

COMPUTERS INTO CELLS:

Justice Action Discussion Paper 25/11/10

Introduction

Learning in prison through educational programmes is generally considered to have an impact on recidivism, reintegration and, more specifically, employment upon release.

Educational opportunities in prison are seen as a positive aspect of the rehabilitation of prisoners. It is our belief that prisons should be provided with services that will prepare inmates to successfully reintegrate into society, one of these key services being access to computers. We believe that international practice is now more acutely focused on the educative and restorative aspects of prison and not just on the punitive. This objective can only be achieved through the provision of legal education and vocational training, and more importantly, the provision of computer access to inmates.

Current Situation

Education programs in prison help promote inmates' welfare, with the benefits from this extending to society as well. Currently, political action in NSW in codifying prisoners' right to education in legislation has been lacking, as are political approaches in terms of supporting models of education and delivery consistent with a holistic approach to personal development¹. Despite figures demonstrating that 60% of inmates in NSW are not functionally literate or number literate, and that 60% did not complete year 10, there is still inadequate support structures for prisoners accessing vocational education and training courses².

Although computers are provided in most prisons for communal usage, access to these computers is severely restricted, with prisoners' experiencing severe educational setbacks as a result.

Experience of ex-prisoner Mark Middleton

I know and believe that yes there are computers in jails, whether you can get the access you need or require is another thing. I have personally experienced the education wing being open say at 8:30 am to 11:30am morning session but we have not been allowed down to the wing till 9:00 to 9:30 am and then at 11:00 am being kicked out back to the wings to prepare for muster.

As the educational wing was not a high priority in the running of the jail if an officer was away from a different post then the educational wing was the first post to get stripped of its officer, then there were not enough officers at education therefore access was 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 (less than 10%) and the illiterate had priority before tertiary study students.

You could wait weeks or even months before a position for a full time student would become available therefore everything went on hold.

¹ Community Justice Coalition, *NSW State Election: 26 March 2011, Prison System: Questionnaire and submission*, 2007

² *ibid*

In the room of computers you would get disturbed often 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 computer classes, it was difficult to access these classes as the computers were constantly being used by other inmates.

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 loose all information and you had to print out everything and hope it was correct.

Benefits

Considering the inefficacy of communal computer facilities, Justice Action proposes the provision of individual computers in cells for prisoners. Providing prisoners with individual computers will deliver a large number of benefits, including facilitating access to educational resources, allowing prisoners to participate in their legal proceedings, as well as providing varied social benefits. In addition, being computer literate is a vital requirement for everyday life³, with computer literacy significantly affecting education, vocational training and career prospects⁴.

Education and Employment

In terms of education, the Community Justice Coalition (CJC) states that computers are essential in providing educational programs for prisoners. The right to education is a vital element of pro-social change in a person's life⁵. The effective provision of computers allows for intellectual stimulation of prisoners, and training in vital skills that will assist prisoners upon their release. As such, individual access to computers is necessary to ensure that prisoners are able to undertake and progress with vocational education and training courses (VET), as well as higher education courses. The aim of this access is to ensure that the use of computers in prison will have a positive impact on inmates.

Providing these marginalised groups with the individual computers will not just benefit the individual but society and the community as a whole, as prisoners who participate in vocational education and training (VET) courses significantly improve their employment prospects and are also less likely to re-offend⁶. A study conducted by the US Department of Education revealed that inmates who undertook secondary or tertiary level study while in prison are less likely to return to prison within the first three years of release⁷. Significantly, Munoz asserts 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'⁸. As such, evidently inmate education, inmate education has extended benefits to society in terms of public safety, as it has a significant impact in facilitating crime reduction.

³ Erwin James, 'Prisoners should join the PC brigade' *Society Guardian*, Monday 17 September, 2007

⁴ *ibid*

⁵ Justice Action, 'Prisoners' Right to Education,' 2009.

⁶ National Centre for Vocational Education Research (NCVER), 'Education and Training Helps Prisoners Get Their Life Back on Track,' 15 October 2007.

⁷ Gwendolyn Cuizon, 'Benefits of Inmate Education Program,' February 13, 2009.

⁸ Munoz, 'United Nations: Promotion of Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development,' Human Rights Council, Eleventh Session, Agenda Item 3, 4.

