our responsibility to ensure the safety of those within the confines of our facilities. At minimum, a review of the content of the interview or recording, and the video recording of the interview in a pre-designated area of the facility should be considered. A review of the interview ensures the incarcerated person did not divulge information related to an unreported crime or incident to the interviewer. ... Disclosure of sensitive information would pose a potential security risk to the facility.

This bill would require our staff to notify the incarcerated person's attorney of record. Currently, we do not notify an incarcerated person's attorney of record when a member of the media requests a visit. Members of the media are already allowed to schedule visits with our incarcerated population. The decision to participate in that interview, or "visit," is at the discretion of the incarcerated person. We do not keep track of the incarcerated person's attorney of record, nor should we be responsible for notifying their attorney – that responsibility should rest upon the shoulders of the incarcerated person, not us. ...

"[R]epresentatives of the news media" is defined as a duly authorized representative of *any* [emphasis added] news service, online news service, newspaper, or radio or television station or network. ... [T]he definition of "news

media” is overly broad ... This definition would allow for anyone with a social media or YouTube account to claim this privilege. This ... would present substantial security risks to our facilities and staff by requiring us to allow just about anyone inside our facilities.

Although it is important to maintain a level of transparency with the public, it is also just as important to maintain the safety and security of our facilities. ...SB 254 contains language that could compromise the safety of our staff and incarcerated population.

-- END --