



International Neglect of
Juvenile Offenders:
The Lack of Computers in Cells

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Executive Summary

The justice system is failing young detainees on an international scale. While a large number of prisons provide individual access to computers in cells for adults, most juvenile justice systems rely on old libraries and out-of-date technology. Computers in cells should not be seen as an undeserved privilege but as an opportunity to educate and rehabilitate the most vulnerable members of the prison community.

In Germany, Hong Kong and the United Kingdom, there is limited access to computers in cells. Select jurisdictions provide computers in cells and those that do usually only offer them to adult prisoners. However, certain jurisdictions such as Belgium and Austria also extend this access to juvenile detainees, with differing modes of implementation.

In Australia, only the Australian Capital Territory (ACT) provides juvenile offenders with access to computers for educational purposes.¹ However, in other states, juvenile offenders are excluded from the widespread benefits that accrue from access to computers in cells. These benefits include increased accessibility of education, the strengthening of family and community ties, continuity of care from therapy service providers before and after release and provision of a wider range of therapy providers. Online counselling services have also been shown to be more effective than face-to-face counselling. There is an undeniable correlation between rehabilitation and strengthening both education and such relationships.

While the recidivism rate of juvenile detainees in Australia is twice as high as that of adults, with more than half of young offenders reoffending upon release, some adult prisons have

¹ Email from Rachel Stephen-Smith MLA to Justice Action, 13 June 2017

had secure access to computers in cells for years. This lack of access is a significant shortfall in regards to education and rehabilitation. Computers in cells would greatly assist young offenders in their transition back into the community upon their release by lessening their social isolation and fostering their personal and educational development.

Computers in cells replace passive TV watching with access to education, counselling, family, peers and external authorities in a safe and cost-effective way.

This report synthesises research from different international jurisdictions that have access to computers in cells to highlight how such access fosters rehabilitation and skill building which will significantly decrease their likelihood of reoffending upon release. Differences between strategies implemented by these jurisdictions are also discussed in order to determine how technology can be best used to benefit the interests of juvenile detainees. Reference is also made to other countries that prohibit such access to compare different models.

1. The Scandinavian Model

In Scandinavia there is no separate juvenile justice system; young offenders are housed with adult prisoners with exceptions and regulations to meet the particular needs of juveniles. The age of criminal responsibility is 15 years,² meaning that children below 15 years of age cannot be sentenced to incarceration. Sentencing for most crimes committed in Norway usually consists of a suspended sentence, probation or several months in an open prison. In the majority of cases, young offenders are diverted to non-custodial alternatives such as to welfare authorities and it is only the most serious offenders who are incarcerated.³ Even then, it is very rare that they are sentenced to unconditional imprisonment.⁴ Juvenile offenders constitute 0.1% of the incarcerated population in Norway,⁵ and 0.3% of the prison population in Finland⁶ and Sweden.⁷ Juvenile inmates aged between 15-17 receive the same rights and access as adult prisoners.

In Scandinavia, open prisons are institutions that seek to imitate normal life as much as possible. Prisoners are allowed access to facilities such as television, recreational activities such as sports and a games room⁸ and are often granted the freedom to travel in and out of the institution to work or study. Contrary to delivering punitive justice, the focus of

² Anette Storgaard, 'Juvenile Justice in Scandinavia' (2005) 5(2) *Journal of Scandinavian Studies in Criminology and Crime Prevention* 188, 188.

³ Ibid, 196.

⁴ Tapio Lappi-Seppälä, 'Imprisonment and Penal Policy in Finland' (2012) 54(17) *Scandinavian Studies in Law* 334, 337.

⁵ Prison Studies, *Norway* (2016) <<http://www.prisonstudies.org/country/norway>>.

⁶ Prison Studies, *Finland* (2016) <<http://www.prisonstudies.org/country/finland>>.

⁷ Prison Studies, *Sweden* (2016) <<http://www.prisonstudies.org/country/sweden>>.

