

Computers in Cells

Maintaining community ties
and reducing recidivism

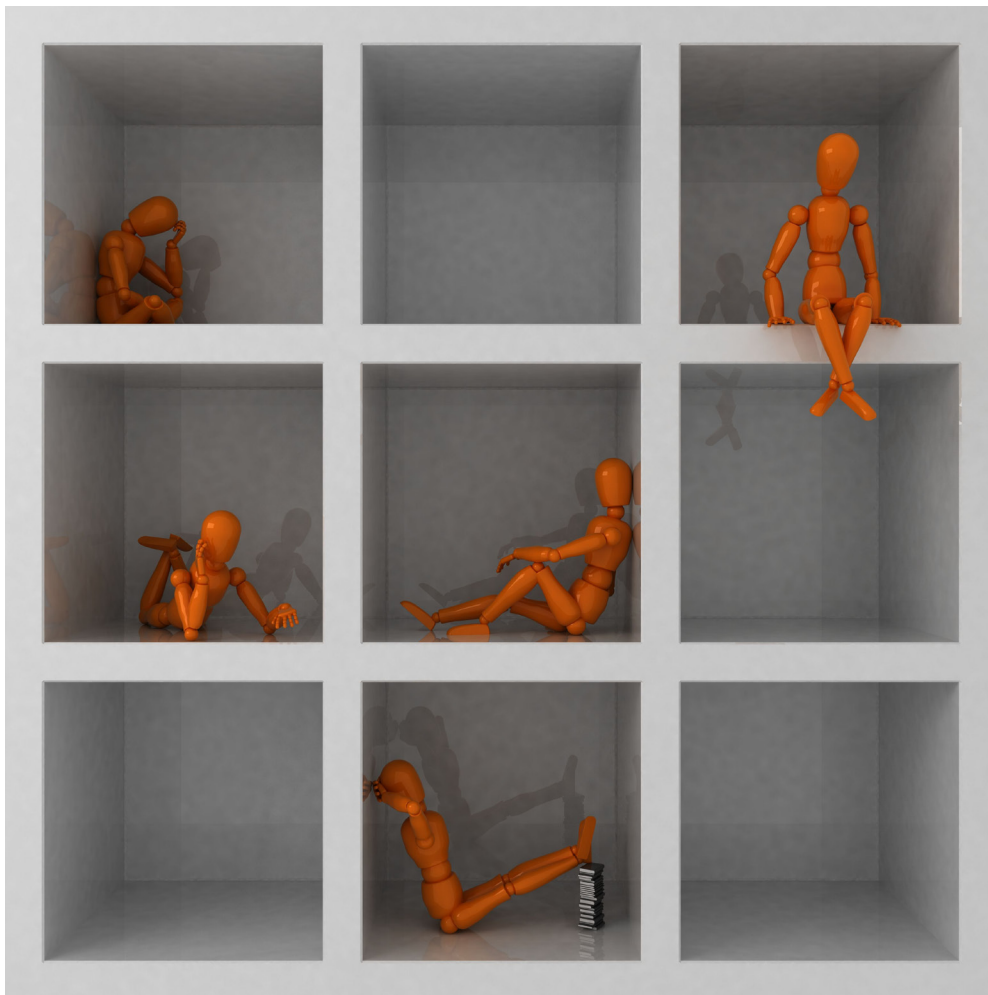


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1 Introduction

This paper proposes putting computers in every prison cell. Computers are considered a highly effective tool in targeting recidivism because they facilitate self-improvement through education and vocational training. They also improve employment prospects when individuals are released, reducing the desire to re-offend. Moreover, computers serve a myriad of practical purposes including access to legal resources, a means of communication and a source of distraction. Most prisoners spend 18 hours a day in a cell with only a T.V.; this program provides a similar distraction, but with additional educational advantages.

