



Collection Development and Circulation Policies in Prison Libraries: An Exploratory Survey of Librarians in US Correctional Institutions

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COLLECTION DEVELOPMENT AND CIRCULATION POLICIES IN PRISON LIBRARIES: AN EXPLORATORY SURVEY OF LIBRARIANS IN US CORRECTIONAL INSTITUTIONS

Suzanna Conrad¹

Prison libraries have traditionally fulfilled many purposes for their incarcerated patrons, and these libraries often carry a diverse collection to serve varied patron needs. However, during the trial of Steven Hayes for the Petit family murders, the prosecution questioned the collection development policies of the institutions where Hayes had previously been incarcerated, requesting the reading lists in efforts to prove that his salacious choices in literature fueled his crimes. This request by prosecution brought two major issues into question, including (1) the collection development policies of US prison libraries and (2) the question of patron privacy in prison libraries. This article investigates current prison library policies on collection development and confidentiality of patron borrowing records through an exploratory survey of seventeen librarians currently working in correctional institutions throughout the United States. Their responses detail collection development policies in the prison library and present the ambiguity for handling the confidentiality of patron borrowing records.

Introduction

What books should be accessible to prisoners? This controversial question emerged in mass media and among public officials after prosecutors demanded the prison reading lists from parolee Steven Hayes, who was convicted of arson and the capital murder, arson, kidnapping, and sexual assault of three members of the Petit family in Connecticut in the summer of 2007. These reading lists were to be made available for jury review, as

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Hayes reportedly read books of a criminally malevolent nature during imprisonment prior to the crime [1].²

Hayes's reading lists have instigated questions from many, including state senator John Kissel, who requested access to the library selection policies in prisons from the acting commissioner of the State of Connecticut Department of Corrections [2]. Associated Press, under the state's Freedom of Information Act, obtained lists of prison library holdings and revealed that inmates had access to true crime books and works of fiction depicting murder and graphic violence, with no restrictions based on the readers' criminal history [3].

In practice, prison libraries serve a specific and special constituency; however, certain ethical principles especially relating to fair information practices should be considered in any library regardless of the status (or crimes) of its patrons. In June 2010, the ALA adopted a revised "Prisoner's Right to Read," which outlined prisoners' rights to intellectual freedom with a few restrictions on materials that could threaten the safety of the correctional institution [4]. Aside from the exclusion of these specific materials for security purposes, censorship is discouraged in this ALA policy statement. Public officials such as Kissel, however, assert that titles such as *In Cold Blood* or other true crime books are not appropriate in a prison library [5]. As with any attitude of censorship, this landscape can quickly become a slippery slope. *In Cold Blood* and many other crime novels or novels of any genre (including award-winning fiction and nonfiction) contain violent acts and violent language. Where should the line be drawn between protecting the institution and censoring? Prison librarians are already faced with the dilemma of abiding by correctional institutions' policies and at the same time adhering to the policies of the ALA. Since no resolution has been reached as to whether or not *In Cold Blood* or similar books should be banned from Connecticut prisons, Kissel has met with the Department of Corrections in Connecticut to request that they revamp their library policy, and it is implied that works of this nature may be excluded in their forthcoming policy [6]. Some bloggers view this as excessive, asserting that books are not dangerous, nor is reading [7], and that prisoners can view violent materials in the newspapers and on TV in the prisons. Banning books therefore does not prevent access to violent material [8]. Other blogs acknowledge the effect this case will have not only on prison library policy but also on prison policies in general [9].

Furthermore, the fact that borrowing records were even maintained long-term at the institution after items or books were returned presents a

2. The titles of these books have not been made public but many hypothesized that he read violent novels or even something of higher literary standards such as *The Girl with the Dragon Tattoo*, by Stieg Larsson, or Truman Capote's *In Cold Blood* [1].

potential contradiction of the ALA's "Policy on Confidentiality of Library Records." Within this policy, circulation records, including records of items borrowed, are to be held confidential [10]. The existence of these records for usage in a court case draws attention to a potential violation of the above-mentioned ALA policy as well as the Federal Trade Commission's "Fair Information Practice Principles" [11].

The policies of correctional institutions' libraries within the United States were investigated in the scope of this exploratory case study in an attempt to understand (1) the purpose of the prison library and how its collection development policy adheres to that purpose, and (2) how circulation records, including borrowing records, are handled in the prison library and who has justifiable access to those records. This study explores the policies and practices of libraries in correctional institutions in the United States to determine differences between access to materials appropriate to the population and approaches toward retention of circulation records. Issues and practices are highlighted in these institutions that may contradict ALA policies and may present potential violations of constitutional rights to intellectual freedom.