⁸ Erwin James, 'The Norwegian prison where inmates are treated like people', *The Guardian* (online), 25 February 2013 <<https://www.theguardian.com/society/2013/feb/25/norwegian-prison-inmates-treated-like-people>>.

Scandinavian open prisons is on restorative justice and rehabilitation,⁹ with prisoners being treated humanely and only being deprived of their liberty. A large proportion of all prison institutions are ‘open’ in Scandinavia – for example, 18 out of 37 institutions in Finland.¹⁰ Since open prisons were introduced in Finland, the recidivism rate has dropped by almost 20 per cent.¹¹

In some of these open institutions, detainees, including juvenile detainees, have access to personal technological items in their cells, such as computers and laptops¹² and digital tablets.¹³ In other open prisons, there are public computers available for use by inmates in common areas. Closed prisons on the other hand do not have computers in cells.

Project IFI (Internet for Inmates) is a Norwegian initiative that was established in 2009. This program allows inmates to have controlled access to the Internet with restrictions preventing communication with external agencies. Through Project IFI inmates are able to access information from controlled servers under surveillance by the Department of Justice. Project IFI is one example of the normalisation of digital education in Scandinavia in prisons.¹⁴

In Finnish open prisons all prisoners are assigned smart cards with personal online desktop accounts. Some offer unrestricted Internet access for education, and grant inmates permission

⁹ Storgaard, above n 3, 202.

¹⁰ Lappi-Seppälä, above n 5, 336.

¹¹ Rae Ellen Bichell, ‘In Finland’s ‘open prison’, inmates have the keys’, *Pri* (online), 15 April 2015 <<https://www.pri.org/stories/2015-04-15/finlands-open-prisons-inmates-have-keys>>.

¹² The Local/sr, ‘Swedish inmates to receive digital tablets’, *The Local* (online), 24 July 2014 <<https://www.thelocal.se/20140725/swedish-inmates-to-receive-surf-tablets>>.

¹³ Ibid.

¹⁴ Yle, ‘Rise in foreign inmates increases need for digital leap in prisons’, *Yle* (online), 23 February 2017 <https://yle.fi/uutiset/osasto/news/rise_in_foreign_inmates_increases_need_for_digital_leap_in_prisons/9475520>.

to connect to the Internet on their own devices for study in their cells.¹⁵ In these prisons, computers are intended for online study, counselling and communication with family and friends. Thus, like Project IFI, Finnish prison servers are restricted to educational websites and limited platforms for communication.

The use of computers for juvenile detainees has numerous educational benefits, including accommodating for individuality, flexibility and continuity in learning.¹⁶ Students are able to learn individually and at their own pace, with interactive resources available on demand and consistent virtual support with a curriculum that can be continued beyond incarceration.

With these policies in place, Scandinavian countries have the lowest recidivism rates in the world. Therefore the role of access to computers in cells for education, counselling and communication cannot be understated for juvenile offenders.

¹⁵ Prisoners' Education Trust, 'Blog: Finnish Prisons Go Online', *Prisoners' Education Trust* (online), 20 October 2015 <<http://www.prisonerseducation.org.uk/news/blog-finnish-prisons-go-online>>.

¹⁶ William George Lockett, 'Technology in Prisons' (Winston Churchill 2010 Traveling Fellowship, Winston Churchill Memorial Trust, 01 May 2011) 22.

2. Austria

In Austria the age of criminal liability is 14 and juvenile detainees occupy 1.4% of the total incarceration population rate.¹⁷

There are 28 prisons in Austria that administer ‘Tele-learning for Prison Inmates’. This project provides inmates with a chance to receive a long distance education. Courses are accessed through a central internal server. They aim to provide vocational training, computer literacy, computer aided design training and basic accounting skills.

In Wien-Josefstadt prison, inmates are provided with moveable desks called “learning islands” which allow for this study to be conducted within individual prison cells. The computers are configured with software that is tailored to the personalised educational requirements of each inmate.¹⁸ However, Internet access is strictly forbidden unless granted under supervision. Internet access is usually granted for inmates to undertake online exams.