Central to this proposal is providing efficacy to the correctional values of prisoner welfare and reducing the number of re-offenders. It is clear that the intention of the prison system has shifted from punitive punishment to rehabilitation and Justice Action strongly believes that installing computers in every cell will facilitate this goal.

This report also recognises that any attempt to introduce computers into individual cells must deal with security issues and the public perception of this seemingly favourable treatment towards criminals. These concerns are legitimate, but security issues are becoming increasingly nullified by advanced software such as Cybersource PrisonPC, while any image problems can be carefully managed by demonstrating the economic benefits to the tax-payer and showing how improving the education of prisoners helps to lower crime rates and take a world-leading stance on a key human rights area. Indeed, to some extent this model has already had some success and this proposal draws on experiences in the A.C.T., Victoria and Norway to show this.

2 Current Situation

There is currently no provision of computers in individual cells in N.S.W. or most prisons around the world. N.S.W. Correctional Centres provide shared classrooms where inmates may access computers for limited number of hours under supervision provided they submit an 'Offender Application for Access to Computers' and agree to the 'Guidelines for Offenders Using Computers'.¹ Managers must ensure that "desktop computers are used for work, education, training and/or legal use".² Under Section 5.4.1.3, "the offender's access to the desktop computer is to be withdrawn immediately" if supervision cannot be provided and often this means that access to computers is limited and that prisoners face educational setbacks.³ Meanwhile, most TAFE and university courses now require regular access to computers and a report by the Employment, Education and Training References Committee notes that "it is becoming increasingly common for enrolment into courses to be conditional on having access to a computer and in some instances, to a modem as well so that two-way communication will be possible".⁴

As a result of the inaccessibility of computers under the status quo, only 1.3% of N.S.W. prisoners are engaged in higher education.⁵ This is a particularly significant problem because 60% of inmates in N.S.W. did not complete year 10 in the first place.⁶ The onus for improving this situation lies squarely with government. Between 2003 and 2004, 39% of prisoners participated in courses offered by the Adult Education and Vocational Training Institute, showing a desire for self-improvement when the opportunity was available. Adding to

1 N.S.W. Department of Corrective Services, Operations Procedures Manual (2009) N.S.W. Council for Civil Liberties <<http://www.nswccl.org.au/issues/prisoners/ops.php>> at 7 February 2011.

2 Ibid.

3 See 2.1.1 – Mark Middleton

4 Employment, Education and Training References Committee, Senate, Report of the inquiry into education and training in correctional facilities (1996), 11.

5 Ibid.

6 Community Justice Coalition, 'N.S.W. State Election: 26 March 2011, Prison System: Questionnaire and submission' (Press Release, 2007).

this impetus is the Report of the Inquiry into Education and Training Correctional Facilities conducted by the Senate Employment, Education and Training References Committee, which recommended the establishment of “prison education centres with personal computers and modems to enable access to the standard range of educational databases and networks available to community-based school and TAFE students and undergraduates.”⁷ Thus, the proposal to place computers into each cell steps into this void and provides a model from which responsible governments can work.

2.1 Experiences of recent ex-prisoners

It is important to know that this area of reform does not come in a vacuum and is actually affecting the lives of prisoners on a daily basis. Three such cases that are worth discussing are the experiences of Mark Middleton, Peter Clarke and A. Hughes.

2.1.1 Mark Middleton

I know that there are computers in jails, however whether you can get the access you need or require is another thing. I have personally experienced the inadequacies of the education wing. For example, although the wing opens say from 8:30 am to 11:30am for the morning session, we have not been allowed down to the wing till 9:00 to 9:30 am and then we are kicked out of the wing at 11:00 am to prepare for muster.

As the educational wing was not a high priority in the running of the jail, if an officer in another post was away then the educational wing was the first post to get stripped of its officer. Then, as there were not enough officers at education, access would be denied that session (which 90% of the time was all day).

