Open for Who?
Reality of Knowledge Access in the Prison Industrial Complex
sam hidde tripp

DEFINING OPEN

The open movement "seeks to work towards solutions of many of the world's most pressing problems in a spirit of transparency, collaboration, re-use and free access."[1] An arm of the free-culture movement, it includes data, educational resources, art, technology, source software, and more. Simply put, content is open if it can be "freely used, modified, and shared by anyone for any purpose."[2] This is, in theory, a radical redistribution of power. Growth in open access scholarship and open educational resources (OER) helps educators, students, independent researchers, and other lifelong learners. The latter is a phrase many librarians are familiar with—but how are lifelong learners cultivated in closed environments with limited access to technological innovation?

Individuals experiencing incarceration are subject to "acceptable" levels of censorship because this lack of information access and intellectual freedom is seen as part of their punishment. In addition to being incompatible with my own abolitionist views on the prison industrial complex (PIC), the lack of access to technology and literal policing of what one can and cannot learn is in opposition to key aspects of reformist philosophy as well. It's logically inconsistent to promote education as rehabilitation while also obstructing it.

POSITIONALITY

I work in California (Fresno) directly with students, professors, and other prison education facilitators through the partnership between Fresno State and California Department of Corrections and Rehabilitation (CDCR). My opinions are informed by this in addition to research from other scholars, organizations, and institutions. Given CDCR's adoption of the rehabilitative "California Model," other states' restrictions will vary.[3]
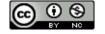
POWER IMBALANCE AND ASSUMPTIONS OF MUTUAL INCLUSIVITY

There continues to be confusion between "free," "accessible," and "open" resources; they are not interchangeable. False equivalency can lead to a devaluation of progress and possibilities with open access, which is why its value is most apparent when applied within professional and institutional environments like academia.[4] Trends toward OER are a welcome combatant against the growing inequity of knowledge access. Naturally, academia has issues of exclusion; it's still an institution. OER are almost exclusively promoted within academic bubbles, with the educator incidentally made information broker, a middle-person between knowledge and knowledge-seeker.

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Small victories are still worth noting; for example, free textbooks can be a godsend to students as the cost of living in general is becoming untenable, and this is potentially a deciding factor for whether a student can continue their education at all. Yet small victories just aren't enough, especially in a political landscape that continues to move rapidly towards the monopolization of knowledge access and retrieval. While I don't feel comfortable calling educators the same as corporate monopolies, a power dynamic is at play which echoes this structure and is grossly amplified in a prison environment. Knowledge is something provided, and one has limited choice on what is available and how to get it. This should provoke discomfort and introspection in all of us.

By keeping institutionalized instructors at the center of information creation and dissemination, the agency of disenfranchised and justice-impacted learners is further and disproportionately disrupted. Freedom of information cannot exist this way, so if we truly desire the movement to be as accessible as possible, we need to move toward decentering ourselves as educators and information professionals when it comes to access. Proponents of "open" should instead focus on issues of direct and equitable access to these resources, including the removal of barriers and the need for "information brokers." A lack of internet is the most obvious barrier to PIC-impacted individuals.

INTERNET

Too often the issue of reliable internet access is left out of the conversation despite OER's dependence on it to be effective, and it has been frustrating to see advocacy be limited by perceived accessibility. The assumption persists that, because internet is generally widely available, it's available to everyone, everywhere. Learners living in rural and remote environments, those who are housing insecure, and those with limited access to specific websites based on the country they reside in, in addition to those within the PIC, are consequently left out of the OER conversation.

Within the PIC, internet access is denied, despite internet being globally recognized as a human right.[5] Instead, prison intranet is how scholars might achieve monitored access to coursework or communicate with loved ones through library computers or approved personal devices, such as laptops and tablets.[6] Library computers and tablets do not have internet access, instead relying on a closed connection ("intranet") of approved sites and apps. An example for a library computer would be LexisNexis, whereas the tablets offer access to pre-approved media streaming and video calling; video calls, however, cost 20 cents per minute and still follow the same restrictions as a phone call, including a 15-minute time-limit.[7] Laptops do have some access to approved educational sites but are limited to students officially enrolled in "face-to-face college programs."[8]

Regardless of how much one can access in prison, it's absolutely not "open." While one can understand the reasoning behind barring certain types of sites like social media, heavily scrutinized access to news, creative outlets, and scholarship is baffling. Having access to information and technology is a means for individuals to exercise self-agency, re-establish a sense of normalcy, and is linked to better outcomes once released.

We know that education reduces recidivism. A Texas Department of Education Study found that a bachelor's degree brings recidivism down to 7.8%, compared to 43% of the general population.[9] A 2023 study affirmed that education and technology access reduce the rate that people return to prison.[10] Yet a report from Families Against Mandatory Minimums found that computer access is oppressively limited, which "harms rehabilitation in two ways: First, it prevents prisoners from

taking high-quality and affordable educational courses online, and, second, it prevents them from keeping up with computer technology, which is necessary in many jobs."[11] Denying access is demonstrably counterproductive to rehabilitation.