Legal Resources

In addition, computers provide prisoners with access to legal resources to assist with their cases. For example, prisoners are able to read and respond to briefs, and access transcripts and legal Acts which these days are generally provided on CD-ROMs. Computers also provide access to online legal resources, such as those provided by the Australasian Legal Information Institution (Austlii). Such information will assist prisoners to have access to the evidentiary and other materials relied upon by the police in court cases without difficulty.

Social Benefits

Socially, there are various benefits to prisoners in providing access to individual computers. Computers provide a constructive way of addressing the pressures and frustrations of prison environment⁹, as well as adding to individual prisoners' sense of self-worth. Importantly, computers provide for email access to prisoners' family and friends, which reinforces communication between prisoners and family members that is critical to effective rehabilitation and reintegration.

Successful Examples

Some successful examples of personal computer use include correction facilities in Victoria and the Australian Capital Territory (ACT). In these cases, prisoners have greatly benefited from personal computer use to reach educational goals. Furthermore, these cases further the initiatives of the UN Special Rapporteur's Report on Education in Detention in terms of jurists and advocates engaging in much needed research and best practices in prisons. Such initiatives will undoubtedly reform the criminal justice system as a whole.

In the case of correction facilities in Victoria, personal computers are allowed for the following purposes: a) legal; b) education and training; and c) 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"¹⁰. Although there are many restrictions which pertain to computer use, hardware, and software, personal computers may be utilized to aid in the education process. In Victoria, personal computers may be used by prisoners in their cells, thereby facilitating learning.

The Alexander Maconochie Centre (AMC) located in the ACT often commissions Cybersource Prison PC to provide personal computers to inmates. The software used has prevented security breaches in that monitoring systems are embedded. "Extensive logging of user sessions is recorded in the server system logs for custodial staff to audit later if required. Custodial staff can remotely monitor or control prisoner desktops, for remote support or for clandestine monitoring"¹¹. The AMC is hailed as the first detention facility in Australia to meet international human rights standards, according to ABC reports on 23 June 2010. Providing prisoners with computers in their cells is undoubtedly part of this process, as education is a basic human right manifest within the International Convention on Civil and Political Rights (ICCPR). Cybersource Prison PC specifically advertises "Reducing Recidivism" on their website and is dedicated to providing detention centres with software which is conducive to

⁹ Justice Action, 'CARE: Computers Assisting Reform and Education,' 1 July 1999.

¹⁰ "Personal Computers in Prison" Victoria Department of Justice doc

¹¹ CMG Reporting n.d., <<http://www.prisonpc.com/security.html>>, accessed 25 November 2010

institutional monitoring as well as inmate access. This is an example of successful implementation of education initiatives for prisoners in Eastern Australia.

Problems

The decision to implement computers in individual cells has encountered significant resistance from authorities. One of the potential future arguments against having computers in cells is concern about prisoners accessing inappropriate material online. While this is a legitimate concern, essentially, this issue can be negated through installing relevant software, such as CyberSource Prison PC, which restricts inmates' access to online material that is deemed inappropriate. Similar to the current system initiated by the NSW Department of Education and Training, the inmates' access to internet sources can be controlled through the use of an intranet system¹², thus placing appropriate limits on the information that inmates can access online. As such, inmates are able to gain the clear educational benefits of having computers in individual cells without being able to gain access to restricted or inappropriate information.

Another significant issue that has been raised in opposition to the proposed computers in cells is the associated cost. However Justice Action has already received computers donated by organisations wishing to contribute to this project, thus essentially negating the argument that the cost of providing individual computers is too heavy a burden¹³.

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. As such, in the event that abuses of the computers in cells system does occur, transgressors should be dealt with individually, thus allowing the other prisoners to enjoy the continued educational benefits proposed by the computer program.

Conclusion

Society wants people to pay the penalty for committing an offence but we also need to reduce re-offending. Education should be a top priority in the rehabilitation process, and individual computers are necessary for an effective educational experience. Providing prisoners with individual computers allows them to further their education, thus reducing recidivism rates as well as enhancing the reintegration and rehabilitation process.

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¹² Department of Education and Training, *Internet access and email accounts for students*, Sydney, 2006

¹³ Justice Action, *Computers Assisting Reform and Education*, 1999