The Purpose of the Prison Library

Correctional institutions addressed in this essay are those as defined by the *Library Standards for Adult Correctional Institutions* and include "prisons, penitentiaries, classification and reception centers, correctional institutions, treatment centers, prerelease units, work camps, boot camps and shock incarceration centers" [12, p. 1]. The purpose of a library in a correctional institution is multifold: to support the institution's educational mission; to address recreational reading needs of the inmates; to support rehabilitation; and possibly to serve as a legal reference center [13, p. 79]. According to the above-mentioned *Library Standards for Adult Correctional Institutions*, all inmates should have access to prison libraries regardless of sentence, security designation, or placement in the institution, and these rights are generally only restricted when library regulations have been violated. The prison library should address the inmates' requirements for information on institutional policies; enable inmates to maintain contact with the outside world; enhance vocational skills; provide educational material; support rehabilitation; provide reading materials for personal enrichment or recreation; and provide information on reentering the community after parole. Library materials are defined to include books, magazines, newspapers, audio, video, microform, software, and any other available technologies [12, p. 11].

Many standards and guidelines for prison libraries encourage services

to be included that closely emulate the services and selection in a public library. According to the American Correctional Association,

the institution's library service should be comparable to a public library, providing the following: logical organization of materials for convenient use; circulation of materials to satisfy the needs of users; information services to locate facts as needed; a reader's advisory service that helps provide users suitable materials; promotion of the uses of library materials through publicity, book lists, special programs, book and film discussion groups, music programs, contests and other appropriate means; a congenial library atmosphere; and audio-visual materials for educational and recreational purposes. The reference collection is vital, particularly specialized materials such as reintegration, survival, prerelease, vocational and educational information. [14, p. 113]

Essentially, the jail population is just another patron segment worthy of library service [15, p. viii]. Other sources conclude that not only should the prison library serve the purpose of a public library, it should also include services one might find in a school library and a law library as well [16, p. 62]. Ultimately though, the library services are intended to "ensure the inmates' rights to read and their right to free access to information" [12, p. 10].³ In much of the literature, it is recommended that the library and prison make efforts to work together to ensure that security priorities are not breached.

While it may be ethically logical that prisoners receive similar services to those received by public library patrons, what happens in reality in prison libraries may be in conflict with these principles. Restrictions such as space, financial limitations, or even restrictions imposed by the prison administration may prevent a service that would truly emulate public library service. Anything viewed as a threat to the security of the correctional institution may in some cases be banned from the libraries—that is, materials providing instruction on lock picking or gunsmithing, items with graphic sexual passages, and ethnic materials [15, p. 44]. At times, lack of understanding regarding the availability of library services has caused hostility between librarians and correctional institution employees [16, p. 63]. However, these restrictions and issues of communication or understanding do not necessarily have to oppose the prisoner's right or need to read. Librarians have an obligation to provide service to "every member of society" regardless of his or her personal circumstances [13, p. 58], and the responsibility to stimulate reading interests of patrons is a fundamental duty of

3. Furthermore, the following ALA documents are listed as relevant for guidelines: (1) Library Bill of Rights (1948; r. 1961, 1980); (2) *Resolution on Prisoners' Right to Read* (1982); (3) "Policy on Confidentiality of Library Records" (1971; r. 1975, 1986); (4) Freedom to Read Statement (1953, r. 1972, 1991); (5) Freedom to View (1979).

the library [17, p. 36]. The collection is intended to focus on the needs of the patrons and is not necessarily required to fulfill the goals of punishment or rehabilitation in every case.

The public and many times the prison administration may see the library as a means to make the prisoner's sentence less miserable, thereby conflicting with the idea of punishment for crimes committed [17, p. 19]. Incarceration does not, however, always have to be "long and hard," and library services can create a "kinder philosophical approach" to an already miserable situation [18, p. 28]. According to Robert Stearns, "the entertainment media has fostered the image of the prison library as a place where books are read by sinister characters in order to achieve nefarious goals" [16, p. 50]. According to Larry Sullivan, the prison library, nevertheless, has many positive ideals, in addition to possibly offering prisoners intellectual escape from the atrocities of prison life [19, pp. 113–14]. Many inmates struggle with literacy, so library access is a much needed service, "not a mere indulgence" [16, p. 65]. Reading as an activity can bring tremendous benefits to inmates, including helpful ways to use their time, rehabilitation, education, and helping with the transition back to the outside world. As Elizabeth Jahnke and Laura Sherbo state, "We are only interested in how we can help them with their information needs. We provide secure places where people who have lost their freedom are still entitled to intellectual freedom" [20, p. 23].