With a jail of 300 or 600 inmates, education only had limited computers for students (with the number of computers usually being less than 10% of the number of prisoners) and the illiterate had priority before tertiary study students. Therefore you could wait weeks or even months before a position for a full time student would become available.

Even once you got access to the computers, you would often get disturbed with questions on how to do this or how to do that, as the one teacher that was employed some days found it difficult to share his time around if there was problems with computers etc.

Although there were dedicated classes teaching prisoners how to use computers, it was difficult to access these classes as the computers were constantly being used by other inmates.

In some centre computers you would not save anything to them as the next day or sometime in the near future it would be wiped clean and you would lose all information and you had to print out everything and hope it was correct.

2.1.2 A. Hughes (July 2005)

“I have been in the N.S.W. prison system since 1993 and I was first introduced to the education computers in 1994.

At Lithgow, in 1996, I had access to one as required (twice weekly). Plus Lithgow had a computer room with around 20 PC’s. Each inmate had their own folder on the server with password protection. I believe this system is still running today. Computer access was around 9 hours weekly.

I was relocated to Goulburn around 1997 and the small computer room comprised 4 PC’s. Computer access for 4 hours daily.

I was then relocated to Berrima in 1998-1999. The computer room only had 4 computers which were PI technology with CD-ROMS. Computer access was around 10 hours daily. Shortly after they arrived, the gaol changed to a female gaol, and I returned to Goulburn.

I hope the above information will help you in some way. I’m sorry it’s not all typed up and laid out for you, because of the new policy I only see the computer once a week if I’m lucky, and that’s only for an hour. I’ve been in the computer 5 times this year (it’s July), which forced me to withdraw from uni (USQ) and the IT Certificate III Software applications course I was doing at TAFE.”

⁷ Employment, Education and Training References Committee, above n 4.

2.1.3 Peter Clark (February 2011)

Supreme Court Justices Harrison, Holmes and others recommended that I have computer access to prepare my legal documents ie My Appeal.

I have been given very limited computer access and the only time I can use the computer is in out of cell time (exercise time).

Judge Solomon of the District Court ordered that the DPP supply me with a laptop. The precedent being that the DPP supplied the terrorists with laptops. That was in September 2010.

Judge Solomon gave the DPP 3 weeks to comply. In October 2010 the DPP stated that the Director did not have funds to supply me with a laptop.

I believe and so do the Judges or Justices that inmates who are doing their own appeals or representing themselves should have computer access in their cells, either laptops or desktop PC.

My appeal document is over 200 pages using a computer. It would be over 500 pages if I had to hand write it. I believe it's also impossible to do an appeal by hand.

Also many inmates young and old can't read or write. If they had a computer in their cell they could put the 22 hours a day to good use with maths or reading programmes.

These experiences elucidate issues that might be overcome through the implementation of a program that enables inmates to access personal computers in their cell.

3 Existing Examples of Expanded Computer Use

While personal computer use for prisoners is not the international standard, this proposal does not exist in a vacuum. Indeed, precedent can be found for such a model in programs that already exist in Victoria, the ACT and Norway where expanded computer use has provided significant benefits in terms of reaching educational goals.

3.1 Metropolitan Remand Centre in Victoria

In the case of correction facilities in Victoria, personal computers are allowed for the following purposes: legal issues; education and training; and integration needs. Ultimately, these three justifications enhance prisoners' level of education, which invariably leads to the rehabilitation of prisoners. "Access to a computer in the cells of prisoners is a privilege, not a right, for all prisoners. Prisoners who can demonstrate a need for a computer must make an application to purchase a computer, be able to pay for the purchase of an approved computer and software, and abide by the rules regarding computer use and restrictions on software and games".⁸ Although there are many restrictions pertaining to computer use, hardware and software, personal computers may be utilised to aid in the education process. In Victoria, prisoners may use personal computers in their cells.