¹⁷ Republic of Austria, *Correctional Services in Austria* (01 August 2016) < https://www.justiz.gv.at/web2013/file/2c9484853e44f8f9013ef9d9e2b928dd.de.0/correctional_services_2016_download.pdf>.

¹⁸ Walter Hammerschick, ‘Report on e-learning in European prisons -Concepts, organisation, pedagogical approaches in prison education’ (Learning Infrastructure for Correctional Services, 23 December 2010), 6-7.

3. Germany

Inmates aged from 14 to 20 years old are accommodated within the juvenile justice system in Germany.¹⁹ The German juvenile justice system also places an emphasis upon educational and restorative justice. Youth imprisonment is used as last resort when educational and disciplinary measures cannot be applied.²⁰ This principle of minimum intervention has encouraged the widespread use of community service sentences. Courts have ordered for social training courses and mediation to be conducted in special circumstances.

The length of sentencing within the juvenile justice system ranges from six month to five years for inmates between the ages of 14-17 years. A maximum 10-year sentence is imposed for crimes that would attract a sentence of more than 10 years for the equivalent adult. If an inmate who is aged between 18-20 years is convicted of a murder charge, their sentence will increase to 15 years.²¹

Youth imprisonment represents 6.9 per cent of the total German prison population.²² In 2010, it was revealed that recidivism rates amongst juvenile justice detainees varied between 60-70 percent. 35 percent of these former inmates received custodial sentences.²³

50 German prisons are connected to the Elis-server that offers 160 different courses for inmates. These courses include: basic education courses; interpersonal skills awareness courses; ICT-training courses and vocational training subjects as well as advanced studies.²⁴

¹⁹ Frieder Dubkel, 'Youth Justice in Germany' [2016] *Oxford Handbooks Online*, 2.

²⁰ Ibid.

²¹ Ibid.

²² Prison Studies, *Germany* (2016) <<http://www.prisonstudies.org/country/germany>>.

²³ Dubkel, above n 18, 38.

Internet access is regulated by the ‘Multio’ system developed by the Hamburg Company. While the system heavily restricts Internet access, radio and television programs and phone call facilities are enabled.²⁵ The Multio system has been installed for inmates to undertake distance education courses in some German prisons.²⁶ While computers in cells are enabled for adults, juveniles do not have such access.

²⁴ Walter Hammerschick, above n 2, 10-12.

²⁵ Silke Wunsch, ‘Internet access for Germany’s prisoners’, *DW* (online), 23 July 2013 <<http://www.dw.com/en/internet-access-for-germanys-prisoners/a-16967584>>.

²⁶ *Ibid.*

4. Hong Kong

In Hong Kong, those aged between 10 and 20 are considered juvenile offenders.²⁷ Juvenile offenders are responsible for 16.9% of overall crimes in Hong Kong.²⁸ Hong Kong's juvenile incarceration rates are 57 per 100,000 as of 2017.²⁹ With the exception of seriously indictable criminal offences, juvenile offenders will not receive custodial sentences. They are instead detained within one of the five juvenile correctional institutions that exist within Hong Kong. Housing a total population of 500 inmates, four juvenile correctional centres admit male inmates³⁰. The final institution accommodates a female population. Each centre functions either as a detention centre or training centre. Detention centres promote discipline in a quasi-military setting while training centres focus on rehabilitation, vocational training and further education.³¹ Judges hold the discretion to determine whether a juvenile offender is to serve their sentence in either of these institutions. The detention centres are designed to accommodate male offenders with histories of violence and gang affiliation.

Juvenile detainees in Hong Kong detention centres follow a very strict routine of physical training and military exercise. Free time is extremely limited and access to computers is

²⁷ John A Winterdyk (ed), *Juvenile Justice: International Perspective, Models and Trends* (CRC Press, 1st ed, 2014) 142.