The ALA also endorses the principle that prisoners should have the right to read, first published in their 1982 *Resolution on Prisoners' Right to Read* as an appendix in the ASCLA's *Library Standards for Adult Correctional Institutions*. The statement, released in support of California Penal Code Section 2601(c), asserts that "prisoners have the right: to purchase, receive, read, and permit other inmates to read any and all legal materials, newspapers, periodicals, and books accepted for distribution by the United States Post Office, except those which describe the making of any weapon, explosive, poison, or destructive device" [12, p. 28]. In the interest of the policies of the correctional institution, this resolution does not limit the prison's right to open packages or establish limits on the number of papers, magazines, and books in an inmate's possession [12, p. 28]. The ALA thereby acknowledges limitations on inmates' rights in comparison to public library patrons. These limited rights are further apparent in *Turner v. Safley* and *O'Lone v. Estate of Shabazz*,⁴ which established precedent that prisoners' first amendment rights could be limited if this restriction was related to "legitimate penological interests."⁵

4. *O'Lone v. Estate of Shabazz*, 482 U.S. 342 (1987); <http://supreme.justia.com/us/482/342/case.html>.

5. *Turner v. Safley*, 482 U.S. 78 (1987); <http://supreme.justia.com/us/482/78/case.html>.

This section has addressed the policies in prisons in the United States; however, insight can be garnered by European institutions who have more recent and frequent publications regarding the issue of prison library services. Specific resources that may be of interest include Joanna Locke and Nancy Panella's *International Resource Book for Libraries Serving Disadvantaged Persons* [21], F. Kaiser's 1992 and 1995 releases of the *Guidelines for Library Services to Prisoners* [22, 23], Phyllis Dalton's review of prison library services from 1986–87 [24], and Vibeke Lehmann and Joanne Locke's *Guidelines for Library Services to Prisoners* from 2005 [25]. Furthermore, reviewing the resources in the Library Services to People with Special Needs (LSN) section from the International Federation of Library Associations and Institutions (IFLA) may be helpful to understand policies from some UK and European correctional institutions [26]. Gerald Bramley also frequently compares US and UK prison library policy, especially collection development and censorship policies [13, pp. 58–69].

Right to Intellectual Freedom

The ALA and also US legislative bodies affirm a right to freedom of expression and thereby intellectual freedom for prisoners in various publications. In ALA Action no. 2, intellectual freedom of all individuals is addressed as a basic right according to the US government's 1st Amendment and the United Nations' Universal Declaration of Human Rights [27]. Furthermore, all individuals are professed to have the "right to seek, receive, hold and disseminate information from all points of view, without restriction including those ideas that might be highly controversial or offensive to others" [27]. With this concept, intellectual freedom forms the basis of a democratic system, and while one might argue that prisoners have forfeited their democratic rights, the ALA's inclusion of the "Prisoner's Right to Read" within the *Intellectual Freedom Manual* [4] asserts a commitment to intellectual freedom for prisoners despite their incarceration. A further example of this commitment to providing intellectual freedom to prisoners is evident from the 2009 "Resolution on Guantanamo and the Rights of Prisoners to Read," in which the ALA urged that the prisoners of Guantanamo Bay's prison in Cuba be "afforded the right to read and supplied with materials enabling them to do so by the United States Department of Defense and its libraries" [28].

Even John Stuart Mill cited an inappropriateness of federal or state involvement in the process of creating opinions as early as 1869 by asserting that law and authority have no business restraining freedom of opinion [29, chap. 2]. According to the *Newsletter on Intellectual Freedom* from ALA, information and ideas from outside the prison are essential for prisoners

to make a transition to freedom after release, as “learning to be free” requires knowledge, and suppressing ideas serves no purpose in preparing the incarcerated for living “in a free society” [30, p. 192].

In agreement with ALA policies, judicial bodies have upheld rulings in favor of the right of expression when there is no threat to prison security; for example, in *Sostre v. Rockefeller* (1970), in which the courts would not tolerate infringement of a basic right of freedom of speech [31, p. 65]. Similarly, in the California state case of *Harrell* from 1970, the ruling stated, “even persons who have committed anti-social acts warranting their imprisonment may derive greater rehabilitative benefits from the relatively free access to the thoughts of all mankind as reflected in the published word than they would derive from a strictly controlled intellectual diet.”⁶ Associate Justice of the US Supreme Court Thurgood Marshall also asserts that prisoners maintain a right to intellectual freedom and expression of opinion: “When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded. If anything, the needs for identity and self-respect are more compelling in the dehumanizing prison environment.”⁷ In her investigation of practices in prison libraries from 1974, Marjorie LeDonne similarly references the inability and lack of success in attempts to control the exchange of ideas [32, pp. 45–46]; attempting to control the prison population by suppressing ideas or information only creates added weight for interest in that specific idea or information as it receives an “aura of unanswerability” [33, p. 53].

Confidentiality of Records and Collection Development Policy

While prisoners may have limited rights for access in comparison to public library patrons, despite established rights to intellectual freedom, it is unclear what a prisoner’s rights are in terms of confidentiality of library records. The ALA’s “Policy on Confidentiality of Library Records” clearly states that circulation records, including patron borrowing records, are confidential and that a librarian should be advised not to make records available to any authority except when process, order, or subpoena exists: even then, the librarian should resist enforcement of any such order until a showing of good cause in a court of law can be provided [10]. Furthermore, many public libraries consistently destroy patron borrowing records

6. In re *Harrell*, 2 Cal. 3d 675 (1970); <http://scocal.stanford.edu/opinion/re-harrell-22731>.

7. *Procunier v. Martinez*, 416 U.S. 396 (1974); <http://supreme.justia.com/us/416/396/>.

when a book is returned, so the question of whether or not prison libraries should observe a different practice remains. Moreover, what right do the courts (or any other authority) have to these records?