3.2 The Alexander Maconochie Centre in ACT

The Alexander Maconochie Centre (AMC) opened in 2008 and is the ACT's primary correction facility. The facility has been hailed as the first human rights prison in Australia modelled on the concept of rehabilitation rather than punishment.⁹ In an interview with the ABC, Dr. John Paget explains that the focus of the AMC is on treating a prison population that is significantly marked by mental health issues, addiction and a lack of education.¹⁰ The therapeutic environment of the centre draws inspiration from the design of intensive care units, aged care facilities and schools. Since the 1st March 2009, computers that use the

8 Personal Computers in Prison (2010) Victoria Department of Justice <<http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Prisons/Prisoners/Property/JUSTICE++Personal+Computers+in+Prison>> at 7 February 2011.

9 Alexander Maconochie Centre (2010) A.C.T. Department of Justice and Community Safety <<http://www.justice.act.gov.au/page/view/358>> at 7 February 2011.

10 ABC Radio National, 'The Alexander Maconochie Centre: Australia's first human rights prison', Life Matters, 23 June 2010 <http://mpegmedia.abc.net.au/rn/podcast/2010/06/lms_20100623_0919.mp3> at 7 February 2011.

Cybersource PrisonPC software have been made available to most cells (See 4.2 for a description of this software).

3.3 Skien High Security Prison

Internationally, the practice of providing prisoners with computers in the cells has been implemented. Norway has been a leading nation in this program, with prisoners in the Skien high security prison in southern Norway gaining access to computers both in the classroom as well as having individual computers in their cells.¹¹ Prison authorities in Skien have addressed the issue of security by installing firewalls that maintain security protocols, while allowing limited access to the Internet and resources that promote educational aims.¹² This educative approach to the prison system has wielded considerable results; the rates of recidivism of Norway's prisoners lie at 20%, as compared to 50% and 60% in the UK and US respectively.¹³

4 Our Proposal

Considering the inadequacy of communal computer facilities and taking into account the success of the above examples, Justice Action proposes the provision of individual computers in cells for prisoners. These computers should be equipped with:

- ▶ Email capability so that inmates may keep in touch with family, friends and teachers so that they may complete their learning and successfully reintegrate into society upon the completion of their incarceration.
- ▶ Access to legal resources whether in the form of CD-ROMs or online resources such as Austlii.
- ▶ Programs vital to the inmate's vocational or tertiary learning if study is being undertaken. The availability of such

11 Erwin James, What are prisons in Norway really like (2008) The Guardian <<http://www.guardian.co.uk/society/2008/nov/14/norway-prison-erwin-james>> at 7 February 2011.

12 Ibid.

13 William Lee Adams, Norway builds the world's most humane prison (2010) Time Magazine <<http://www.time.com/time/magazine/article/0,9171,1986002,00.html>> at 7 February 2011.

programs will also encourage further education among those who have yet to consider such a step.

4.1 Supply

Justice Action has already received a great deal of interest from organisations wishing to contribute to this project. The provision of computers will be at virtually no cost to the Department of Corrective Services N.S.W. as these computers can be sourced from companies who regularly turn over their stock of computers. Furthermore, most computers whose hardware is less than five years old are compatible with the software required to maintain the security and efficient operation of this system (see 3.2 Software). This provides a large scope from which computers can be taken, and this model of supply also has applicability on the international stage due to the rapid replacement of computers at major companies.

4.2 Software

One obvious concern with implementing this program is that of security and abuse of the system. However, newly developed software, such as Cybersource PrisonPC, allows for easy surveillance and management of any unauthorised computer use while maintaining the educational benefits of computer access. PrisonPC promises a "centrally managed computing system, enabling custodial staff to manage all desktops from a single, isolated location" and desktops which are "resilient to any method of permanent user modification or unauthorised changes".¹⁴ The programme has already been implemented at both the Metropolitan Remand Centre in Victoria and the Alexander Maconochie Centre (AMC) correctional facility in the ACT and operates on most computers released in the past five years (subject to compatibility checks).

