

Fact Sheet: Pending Changes to CDCR's Censorship Regulations

See [here](#) for the text of the changes as revised (on October 20) and [here](#) for the original regs

The California Department of Corrections and Rehabilitation (CDCr) is poised to implement proposed new rules governing materials it considers contraband. CDCr publicizes at its website that the purpose of these censorship rules is to forbid “publications that indicate an association with groups that are *oppositional to authority and society* [emphasis added].” (See [Initial Statement of Reasons](#), p. 4. Under the new rules, the CDCr could permanently ban any publications it considers “contraband,” including publications containing political content and correspondence typically protected by First Amendment constitutional rights.

What are activists inside CDCr SHU torture units saying?

- “These new proposed regulations are designed to serve one purpose and that is to censor any writings, mailings and publications that educate the public to what is actually occurring in these prisons.”
- “This is an attempt to silence prisoners and publishers whose voices have been prominent in waging struggle against prisoners’ perpetual suffering. CDCR wants to stifle prisoners’ truths and disconnect them from society at large.”
- “They want to be free to pursue the maintenance of the SHU torture units and the expansion of the prison industrial complex (and the ever-growing portion of the public’s tax dollars) without the prospect of legitimate criticism and the voice of opposition.”
- “They seek to not only halt all criticism, but also the education and political development of underclass segments of their population – particularly those who are imprisoned...They seek to control all we read, see, learn or think.”
- “Allowing CDCr to censor the content of our mail would violate not only the First Amendment but also CCR Title 15, Section 3135(b): ‘Disagreement with the sender’s or receiver’s morals, values, attitudes, veracity or choice of words will not be cause for correctional staff to disallow mail. Correctional staff shall not challenge or confront the sender or receiver with such value judgments.’”

What will the new rules do?

Expand the definition of contraband: Subsection 3006(c)(19) expands the definition of contraband to include “written materials or photographs that indicate an association with validated STG [Security Threat Group] members or associates, as described in subsections 3378.2(b)(5)-(6) ” As subsections 3378.2(b)(5) and (6) specify, this means:

- "Any material or documents evidencing STG activity such as the membership or enemy lists, roll call lists, constitutions, organizational structures, codes, training material, etc., of specific STGs or addresses, names, identities of validated STG affiliates" [sic];
- "Individual or group photographs with STG connotations such as those which include insignia, certified symbols, or other validated STG affiliates."

Possession of contraband is a disciplinary violation resulting in specific punishments. Also, it can contribute to a person being validated as a member or associate of an STG (formerly termed “prison gang”), *leading to a person's indefinite placement in solitary confinement.*

Promote confiscation, censorship, and/or permanent banning of political mail: Under the current rules governing materials considered contraband (which are still in effect until the new rules are approved) every month’s issue of the San Francisco Bay View from January to June—except February’s—was disallowed at Pelican Bay State Prison, and withheld until well after the hunger strike began on July 8. Those issues were packed with letters from prisoners explaining and discussing the reasons for the upcoming strike. Under the new rules (subsection 3134.1(d)),

however, an institution could *permanently* ban a publication in its decision to temporarily withhold it is affirmed by the Division of Adult Operations.

Further criminalize culture, historical understanding and self-knowledge, and political dialogue: CDCr views political and historical writings, as well as materials relating to cultural identity, as an indication of association with an STG. As stated above, the new rules define "written materials or photographs that indicate and association with a validated STG member or associate" as contraband.

Further criminalize correspondence overall: Subsection 3135(c)(14) adds "written materials or photographs going into or out of the prison that indicate an association with validated STG members or associates" to a list of "Disturbing or Offensive Correspondence" which may be prohibited. So, if a person's mom sends her incarcerated son a photo of his brother, and if his brother is a validated STG member or associate, the photo is considered contraband!

Further impacts for prisoners

Under current state law, media may not conduct face to face interviews with prisoners without a prison's approval. During approved tours, reporters are only permitted to speak with individuals hand-picked by officials. Incarcerated persons are not allowed to send confidential mail to journalists about prison abuses. Under the new regulations, their outgoing mail can be banned altogether. If political publications are banned, prisoners will be cut off from nonviolent organizing efforts to improve their situation. In California, where correspondence between prisoners is only allowed with institutional approval, or is punished, publications enable those suffering in silence and isolation to know s/he is not alone.

How could this affect those with loved ones inside, activists, advocates and attorneys?

Under the recently approved STG regulations that went into effect October 17, "STG suspect" is defined (under section 3000) as *any person* who, based on documented evidence, is involved periodically or regularly with the members or associates of a STG" [emphasis added]. Thus, the sheer number of items that can be considered contraband is limitless, as mail sent by *any person* who is considered an "STG suspect" —incarcerated or *not*—is apparently indicative of "an association with" a person validated as an STG affiliate. Mail and visiting privileges could be revoked for outside supporters and loved ones, in addition to any other consequences that may result. This would have the collateral effect of cutting off prisoners from direly needed contact and support and increasing their isolation.

Other resources:

- ["New proposed censorship rules mean more torture for California prisoners in solitary confinement"](#) article published in the San Francisco Bay View
- ["Stop Prison Censorship!"](#) article published in the San Francisco Bay View

Public hearing date is November 10, 2014.

Please submit comments no later than 5 PM PST on 10/10 via our [action page](#) or to:

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