The initial focus of this research centered on whether or not patron borrowing records in prisons are treated with the same confidentiality as those in a public library, but the selection of reading materials in prisons is also important within this discussion. Much literature has already been written on this topic with frequent reference to the public library as an example for the prison library collection. Brenda Vogel, in her *Prison Library Primer*, frequently asserts that there should be no apparent differences between public and prison library service; nevertheless, she acknowledges the difference between the ideal and actual situation in prison libraries [33, p. 18]. According to the Association of Specialized and Cooperative Library Agencies (ASCLA), materials that should be available in a prison library include books, magazines, newspapers, audio and video collections, and software [12, pp. 23–24]. The library is expected to maintain a collection management policy in written form, which defines the criteria for selecting and managing library collections. This policy should address ethnic identification, ages, aptitude, languages, materials supporting community reentry, reference and similar materials, the acquisition and collection removal processes for requested or contested materials, security requirements, and procedures for weeding outdated and unnecessary items [12, p. 23]. Linda Bayley, Leni Greenfield, and Flynn Nogueira also assert this need for a materials selection policy, including the library service goals, intended patrons, stances on donations, selection criteria, and available formats [15, p. 55]. Vogel asserts that a concisely authored collection development policy can “effectively protect a librarian and the collection from correctional staff and outside intrusion” [33, p. 44]. Selection is often based on age, race, and sex, with the library treating the prison patrons as a “cross-section of American society” [34, p. 20]. The librarian is not to assume that inmates are at the same reading levels; rather, he or she should find a balance that fulfills all reading levels. This balance can be found by collecting feedback from inmates, which in turn will encourage them to read [34, p. 21].

Considering the inmates’ preferences as part of the collection development process can at times be considered controversial. Collection development and intellectual freedom issues are difficult ones in a prison or correctional institution [35]. While many would advocate the inclusion of high literature, many prison readers are more interested in reading prison fiction, which may describe murders, racial incidents, and potentially offensive topics [34, p. 36].

As a general rule, most prisons and correctional institutions exercise the right to control the library selection in the interest of maintaining the

security of the facility. For example, the Federal Bureau of Prisons continually reviews literature and compiles lists of approved readings, also removing works that could be deemed as provocative or could threaten security [36, p. 703]. Various authors reference the idea of at least a light form of censorship in prison libraries. Most issues of censorship are reported to be related to content: specifically, these books or reading materials may threaten security, could “aid in escape or criminal behavior,” include “explicit or deviant sex,” or include “materials promoting hatred or violence against certain groups” [35, pp. 53–54].

Censorship issues are reported in much of the related literature with authors representing contrasting viewpoints. Amy Mark reports that some books are censored for safety reasons other than the security of the institution; for instance, instructional tattoo books, KKK, or violent Nation of Islam materials. She reports that some patrons have various restrictions; that is, sex offenders may have limitations placed on their reading [37, pp. 103–4]. Bramley lists excluded works such as “anti-social” westerns, detective novels, newspapers with reports of violent crime, political works, medical literature, books with graphic sex scenes, and sometimes even martial arts, “introspection” works, and information on psychology [13, pp. 91–92]. According to Herman Spector, “books which reflect morbid, anti-social attitudes or behavior, or disrespect for religion and government and other undesirable materials are not purchased” [38]. Other authors, such as Linda Bayley, Leni Greenfield, and Flynn Nogueira, assert that censorship as a policy is unacceptable; rather, controversial items should be considered individually. Criteria listed for this selection include fulfilling patron requirements, delivery for appropriate reading aptitudes, current library educational programs, circumstances of the specific institution, materials for specific ethnic populations, and so forth [15, pp. 99–100].

A contradiction and challenge for prison librarians is serving the patrons’ interests while still respecting the institution’s need to control security and the impulse to control or monitor prisoners’ reading materials. Prison classics such as those from Iceberg Slim and Donald Goines have been pulled from shelves in some prison libraries because of violent and criminal themes; nevertheless, these and similar titles are often the most frequently borrowed books in the prison library collection [39, p. 31]. According to Dick Coolidge, Director of Library Services for thirty-two of South Carolina’s institutions in 1995, these books are “streetbooks, rough books. They come from a publisher called Holloway House and most prison libraries buy them. They’re probably the most frequently read books we have” [40, p. 128]. Mark reports that Oshkosh Correctional also carried multiple copies of these books, as Slim and Goines were the two most popular writers for readers in correctional institutions, despite the banning of their books in many prisons [37, p. 103]. Librarians, while charged with providing

literature for rehabilitation, must often also consider inmates' recreational reading needs as well [16, p. 66]. Ultimately, the prison librarian faces the professional dilemma of adhering to the policies of the institution and the "Library Bill of Rights" from ALA.