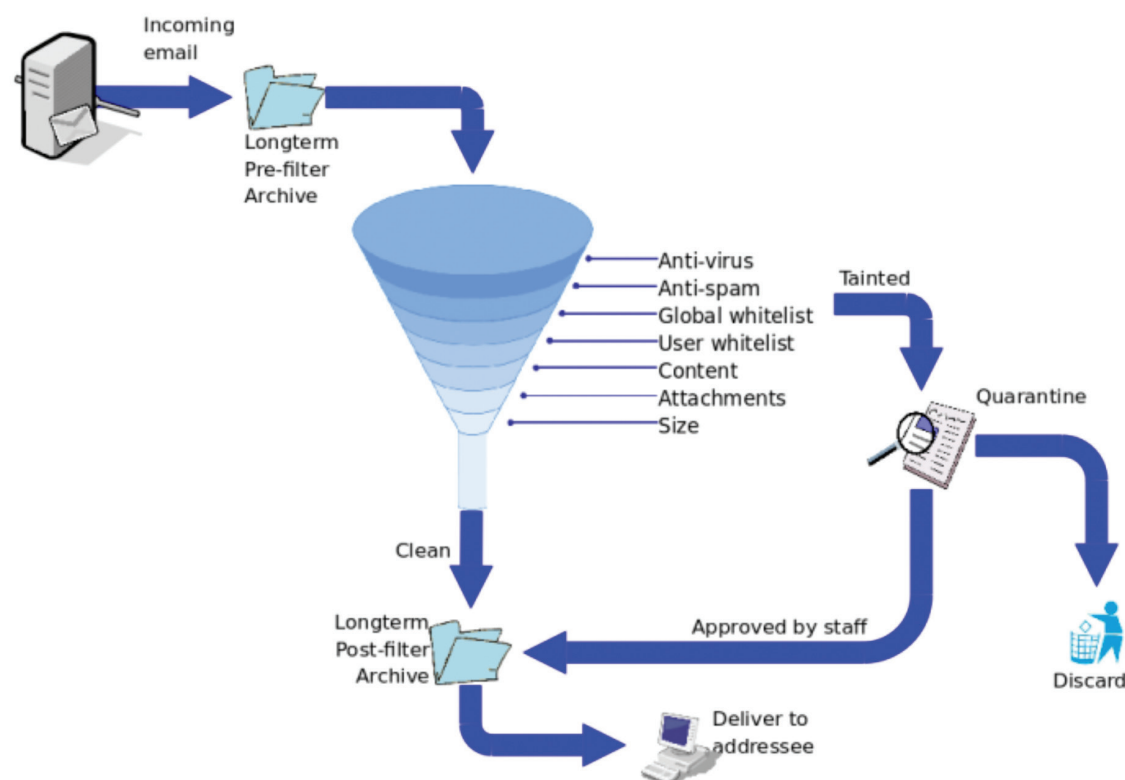
Software applications of PrisonPC include:

- ▶ Complete office suite (word processor, spreadsheet, etc)
- ▶ PDF document viewer
- ▶ Educational software

14 CyberSource Prison PC: Secure Server & Desktop Solution, CyberSource Prison PC <<http://www.prisonpc.com/>> at 7 February 2011.

- ▶ Games (solitaire, etc.)
- ▶ Extensive online help¹⁵

Furthermore, prisoners may also be given access to an approved list of websites and a secure email so that they may contact a restricted and monitored amount of people (such as their solicitor and family members). Indeed, the current system used by the N.S.W. Department of Education and Training to control prisoners' access to Internet sources through the use of an intranet system that puts appropriate limits on the information that can be accessed online. Prisoners will only be able to visit sites approved by prison management, and even in these cases, only specific parts of these sites as required to maintain a secure environment. This process is also supplemented by the PrisonPC software; at the Alexander Maconochie Centre, the software has already prevented security breaches through its integrated monitoring systems. All user sessions are logged and available for audit, and custodial staff can remotely monitor or control prisoner desktops – either for remote support or for surveillance.¹⁶ Meanwhile, emails may be filtered through the following system:



15 Secure Internet Access, Cybersource PrisonPC <http://www.prisonpc.com/internet_features.html> at 7 February 2011.

16 System Security, Cybersource PrisonPC <<http://www.prisonpc.com/security.html>> at 7 February 2011.

As a result prisoners are able to gain the clear educational benefits of having computers in individual cells without access to restricted or inappropriate information.

4.3 A system of personal responsibility

While Justice Action has considered and addressed various concerns arising from the proposed installation of computers in cells, we recognise that inmates may still abuse the system. In such an event, it is necessary that authorities recognise the principle of individual responsibility as opposed to collective responsibility, and ensure that only those inmates who abuse the system should be punished. Imposing punishments on the entire prison due to the transgressions of select prisoners will have the negative effect of setting back the educational aspirations of the entire prison community. In the event that abuses of the computers in cells system does occur, transgressors should be dealt with individually, allowing the other prisoners to enjoy the continued educational benefits proposed by the computer program.

5 Concerns

Any proposal on this scale and in such a divisive area will undoubtedly come with numerous concerns and questions. Issues such as security, problems of image and the perceived cost of such a scheme all need to be addressed before such a model can be implemented.

5.1 Security

The first thing which a system involving placing a computer in each prison cell must address is whether this would result in manipulation of the prison system. However, the development of the PrisonPC software shows that these issues can be managed (see 4.2 Software for details). The filtering of emails prevents any illegal or suspicious communication with the outside community, and while there is a threat of tampering with the computer hardware, this can be prevented through the use of plastic casing and regular checks by prison staff. Indeed, as the success of this program at the Alexander Maconochie Centre has shown, the incentives for prisoners for not misbehaving that are created by the placement of computers in each cell actually have the potential to reduce security problems and disruptions for fear of losing the privileges and relative freedoms that the computer grants.

5.2 Cost

While the cost of providing a computer for each cell may seem prohibitive, the reality is that this program would run at a minimal short-term loss and quickly move into a position to actually save money for the Department of Corrective Services and the taxpayer (as will be discussed in 6.5 – Benefits of Cost and Morality for the state). As has been mentioned in 4.1 – Supply, numerous companies have already registered an interest in supplying free, used computers for such a program. Furthermore, in facilities such as the Nowra Prison in N.S.W., there is already wiring set up in each cell for the provision of computers – all that is required is the political will to take action.

5.3 The Department's Public Image

The decision to provide computers to each prisoner is of course one that must be justified to the public, and there may be a sense that this program makes life “too easy” for prisoners who are supposed to be serving time for a crime. However, this is by no means true, as the purpose of this model is not to undermine the system of crime and punishment, but rather to rehabilitate offenders and prevent a cycle of transgressions. This is a program that in the long term will make our streets safer by encouraging prisoners to undertake suitable education and employment rather than re-offending. Implementing this scheme would bring practices in line with the UN Special Rapporteur's Report on Education in Detention. This would allow governments to be able to claim the moral and humanitarian high ground that is appealing to voters and tax payers – particularly when it is not coupled with a significant financial burden.

Concerns with image, cost and security must certainly be addressed before the implementation of a scheme in which a computer is placed in every prison cell, but we are now in a position to not only solve any such problems, but also actively turn them into reasons why such a model is viable.

6 Benefits

The provision of individual computers for prisoners has numerous benefits. The immediate outcome is that personal computers can be used to minimise confrontation and disruption within the prison system. Furthermore, by granting prisoners access to legal resources this scheme can reduce bureaucratic clutter and promote a greater understanding by prisoners of how the law operates – providing a deterrent for future criminal activity. Meanwhile, in the long term this model also acts to lower recidivism. Boosting levels of prisoner education improves prisoner rehabilitation: a process which is not only beneficial for the prisoners, but also for the Department of Corrective Services which will have a smaller population of prisoners who re-offend to cater for.