²⁸ Ibid.

²⁹ Prison Studies, *Hong Kong(China)* (2016) < <http://www.prisonstudies.org/country/hong-kong-china>>.

³⁰ Correctional Services Department, 'Annual Review', *Correctional Services Department* (online), 2016 <<http://www.csd.gov.hk/annualreview/2016/desktop/index.html#p=105>>.

³¹ Human Rights Watch, 'Special Categories of Prisoners', *Human Right Watch* (online), 1997 <<https://www.hrw.org/reports/1997/hngkng/Hongkong-07.htm>>.

prohibited. In training centres, which focus on reintegrating inmates into society, young detainees partake in a re-integration society that is enclosed below.³²

Judge decides if juvenile goes to training or detention centre – training centre focused on reintegration. In training centres, young detainees participate in half-day education classes and half-day vocational training. Public examinations are allowed for diligent and high performing detainees. In detention centres, young detainees are subjected to high intensity quasi-military programs for the majority of the day. The centre does not provide educational and vocational training due to the emphasis upon strict discipline and hard work. No Hong Kong juvenile correctional institutions admit computers into the cells for juvenile detainees.³³

Recidivism Rate (%)³⁴

Year	2007	2008	2009	2010	2011
Drug Addiction Treatment Centres	48.0	47.9	40.3	32.5	30.2
Prison	33.3	33.4	33.2	32.5	30.2
Training Centre	21.7	25.0	27.0	22.6	15.4
Detention Centre	20.8	20.6	14.4	7.2	8.0
Rehabilitation Centres	19.6	19.6	15.9	14.5	8.3

In 2014, the total recidivism rate was 25.9%³⁵

³² Ibid.

³³ Email from Leon Le and Justice Action Team to Correctional Services Department HKSAR, 09 June 2017.

³⁴ Audit Commission Hong Kong, *Correctional Services Department: Rehabilitation Services Provided by the Correctional Services Department* (01 April 2015) <http://www.aud.gov.hk/pdf_e/e64ch08.pdf>.

5. United Kingdom

The only prison in the United Kingdom currently offering ICT services to inmates is the HMP Berwyn in Wrexham. However, this institution only houses Category C adult male offenders and no juvenile offenders can participate in the program. HMP Berwyn is the first in a series of super prisons³⁶ to have opened in the UK. Heralded as the “modernisation” of the prison system by Justice Secretary Liz Truss, the accommodation of ICT services has received substantial support from academics and the wider public. Nearly three quarters (74%) of respondents to a recent prison survey contended that prisoners should have access to the Internet.³⁷ The Prisoners Education Trust noted that the 47% recidivism is extremely high and in need of immediate reduction.

Since 2010 the juvenile detainee population has reduced considerably.³⁸ However, the cost of custodial sentencing for a young person is still significantly high (i.e. £20,300 to £50,000 - much more than the £9,300 for the most intensive form of community disposal).³⁹ While the smaller detainee population may reduce interest in implementing education based ICT initiatives within the juvenile justice system, computers in cells remain still vital for the rehabilitation of individuals within the system.⁴⁰

³⁵ Ibid.

³⁶ Sam Dean, ‘Is this the end of Private Prisons’ *The Telegraph* (online), 18 February 2017. <http://www.telegraph.co.uk/business/2017/02/18/end-private-prisons/>.

³⁷ Nina Champion and Kimmitt Edgar, ‘Through the Gateway: How Computers can Transform Rehabilitation’ (Report, Prison Reform Trust and Prisoners Education Trust, 2013) 3.

³⁸ Loraine Gelsthorpe and Caroline Lanskey, ‘Youth Justice in England and Wales’ (2015) *Oxford Handbooks Online* 3.

³⁹ Ibid, 6.

⁴⁰ Nina Champion and Kimmitt Edgar, ‘Through the Gateway: How Computers can Transform Rehabilitation’ (Report, Prison Reform Trust and Prisoners Education Trust, 2013) 14.