Methodology

As the issue of collection development policies in prison libraries was at the forefront of the Hayes trial and the subsequent Associated Press investigation, the following research question regarding collection development policies is addressed: What types of materials should prisoners have access to in prison libraries? However, another issue may be of more importance in regard to fair information practices in this discussion—specifically, the following research question: Does the ALA's "Policy of Confidentiality of Library Records" apply to prison libraries, and, if not, What ethical implications does the exclusion of these policies have for the field of LIS and prison librarianship?

Design

The research design consisted of a combination of an online survey and an exploratory case study analysis of current prison library policy documents from multiple correctional institutions. While all of the information presented in the literature review proactively suggests that a collections development policy is recommended in all prison libraries and that prison libraries should, in essence, emulate the service of a public library, most of the guidelines from the ACA and the ASCLA are at least two decades old. In order to understand if policies still adhere to these guidelines and also to initially understand how librarians and library staff are handling the privacy of patron circulation records, an online survey was created and administered November 11–25, 2010. The primary vehicle for reaching out to prison librarians in the United States was through the prison listserv from ALA. In addition, prison librarians who were found via prison library blogs, on LinkedIn, or other social networking sites were contacted to encourage participation. In total, eighteen responses were received, one of which was excluded, as it was from a librarian in the United Kingdom, and the policies of UK prison libraries have not been addressed in this article aside from brief references in the literature review. Additionally, all participants were encouraged to send policy statements (if available) under separate cover. Seven participants forwarded either collection development statements or circulation policy statements or both. These policies were reviewed one by one to determine adherence to ALA guidelines. Because the survey sample size is small and the interview process was limited to a

brief online survey, the presentation of this research should be viewed as an exploration of the current issues of collection development and circulation policies within prison libraries and as a potential basis for further in-depth research.

Participants

Seventeen results from librarians and library staff from ten states were analyzed as part of the survey. Reporting states included Colorado, Connecticut, Maryland, Massachusetts, Minnesota, Montana, North Carolina, Utah, Washington, and Wyoming. Participants were employed in institutions with as few as 300 inmates and as many as 2,000. Some of the participants were employed in individual prison libraries, while others worked at the state level, overseeing multiple prison libraries. Table 1 contains a list of the states of participants and the number of responses received from each state.

Instrument and Measures

The researcher developed an exploratory eight-question survey for online distribution. Within the survey, the prison librarians and library staff were asked questions regarding the following topics: the handling of circulation records including retention periods for patron borrowing records and parties who had access to these records; the purposes the library collection should fulfill along with the types of materials held; and the stakeholders involved in the selection of materials as well as the processes followed to develop the collection. Participants were prompted to send any circulation records retention policy statements along with collection management policy statements to the researcher's e-mail address. Participants were required to enter their name and correctional institution for form submission and optionally could include e-mail and telephone contact details. Further-

TABLE 1
PARTICIPATING STATES

State	Number of Responses
Colorado	6
Connecticut	1
Maryland	2
Massachusetts	1
Minnesota	1
Montana	1
North Carolina	1
Utah	1
Washington	2
Wyoming	1

more, participants were asked if their name and institution could be used in connection with their answers. Since not all participants agreed to disclose their names and the names of institutions, all results have been treated anonymously, and only details about the type of institution and state have been referenced.

Findings

Many of the libraries maintained policies regarding how circulation records were handled and who had access to them, but often this seemed to be determined from institution to institution. Differences between institutions in the same state were reported—for example, one institution maintained a policy regarding patron privacy and circulation records, while another in the same state did not. Similarly, collection development policies, despite the fact that they were more consistently maintained in respondents' institutions, also seemed to be determined from institution to institution rather than at the state level.

The lack of circulation policies in at least 53 percent of the institutions was disappointing for the ideal of upholding fair information practices, though not surprising considering the sparse literature on the topic of confidentiality of prisoners' circulation records. A total of 76 percent of the institutions maintained collection development policies, and 24 percent reported that they did not maintain such a policy. Collection development procedures in institutions without official circulation policies appeared to be subject to the local procedure of the specific correctional institution.

According to respondents, the purposes of a prison library as well as the materials maintained in this library are consistent with much of the literature on correctional institution libraries (see fig. 1). Nearly all respondents reported that the library's purpose was for maintaining contact with the outside world, enhancing vocational skills, enabling reentry into the community after parole, providing recreational reading while incarcerated, and for purposes of lifelong learning. A lesser selected purpose was for reasons of rehabilitation. Legal material was not as frequently selected as a purpose for the prison library since many states do not provide these services in their prisons pursuant to *Lewis v. Casey*.⁸ One of the collection policies forwarded from the Colorado Department of Corrections also confirmed that this is a choice in statewide policy: "Services provided shall be exclusive of legal access services. Library equipment or services may not be used for legal purposes, nor may the library be used as a location for offenders to provide legal assistance to one another" [41]. Other pur-

8. *Lewis v. Casey*, 516 U.S. 804 (1996); <http://www.law.cornell.edu/supct/html/94-1511.ZS.html>.