6.1 Prison Control

Personal computers offer significant opportunities for prisoners – even if this is only to reduce boredom.¹⁷ As a result, the presence of a computer provides a major behavioural incentive for prisoners to behave and not abuse this privilege. The computer provides ease of access for communication with family as well as other simple distractions and prisoners will want to maintain this and so are less likely to risk their removal through inappropriate actions. As a result, Prison Management will also have another tool with which to control the prison population and maintain order.

6.2 Legal Resources

Computers provide prisoners with access to legal resources to assist with their court cases. Prisoners will be able to read and respond to legal briefs, and access transcripts and legal Acts which are available on CD-ROMs. Computers also provide access to online legal resources, such as those provided by the Australasian Legal Information Institution (Austlii). This information will assist prisoners in accessing evidentiary and other materials relied upon by the police in court cases without difficulty.

6.3 Recidivism and Computer Literacy

The first opportunity that personal computers offer for prisoners is the chance to improve computer literacy. Computer literacy is an increasingly vital requirement for everyday life; it significantly affects education, vocational training and career prospects.¹⁸ Most office jobs require an understanding of Microsoft Office, while even careers that focus on physical labour are increasingly using computing to organise and simplify their work. Furthermore, many female prisoners admit that computer skills are a great advantage when they returned home, since they allowed them to help their children with any computer problems.¹⁹

17 Justice Action, 'CARE: Computers Assisting Reform and Education,' 1 July 1999.

18 Erwin James, Prisoners should join the PC brigade (2007) guardian.co.uk, <<http://www.guardian.co.uk/society/2007/sep/17/prisons>> at 7 February 2011.

19 Susan Dawe, Vocational education and training for adult prisoners and offenders in Australia: Research readings (2007), 45.

6.4 Recidivism and Social Connection

One of the keys to successfully rehabilitating prisoners into society is providing a set of relationships for them to fall back on in the outside world. Access to regular email with family through this scheme allows for the prisoners to maintain these connections and retain a sense of self-worth that will encourage them to improve their situation through study (also facilitated by the computers)! Furthermore, as beneficial as such a relationship is to the prisoner, it also allows for peace of mind for the families of those imprisoned. Indeed, by being able to communicate with that father, mother, brother or aunt, family members will themselves be less likely to follow in their paths since feelings of isolation will be minimised.

6.5 Recidivism and Education

The most important aspect of this scheme is that it encourages prisoner education. Computers, to a far greater extent than any previously available resource, allow prisoners to successfully move towards a TAFE or university qualification, and do so in a far more user-friendly method than any prison library or occasional prison educational course.

Why is education particularly important for prisoners though? It is important because there is a clear correlation between one's level of education and the probability of committing a crime. In the 2002 decision of *Middleton v Commissioner of Corrective Services of New South Wales*, Justice Dowd discussed the role of education in rehabilitation and stated that "it is hard to imagine a better rehabilitation tool than the gaining of tertiary qualifications of a sophisticated nature"²⁰. Similarly, Findlay argues that "prisoner education is recognised as one of the few correctional initiatives which seem to correlate with improved recidivism prospects".²¹ Indeed, education is the key factor in finding employment once prisoners are released and the Minister for Justice pointed out in 2004 that "employment is of essential assistance to inmates avoiding the perils of recidivism once

20 *Middleton v Commissioner of Corrective Services of N.S.W. & Anor* [2004] NSWSC 136, 46.

21 Findlay, M., "Prisons as progressive punishment? The State of Corrective Services," in *The State of the States* (2004).

back in the community”.²² The UN Human Rights Council also lends its support to prisoner education with Munoz asserting that ‘learning in prison through educational programs is generally considered a tool of change, its value judged by its impact on recidivism, reintegration, and more specifically, employment outcomes upon release’.²³ These statements by field leaders demonstrate just why a computer-based education program in prisons could be so effective.