6. USA

While youth crime has decreased by 51.2% in the United States between 2005 and 2014⁴¹ the United States still retains the highest incarceration rate of juvenile offenders in the developed world.⁴² In 2010, there were 173 youths in detention for every 100,000 detainees.⁴³ States each set different ages for juvenile detainees. North Carolina, New York, Missouri, Texas, South Carolina, Georgia, Michigan, Louisiana, and Wisconsin have set the limit at 16 or 17 years. Consequently, youths between the ages of 16 to 18 years are admitted to adult prisons.⁴⁴ This has significant ramifications for young offenders, as transferees to adult penal institutions are between 34% and 77% more likely to reoffend than young offenders in juvenile detention centres.⁴⁵

In the United States specialised JPay tablets are available for over 2 million prisoners in 34 states.⁴⁶ These tablets are used to communicate with family and provide secure access to educational facilities. Rehabilitation is balanced against community concerns through guidelines that filter messages and control access to the Internet. The tablet has wireless capability that is activated at the discretion of the correctional facility. They use specialised

⁴¹ Federal Bureau of Investigation, 'Crime in the United States 2014' (Report, US Department Of Justice, 2014).

⁴² The Annie E. Casey Foundation, 'Reducing Youth Incarceration in the United States' (February 2013) 1, <<http://www.aecf.org/m/resourcedoc/AECF-DataSnapshotYouthIncarceration-2013.pdf>>.

⁴³ Sickmund, M., Sladky, T.J., Kang, W., & Puzanchera, C, 'Easy Access to the Census of Juveniles in Residential Placement' (Report, Office of Juvenile Justice and Delinquency Prevention, 2015).

⁴⁴ Campaign For Youth Justice, 'Key Fact: Youth in the Justice System' (June 2016) 4, <<https://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune72016final.pdf>>.

⁴⁵ Richard E. Redding, 'Juvenile transfer laws: An effective deterrent to delinquency', (Report, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, August 2008) 5.

⁴⁶ Lucas Matney, 'You Probaly Can't Jaibreak This Tablet Made For America's Prisoners' *Techcrunch* (online), 14 July 2015, <<https://techcrunch.com/2015/07/14/you-probably-cant-jailbreak-this-tablet-made-for-americas-prisoners/>>.

operating systems which are designed to suit the educational and personal needs of inmates. They are equipped with Ebooks and tutorials on topics such as employment skills, limited games, email, video calling and music.⁴⁷ While these tablets are available for use in cells they are provided at the inmate's expense.⁴⁸

American Prison Data Systems provides free tablets, however, access to these tablets beyond a monitored and secure room and to the personal cells of detainees is at the discretion of the prison.⁴⁹ These tablets provide educational resources and access to sources such as TED Talks on a secure private network.⁵⁰ Access to technology protects the inmates from the effects of isolation.⁵¹ Edovo's tablets also provide educational and rehabilitative courses for inmates to undertake including courses on anger management.⁵² These tablets operate on a reward-based system where inmates earn points by completing courses, which could be used to provide access to games, music and videos.⁵³ However, they cannot be taken into cells and

⁴⁷ Lorenzo Ligato, 'New Tablet Will Connect Prison Inmates to Outside World' *HuffPost* (Online), 11 July 2015, <http://www.huffingtonpost.com.au/entry/jp5mini-tablet-jpay-prison_n_7763640>.

⁴⁸ Ariel Schwartz, 'Here's the real story behind the Apple of prison tech' *Business Insider Australia* (Online) 29 July 2015, <<https://www.businessinsider.com.au/apple-of-prison-techs-real-story-2015-7?r=US&IR=T>>.

⁴⁹ Anne Field, 'Can Tablets Help Educate Prisoners--And Keep Them From Returning To Jail?' *Forbes* (Online) 29 June 2013 <<https://www.forbes.com/sites/annefield/2013/06/29/can-tablets-help-educate-prisoners-and-keep-them-from-returning-to-jail/#5f60f5365c7b>>.