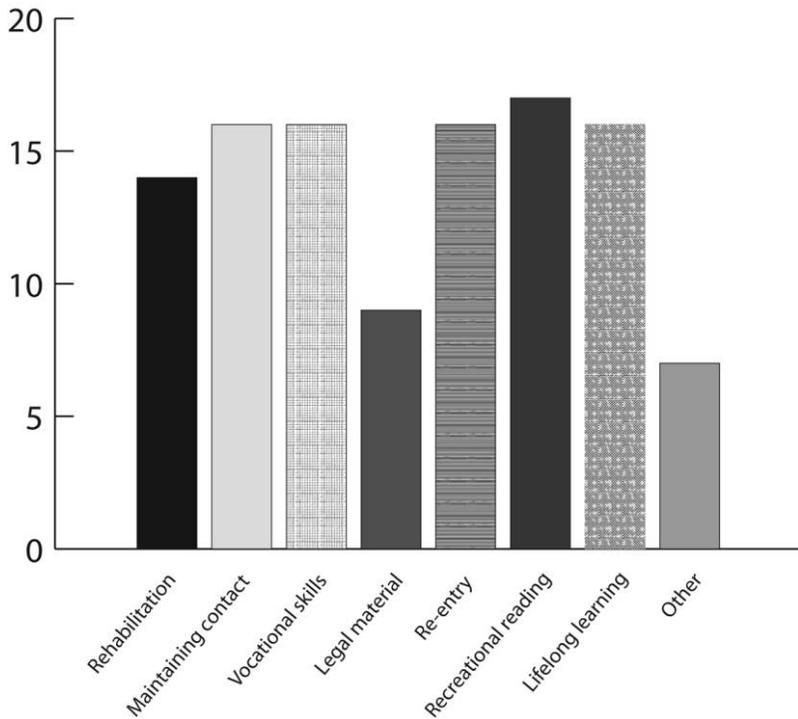


FIG. 1.—Purpose of the prison library

poses for the prison library included support for other programs and classes within the institution, for students enrolled in classes in high school or college, to serve Spanish-speaking populations, to improve literacy, and for drawing.

Similarly, the types of materials offered in prison libraries were consistent with those outlined in many of the guidelines and much of the literature reviewed in this article (see fig. 2). All institutions reported that books were available from the prison library, and most offered magazines and newspapers. The majority also offered audio materials, and a little more than half offered video materials. Software was available in eight institutions. None offered Internet access, and microform collections were not maintained in any of the libraries. Other materials that were provided included LexisNexis access; Spanish-language collections; board games; paper copy law journals and other legal materials; large-print and tech-accessibility products, such as a Braille reader, magnification machines, and reading glasses; and restricted access to the Internet via the librarian

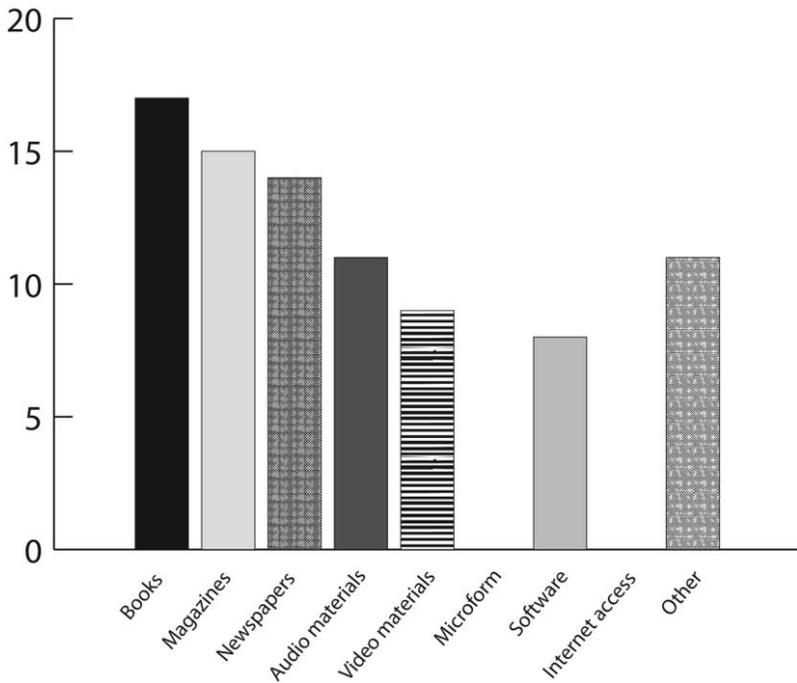


FIG. 2.—Materials available in the prison library

or clerk (i.e., the patron could ask a reference question and receive an answer pulled from the Internet if the question adhered to the institution's policies).

