COMMENTARY

Censorship, Surveillance, and Higher Education in Prisons

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Since the launch of the Department of Education's Second Chance Pell experimental sites initiative in 2016, there has been a massive growth in the number of higher education in prison (HEP) programs. With the full restoration of Pell grant eligibility for students in prison having taken place on July 1, 2023, we will likely see college programming continue to grow in the coming years. However, colleges that operate within prisons are subject to oversight by the relevant Department of Corrections (DOC), and, in many cases, undergo the same or similar media review procedures as people receiving mail or books from outside their facility. With reading lists and syllabi subject to review and approval by DOC staff, it is of paramount importance to understand how prison censorship policies intersect with the intellectual freedom that is required for a true, high quality college education. Based on research conducted by Ithaka S+R, we offer here some key observations on the policy landscape in which HEP programs operate and how instructors navigate this censorious learning environment.

Policy

Policies and procedures vary widely across, and in some cases within, departments of corrections (DOC) at the state level (Pokornowski, Tanaka, and Epps 2023). This puts higher education in prison (HEP) programs, and their students, in a uniquely tenuous position. While mandated programming—such as high school education, GED classes, and vocational training—is directly integrated into institutional policies and procedures, HEP programs face novel challenges across institutions (both the DOC and their own college or university) and within each given system and at each facility. DOCs often have the final say on what educational materials are allowed into a facility and an active role in determining when, where, and how HEP students access educational materials and technology. This raises a variety of censorship concerns and suggests that ensuring equitable education between students who are incarcerated and their peers outside the carceral system will require novel interventions.

Restrictions on the material construction of publications—such as bans on oversized books, hardcover books, and publications with metal bindings—and the vendors they can be purchased from disproportionately impact educational materials, especially in STEM and the social sciences, where workbooks, textbooks, and lab manuals may only be available in formats that do not meet institutional guidelines (Alabama 2008).[1] Moreover, restrictive policies around specialized equipment, software, and technology make consistently providing STEM education particularly challenging, given the lab, equipment, and software such classes often require. While several policies restrict and limit access to

1. Our analysis found 42 of 51 DOC policies have a clause limiting the purchase or receipt of publications to some combination of publishers or verified distributors, for an example, see State of Alabama Department of Corrections 2008.

publications, media review policies do not include provisions protecting rights to privacy or intellectual freedom.

Publications are also subject to censorship based on their content (PEN America 2019). Existing media review directives provide DOCs with wide censorship latitude—a necessity, given that these policies must serve systems of facilities with different local sizes, staffing, security levels, populations, architectures, and available programs.

However, this wide latitude can lead to both arbitrary enforcement and systematic misuses of censorship guidelines, in some cases banning entire academic subdisciplines (Hricko 2018; Onyenacho 2020). Policies prohibiting content that might upset the "security, discipline, and good order" of a facility, as well as those mandating a rehabilitative purpose to materials, can be especially problematic for instructors wishing to cover a wide range of issues. For example, Critical Race Theory and scholarship grappling with structural racism are frequently subject to censorship, as are texts that address or portray violence, military strategy, sex, sexuality, drug or alcohol use (Nickeas 2019; Illinois Department of Corrections 2019, 4).[2] This suggests that students subject to such censorship may receive a limited view of history, culture, and scholarship, one that obscures major social issues, historical moments, and political debates. This makes prison censorship an educational equity issue and a reentry issue, as well.

Practice

For practitioners, i.e., those teaching college courses within prisons and jails, navigating these policies can be extremely fraught as they seek to provide students with an equitable and high-quality education while staying on the right side of the DOC's good graces. From our conversations with dozens of practitioners and program directors, it is clear that maintaining good relationships with the facility is critical for program success, but this can also mean making uncomfortable compromises.[3] Changing syllabi, switching out readings, avoiding or skipping specific chapters or subjects may be necessary to gain DOC approval, and college programs are rarely in positions to object. The overall effect of teaching college courses in such a surveilled and censored environment can mean that students on the inside are not receiving an education that is equivalent to those in the free world.

Over the lifetime of an HEP program, years of slowly building trust may minimize these issues, indeed, some college programs undergo little to no scrutiny of their course content at all. However, with the growth of college in prison programs expected from the restoration of Pell grants, we cannot wait years, or even decades, for new programs to build this trust, especially when it means students will be spending down their lifetime allotment of Pell funds in the interim. While Ithaka S+R has undertaken research to document the effect of DOC media review policies on instructor practice and educational quality, much more work must be done to understand the actual impact of prison censorship on educational outcomes.

Concerns Over Technology

Even long running HEP programs are grappling with the fast-evolving role of technology in prisons (Tanaka and Cooper 2020). While access to technology is critical to teach digital and information literacies, the ability for staff to monitor and track instructor and student activity through technology—search histories, site visits, etc.—raise additional concerns about the potential for surveillance and self-censorship (Pokornowski 2023). Indeed, whereas analog delivery modes mostly constrained DOC surveillance to syllabi and reading assignments, new technologies can make in class discussions and communications between instructors and their students similarly visible. Again, the field is only at the beginning of trying to document the effects of this new means of surveillance on students' and instructors' intellectual freedom.

Conclusion

Because HEP programs exist at the will of the Department of Corrections, their ability to resist DOC censorship and surveillance is heavily constrained. Many choose to prioritize their relationship with the DOC to continue serving their students. It is then incumbent on the wider community to document the effects of censorship and surveillance and advocate for better policy and oversight. It is often stated, anecdotally, that HEP programs increase safety and security, and positively change the overall culture of a given facility. Research that backs up these claims is, however, limited (Pompco et al. 2017). One important place to start, therefore, may be to show that intellectual freedom is not a threat to security but a critical component of it.

2. One of the most visible controversies surrounding this was an Illinois prison that paused educational programming and banned over 200 books, especially relating to Black History and Critical Race Theory, from a prison library because of their connections to race, for more see Nickeas 2019.
3. The full findings of our research will be published in a report forthcoming from Ithaka S+R in 2024.

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