Furthermore, these expert assessments are supported by quantitative evidence detailing the benefits of prison education. A Queensland study showed that 32% of prisoners who did not complete a VET course returned to custody within 2 years while only 23% of those that did complete a VET course returned to custody.²⁴ Furthermore, a recent study by the US Department of Education revealed that prisoners who undertook secondary or tertiary level study while in prison are less likely to return to prison within the first three years of release.²⁵ In 1991, Clark investigated the success of prisoners enrolled in twenty-one prison college level education programs. This study found that inmates who earned a diploma returned to prison custody at a significantly lower rate (26.4%) than those who did not earn a degree (44.6%).²⁶ Another study conducted by Batiuk found that while the overall recidivism rate in Ohio was 40%, the recidivism rate for prisoners enrolled in the college program was 18%.²⁷ In addition, Ohio statistics show that inmates graduating from the college program

were 72% less likely to re-offend than those who undertook no study. Similarly, Canadian statistics demonstrate how prisoners who completed at least two college courses have 50% lower recidivism rates.²⁸ There is therefore persuasive evidence in Australia as well as abroad that education greatly reduces recidivism and the model proposed by Justice Action is one which takes note of this evidence to provide a workable solution that encourages prisoners to attain higher levels of education through computers and thus become less likely to re-offend.

6.6 Benefits of Cost and Morality for the state

Currently, each prisoner in the state of N.S.W. costs the government \$174 a day and this figure is mirrored throughout the developed nations.²⁹ As such, any measure that reduces recidivism, and thus the prison population, is one that requires support. This model, as demonstrated through the correlation between education and rehabilitation and employment is one such measure and carries with it the additional benefit of creating a larger pool of skilled and educated workers who can themselves only provide further stimulus to the economy as tax payers rather than as subsidised prisoners.

Furthermore, as has been previously mentioned (see 5.3 – Image Problems), this scheme also provides its implementing state with the image benefits that come with being seen as humanitarian reformers. Providing each prisoner with a computer not only meets human rights aims with regards communication and education, but in general provides government with the positive image of being progressive and active on social issues, while also working to maintain the security of its citizens and the economic well-being of its jurisdiction.

22 Lithgow Correctional Centre Prisoner Computer Access (2005) Parliament of New South Wales <<http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LC20050323053>> at 7 February 2011.

23 Munoz, United Nations: Promotion of Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development (2009) Human Rights Council, Eleventh Session, Agenda Item 3, 4.

24 Adult Education and Vocational Training Institute (AEVTI), Corrective Services N.S.W., <<http://www.correctiveservices.nsw.gov.au/offender-management/offender-services-and-programs/adult-education>> at 7 February 7, 2011.

25 Gwendolyn Cuizon, Benefits of Inmate Education Program (2009).

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28 Stephen Duguid, et.al. ‘Using Recidivism to Evaluate Effectiveness in Prison Education Programs’ (1996) 47(2) Journal of Correctional Education, 74-85.

29 Sendt, R, J, Prisoner Rehabilitation: Department of Corrective Services (2006) Auditor General N.S.W. <http://www.audit.nsw.gov.au/publications/reports/performance/2006/prisoner/prisoner_rehabilitation.pdf> at 7 February 2011.

7 Conclusion

Prison sentences do not only serve to punish and deter – they are also an effective means of rehabilitation. In formulating an effective rehabilitation programme, Justice Action believes that government should treat education as a top priority and provide individual computers for an effective educational program. This will not only reduce recidivism, but also enhance the reintegration of prisoners back into society, giving them greater job prospects and an incentive to become productive individuals. Programs placing computers in cells have already had international success, so now is the time to implement them on a wider scale.

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