When describing the materials selection policy, many of the respondents stated that the process is similar to the selection processes in a public library; however, many do mention the need to avoid any literature that may jeopardize the safety and security of the institution. One respondent from Connecticut states that "the restrictions are basically about instruction in: gangs, guns, drugs, knives, bombs, poisons, codes, escape and/or racial or religious hatred, criminal skills (lock picking, home security systems) or sex involving use of force or children, and now added penetration." Similar restrictions are reported in multiple collection-development policies from Colorado, Connecticut, Maryland, Washington, Utah, and from a respondent in Wyoming.

Respondents indicated that parties who are involved in the materials selection process included local librarians, local library staff, facility education managers, program managers, regional librarians, state correctional

library consultants, library coordinators, and inmates and staff of the correctional facility. Six of the seventeen respondents reported that inmates' requests were taken into consideration when compiling lists for ordering materials.

Many respondents reported difficulties with approval processes, especially in the length of time it takes to make recommendations, receive approvals, and finally order books or materials. One librarian from North Carolina states the following:

I have an MLS and thirty years experience in public libraries, use Ingram, LJ and Booklist which I borrow from my home library. Unfortunately, my selections have to be approved by my supervisor, her supervisor (whose comment last year was "You bought books last year, why do you need to buy books this year?") as well as a person at the State level in charge of Library Services. The proposed order is usually lost at least once before it gets signed by all. With the time lag, books are no longer in the warehouse when it finally gets approved by all. It's tough for us prison librarians.

Another librarian in Massachusetts describes a process that takes between seven and ten months and includes compiling a list of titles, getting quotes from vendors, and submitting expenditure requests, which must be approved by the director of education, assistant deputy superintendent, deputy superintendent, superintendent, and the finance department before the purchase order can be generated and the order may be placed with the vendor.

Based on the responses of the participants, it seems that nearly all surveyed prison libraries are adhering to ALA best practice and the guidelines discussed by the ACA and the ASCLA for collection development. Most are collecting materials to meet the needs of the populations they are serving, and most report that they must follow certain restrictions similar to those outlined in the ALA's "Prisoner's Right to Read" [4]. In this sense, prison libraries do appear to be operating much like public libraries in terms of material selection. This similarity to public libraries is, unfortunately, not apparent when considering policy and practice regarding privacy of patron borrowing records in prison libraries.

In public libraries, circulation and patron borrowing records are frequently deleted when an item is returned, preventing misuse of circulation records by any authority requesting them (i.e., governmental agencies, courts for the purposes of prosecution, etc.). This practice of maintaining patron confidentiality is supported by the ALA and, according to the ALA, should also apply in the prison library setting [10]. The results from participants revealed that some adhere to these guidelines, albeit with modifications per institution (see fig. 3). Thirty-five percent of respondents

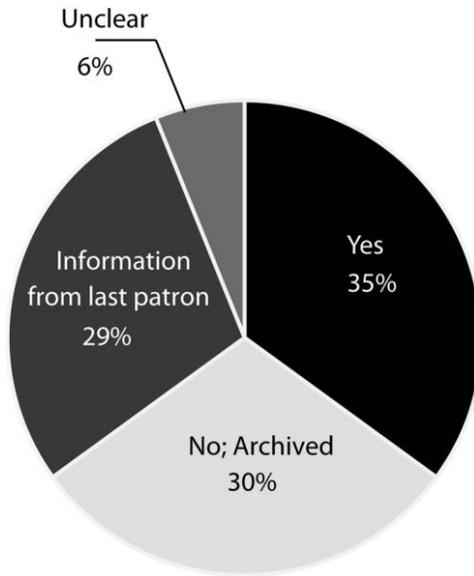


FIG. 3.—Circulation records deleted when item is returned

indicated that patron borrowing records were deleted immediately once an item was returned, while 29 percent retained the information from the current and the last patron, citing reasons of assessing and billing for damages as the rationale for keeping these records. Only 30 percent of those polled kept patron borrowing records long-term, leading to the conclusion that the availability of Steven Hayes's reading lists had more to do with the policies of that specific institution rather than those of most prison libraries. For those institutions that did archive patron borrowing records long-term, there were varying responses as to how confidential these records remained. One librarian from North Carolina states, "I worked there for three years and have not had an administrative request for info. . . . but would provide if asked, as there is no written policy and likely my job would be in jeopardy if I refused. [We are] unlikely to get a policy on inmate circulation privacy approved." Another library supervisor from Baltimore, Maryland, states, "We would NEVER allow law enforcement or correctional officers access [to] the log for purposes of interrogation or evidence without a signed warrant." These issues of potential interference by law enforcement or even the staff of the correctional institution is referenced in another response from a librarian from Montana: "If security

staff or anyone else asked to see the records, I would direct them to applicable Montana Code. However, I can imagine scenarios in which security staff would try to compel me to allow them access to the records.” Furthermore, one respondent from Connecticut (the state of Steven Hayes’s trial and conviction) makes an interesting comment regarding the accuracy of patron borrowing records, stating, “one of the problems of looking at official circulation records is that they do not accurately reflect what any individual has read. Many inmates loan books to other inmates, and many books are stolen. Some books are personal property, but again they may be loaned or stolen—what would you do if a big man asked politely to look at the book you had[;] what if his request wasn’t polite?”