⁵⁰ Dan Tynan, 'Online behind bars: if Internet access is a human right, should prisoners have it?' *The Guardian* (online), October 3 2016 <https://www.theguardian.com/us-news/2016/oct/03/prison-internet-access-tablets-edovojpay?utm_content=buffer0c67a&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer>.

⁵¹ Jared Leone, 'Inmates get tablets at Colorado prisons' *AJC* (online), May 11 2017, <<http://www.ajc.com/news/national/inmates-get-tablets-colorado-prisons/aAEzmVWmLGYj48HYcD8GHJ/>>.

⁵² Dan Tynan, 'Online behind bars: if internet access is a human right, should prisoners have it?' *The Guardian* (online), October 3 2016, <https://www.theguardian.com/us-news/2016/oct/03/prison-internet-access-tablets-edovojpay?utm_content=buffer0c67a&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer>.

⁵³ Ibid.

so access is still significantly restricted.⁵⁴ The American Prison Data Systems tablets were deployed in 2014 in the Madison Juvenile Correctional Facility, a maximum-security facility for young female offenders on a trial basis.⁵⁵ The trial has since been extended as use of the tablets has contributed to higher literacy rates and improved behaviour. The tablets have also helped teachers within this correctional facility to provide visual and audio based learning to suit the differing needs of inmates. Teachers have also been able to upload educational materials for use inside and outside classes.⁵⁶ Facilities operated by the Illinois Department of Juvenile Justice have also used Edovo devices.⁵⁷

⁵⁴ Tribune News Service, 'In Jail, Tablets Calm and Educate Inmates' *Governing* (Online) 19 January 2016 <<http://www.governing.com/topics/public-justice-safety/tns-tablets-jail-sacramento.html>>.

⁵⁵ Barbara Brosher, 'Tablets Improve Reading Scores, Behaviour At Juvenile Facility' *Indiana Public Media* (online), October 28 2016, <<http://indianapublicmedia.org/news/tablets-improve-reading-scores-behavior-juvenile-facility-105624/>>.

⁵⁶ Ibid.

⁵⁷ Christine Ro, 'Without Technology Inside, How Can Prisoners Thrive When They Get Out?' *How We Get To Next* (online), 8 December 2016, <<https://howwegettonext.com/without-technology-inside-how-can-prisoners-thrive-when-they-get-out-8ba7ffb098>>.

Conclusions

As the Scandinavian model highlights, fostering rehabilitative and educational services significantly reduces recidivism rates. Access to technology is a crucial tool that ensures that inmates are not alienated and separated from society. Thus far, only the Australian Capital Territory (ACT), Austria and some Scandinavian countries including Belgium have provided juvenile inmates with access to computers in cells. These countries are leading the world in their emphasis on providing personal computing systems inside prison cells for juvenile offenders as this equips juveniles with educational and therapeutic resources on demand. However, access is still restricted as Austria's 'learning islands' do not have Internet access unless enabled at the discretion of the prison and only open Scandinavian prisons have such access.

In Germany, Hong Kong and the United Kingdom access to computers in cells is also prohibited. As the example of the United Kingdom highlights, in some jurisdictions computers are provided in adult prison cells but not juvenile justice detention centres. Only one jail in the United Kingdom currently provides this access, and such access is only available to adult males. In the United States prisons that have JPA tablets allow detainees to use their tablets within their cells for communication and education. However, these tablets must be purchased by the detainees and are therefore only available based on affordability. American Prison Data Systems provides similar services free of charge, however, its tablets are only allowed for use in individual cells at the discretion of the prison. The Madison Juvenile Correctional Facility exemplifies the importance of access to technology in free time as tablets distributed there have increased literacy rates and improved behaviour.

Access to educational resources on demand, a wider range of therapy providers and increased avenues for communication with social networks is vital for reducing recidivism.

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