



AB 1986 – Accountability and Transparency for Prison Book Bans

SUMMARY

Assembly Bill 1986 will bring accountability and increased transparency for the California Department of Corrections and Rehabilitation (CDCR) prison book ban.

AB 1986 requires the Office of Inspector General (OIG), which is an independent agency that oversees CDCR, to post CDCR’s list of banned books publicly. It will also allow the OIG to remove books from the list if they find that there is insufficient evidence to ban a book. AB 1986 is a Black Caucus Reparations priority.

BACKGROUND

In the last couple of years the movement to ban books has spread across the country. In California, many school boards across the state have tried to ban books written by diverse authors of color who share stories of historically underrepresented communities. In 2023, Governor Newsom warned county and district superintendents that they would face an investigation by the Attorney General if they attempted to ban books from their classrooms. The American Library Association discovered that among the 87 challenged books, most of them centered on LGBTQ issues.

Similarly, prisons use book bans as a tool to limit access to education and impact nearly 2 million people in prisons and jails on any given day, nationally. In California, CDCR bans books they deem not to be in the penological interest of the state- and with great inconsistency. CDCR’s process of what books, articles, and other pieces of information it bans is not public and they are not required to publicly post a list of their banned books.

In 2023, The California Reparations Task Force recommended addressing the issue of prison book bans in their report. They aim to address the censorship of African American creative works by examining whether written work, or publications

featuring the stories or experiences of African American people should be removed from the list of banned books. They also recommended that CDCR provide criteria and justification for banning particular books and require evidence that a book ban is an effective means of accomplishing a legitimate stated purpose.

PROBLEM

Books are more than just sources of information and entertainment; they are bridges to other cultures and tools for empowerment and transformation that can assist with rehabilitation. Access to knowledge is essential to rehabilitation and it helps people reintegrate into society since more than 95% of incarcerated people eventually return home.

CDCR lacks transparency regarding their banned books list. CDCR is not required to publicize a list and it is difficult for people to know what books the department unilaterally has decided to ban. Through Public Records Act requests, The Marshall Project received some information on what books may be currently banned in California prisons as of January 2022. The state cannot continue to rely on a non-profit organization for updates on what books are banned.

Additionally, there is no transparency and accountability with CDCR’s process to ban books. The books currently banned seem to be disproportionately written by Black authors, Latino artists, and activists are on the banned list. There are also educational books that include visual dictionaries and multiple atlases.

SOLUTION

AB 1986 will require the OIG to post the CDCR list of banned books. The posting will allow for transparency on what books CDCR has deemed necessary to ban for incarcerated individuals despite their literary value.

AB 1986 also empowers the OIG to remove books from the list if they find that there is insufficient evidence to ban the book in the first place. This will create accountability for CDCR's decision process.

Together, these transparency and accountability measures on CDCR's process for banning books can prevent the erasure of Black authors and remove the limitations placed on educational and cultural books.

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