Workarounds for unreliable internet include saving resources to personal devices or printing physical copies during periods of internet access. This assumes two things: 1) learners can connect to the internet at all, and 2) they can otherwise access a computer or printer. While educators can routinely access computers, printers, and the internet, students within the PIC routinely cannot. Usually educators print and distribute copies, though students who are permitted a laptop for the duration of their degree can also access curated PDFs through Learning Management Systems (LMS) (e.g., Canvas). LMS access is also modified and surveilled via a prison's intranet system. In addition to needing faculty and librarians as middle-people, everything must first be reviewed and ultimately approved by prison administration. While these workarounds provide valuable resources that are otherwise unavailable, we cannot continue to call them "open," especially in terms of access.

ARBITRARY ENFORCEMENT

There has been progress when it comes to individuals' digital resource access. In addition to law library resources, CDCR has approved modified access to EBSCO, with JSTOR access forthcoming.[12] Users must put in requests to librarians in order to view articles, even if they are marked "open access," who then pass the approval on to administration. Once approved, anyone at any CDCR facility may access it. This does not solve information access issues for non-enrolled learners and knowledge-seekers, as requests from those enrolled in a formal education program are prioritized over the independently curious. It also takes time to filter requests through the required channels, which can be especially cumbersome given that requests are also limited to a set number of articles per inmate per week. Just as on-campus students may find an article doesn't fulfill their needs only after reading it, students within the PIC can run into similar frustrations. The difference is that the former can formulate a new search and access articles instantly, whereas the latter must begin the process all over again and wait.

Most egregiously, items have been reportedly flagged—despite librarians' expertise and approval—because of administrative disagreements of the material. Once, a request was denied because it showed an anatomical illustration of a woman's body; the article was for an assignment about human anatomy. It was flagged as pornographic despite anatomical reference being an explicit exception within the California Code for contraband—although there is also the caveat that all exceptions are made at the discretion of "the institution head or their designee."[13] Vague determinations of what has "value," coupled with inconsistent code enforcement, is not an oversight but rather an explicit part of perpetuating digital inequity. Resources become available only to those willing and able to be further embedded into institutional restrictions; meanwhile, the anticipation of being denied inhibits curiosity, self-actualization, and intellectual discovery.

TENUOUS PROGRESS

CDCR partners with various institutions —including my own— to provide programs and reduce the cost to students within PIC who want to pursue higher education. Having personally interacted with justice-impacted students through my university, education access is deeply important and often personal. I cannot help but worry, however, about how quickly programs like this can be taken away due to lack of political will or funding to support students who would not have the resources otherwise.

Many incarcerated students are now eligible for a variety of federal and state grants, but this funding is in a volatile position that requires steady advocacy to strengthen and maintain. For example, Pell Grant eligibility has only been returned to incarcerated students as of 2023, after 30 years of being ineligible.[14] Pell Grants are "the foundation of a student's financial aid package," and without them, many students would not be able to attend university, which would reduce or remove access to the technology and tools necessary for both formal and self-education.[15] For students within the PIC, access to technology and educational resources is contingent on their ability to attend approved educational programs. Education is dependent on the politics du jour, and current uncertainties make it difficult not to be concerned about students within the PIC being left further behind.

REFLECTIONS

The delicate nature of education access—which becomes more enmeshed with and inseparable from technology access every day—highlights another important detail for us to consider: that this access, by nature of being at the discretion of the state, cannot be truly open, since it's contingent on whether or not an individual has "earned" it. I believe in the impact of CDCR's and other state correctional departments' provision of education and expansion of resources. I also believe it should not be a "reward" that is "provided" or "earned," but rather truly open and unconditionally accessible for all—no permission needed—and that greater accessibility has greater impact. Squeaky wheels get the grease, and advocates need to collectively take a louder stance on knowledge access in prisons.

This is not a screed against the open movement; on the contrary, OERs and open pedagogical practices are necessary steps to promoting the freedom of information, especially in the wake of commercial monopolies that make users the product being bought and sold. However, we need to acknowledge limitations in order to appreciate the full potential of openness as an equalizer, a philosophy and practice that promotes information equity. When discussing the progress and benefits of the movement, conversations tend to fall short for those whose access is prohibitively restrictive. The inherent policing of what learners are and are not allowed to know should concern all of us, and the arbitrary enforcement of what is already restricted and conditional access should never be left out of the "open" conversation.

This is a warning about the consequences of accepting information inequity as punishment, barely scratching the surface of barriers faced within the PIC. When we promise to be advocates—for intellectual freedom, for rehabilitation, for anything—we are obligated to meet that promise. This includes working towards unfettered access to information for everyone, and I hope more librarians take this professional obligation seriously. Above all, I hope this is an opportunity for introspection, a thoughtful provocation to think beyond our own accessibility and become better advocates for *all* life-long learners.

ENDNOTES

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