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State to end prison ban on interviews with inmates

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BY WILLIAM KLEINKNECHT
Star-Ledger Staff

The New Jersey Department of Corrections said yesterday it would rescind a controversial 5-month-old policy that prohibited inmates from being interviewed by the news media.

Deirdre Fedkenheuer, a spokeswoman for the department, said officials would return to a policy of evaluating interview requests on a case-by-case basis, with security considerations factored into each decision.

She said acting Corrections Commissioner George Hayman, who established the prohibition on interviews when he took office in January, would personally evaluate each request.

"It was something he did very early in his tenure," she said of the prohibition. "We are going back to looking at it on a case-by-case basis."

The policy reversal came on the day The Star-Ledger reported that New Jersey's restrictions on interviews were among the most stringent in the nation.

A department spokesman said Monday there would be no scheduled interviews, reporters could not be placed on inmates' visitation lists and they could not receive collect calls from inmates.

The restrictions reversed decades of tradition in which reporters were given free access to the prisons if inmates wanted to be interviewed. The new restriction even barred reporters from access to the prisons to cover new programs or activities.

The New Jersey Press Association, the American Civil Liberties Union and other groups sharply criticized the new policy, saying the public had a right to know what was going on in a public institution.

Fedkenheuer said yesterday that inmates now would be able to put reporters on their list for collect phone calls as long as they were not calling 800 numbers or cell phones or had to be switched to an extension.

She said reporters could be on prisoners' visitation lists but still would not be allowed to bring a pad or paper inside.

Interviews with pad and paper would have to be arranged by corrections officials, with Hayman making the decision on whether an individual interview would pose a security risk.

"Security is our biggest concern," she said. "There is always a danger someone could get hurt in there."

The department's regulations state that interview requests may be granted or denied at officials' discretion, which is consistent with three Supreme Court decisions that addressed the issue in the 1970s, according to constitutional lawyers.

But Frank Askin, a constitutional law professor at Rutgers University in Newark, said New Jersey's constitution could give the media greater rights in prison interviews than the U.S. Constitution.

Edward Barocas, legal director of the American Civil Liberties Union of New Jersey, issued a statement applauding the policy reversal.

"The Department of Corrections is required by law to respond to news media requests on a case-by-case basis and not issue blanket prohibitions, so we are pleased that the department appears to have now acknowledged that requirement," he said. "We will be reviewing how department officials implement this policy to ensure that they respect freedom of the press."

John O'Brien, executive director of the New Jersey Press Association, said state officials had "seen the light."

"I think they are making the right decision," he said.

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