Three institutions forwarded their policies regarding the handling of patron circulation records. The first two institutions maintain patron information for items currently checked out and for the last patron who checked out the item, deleting the records after each subsequent checkout so that only the current and last patron are tracked. The first respondent, a librarian in a minimum-security prison in Washington, forwarded her “Confidentiality of Library Records in ILS Branch Libraries” policy, which requires that library staff not reveal confidential library records to institution staff or others. According to this policy, institution staff may submit written requests to access circulation and patron borrowing records when the need is security based, but the decision regarding this access rests solely with the State Librarian. Furthermore, library staff is not required to produce information when presented with a subpoena—rather, only when presented with a search warrant [42]. The second respondent, who served correctional institutions statewide in Colorado, forwarded the state of Colorado’s privacy law protecting library users and stated that this privacy law was also observed in correctional institutions. This policy penalizes any library staff member who violates this privacy code with a class 2 petty offense and a fine [43]. The third respondent, a manager of jail libraries in Utah, forwarded a link to her privacy policies, which were identical to public library policy in Utah. This policy states, “Most circulation systems purge the patron’s check out history when materials are returned leaving only the current usage record accessible.” The document also details procedure in the case that legal officials request access to patron records [44].

In response to a question of who has access to circulation records, respondents listed the following parties: employees and contractors such as the librarians, library managers, library staff, inmate clerks, regional libraries and correctional library consultants, facility education managers, or other staff when part of a grievance or investigation. The respondent who reported that circulation records were shared as a part of an investigation was from an institution where circulation records were maintained

via paper, logged by the library, and appended to the inmate's file, which was kept in the library through year-end and then maintained long-term in the archives.

Conclusion

In practice, it appears that many correctional institutions do follow ALA, ASCLA, and ACA guidelines in providing the equivalent of public library service to the patrons in prison. The prison librarians working in these settings undeniably face challenges in attempting to offer library services while still respecting the correctional institution's security policies. The only apparent avenue for the prison librarian is to continue to uphold ALA ethics to the best of his or her ability, as well as to support any move toward a centralized policy on collections development and privacy and, meanwhile, to avoid infringing the patron's right to read or violating his or her intellectual freedom and rights to freedom of expression. Perhaps this can be best approached by establishing policy in institutions where none exists.

For those promoting censorship of any and all violent literature, or for those suggesting that patrons be handled on a case-by-case basis to determine which books are appropriate for them to read, the following can be inferred: taking away specific literature and questionable reading material has never been proven to discourage criminal activity. If policy makers and public officials assert that the best way to prevent violent crime from happening is to take away their books and reading materials, how could the correctional institution offer access to any type of information, including newspapers, television, or any connection to any media? Rather than to begin a tirade to censor everything even remotely suggestive, clear collection development policies have to be maintained at these institutions to justify selection of works, which may or may not include controversial topics. ALA's "Prisoner's Right to Read" [4] may be used as an initial model in this case. Types of materials to be made available to patrons should be selected on the basis of the suitability and interest to the prison population with consideration of security concerns.

Furthermore, inmates who have the right to intellectual freedom according to relevant legal decisions and ALA policies [4] should also have the same right to privacy to which any other public library patron is entitled. Producing a list of patron borrowing records for legal, disciplinary, or any other reason does not prove intent, nor does it even prove that the book was ever read by the accused inmate. Policy should be the driving force in dissuading correctional institution libraries from sharing this information, and the policy of destroying records immediately will ensure that

these privacy rights are maintained. Using the prison library as a means of proselytizing best behavior is not a proven way of preventing prisoners from reoffending after parole. Nor can it be proven that the crimes committed by Steven Hayes (or any other convicted criminal) were a direct result of the works he read while imprisoned. Rather than censor or invade privacy and thereby cast doubt on the applicability of a prisoner's intellectual freedom and right to fair information practices, the prison library should aspire to assist prisoners in achieving the goals of maintaining contact with the outside world, in some cases rehabilitating inmates, enhancing vocational skills, enabling reentry into the community after parole, providing recreational reading during incarceration, and encouraging life-long learning; otherwise, the ethical ideals of ALA policies come into question, which could have negative implications for the field of LIS and prison librarianship. With these ideals, prison libraries can offer superior service.

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