

The Digital Divide: Access to digital technology for people in custody

Inspector's overview

Despite a falling crime rate, the number of people in prison keeps rising. One of the drivers is the high number of people who return to prison after release. It is logical, therefore, to focus on reintegrating people from custody back into the community.

Smart use of technology can help achieve this in many ways. It can increase people's opportunities to stay in contact with family and friends while in custody, making reintegration less confronting. With the right technology, access to legal, health and government services in custody can be increased. Web based systems and other technologies offer opportunities to increase program and education services in the custodial environment.

Unfortunately, Western Australia has not taken a coordinated or strategic approach to using digital technology to improve these services. We are lagging behind other states and some of our regional neighbours.

We understand the fiscal pressures facing government. We also understand that expanding digital technology will have costs. However, smart investment can lead to efficiencies and long term savings. In order to do this, there needs to be a commitment from the Department of Justice to look for opportunities and implement improvements where practical. This review shows that it is likely to be some time before there is substantial improvement for people in custody.

The Department's response to the report draws heavily on its information communication technology (ICT) transformation project. This project is underpinned by state government policy aimed at modernising ICT to reduce infrastructure duplication and to harness whole of government buying power for ICT services.

However, the focus of this project is largely on improving ICT for staff. The only mention of ICT for people in custody is in relation to the prisoner telephone system and offender education services. While these improvements will be welcome it is a narrow focus. The roadmap provided to us has no references to matters such as in-cell technology, determining the number of computers needed for the prison population, or increasing video technology for visits for people in custody – which were our recommendations.

Obviously, I support the Department's efforts to improve the use of ICT for staff, monitoring, and surveillance purposes. But I am concerned that improvements in access to digital technology for people in custody will be slow or sidelined. We live in the digital age, and controlled access to ICT will be an increasingly necessary and powerful tool for rehabilitation.

If smart investment in technology for people in custody is to be improved in Western Australia, planning needs to start now. Clear goals need to be set, and risks and mitigation strategies need to be identified and documented. I hope this report will give impetus to such planning.

One area which illustrates the current problems is the ability of people in custody to access legal documents and other records. These days, the majority of legal practice is electronic, not paper-based. People in custody have the right to view such material in order to prepare their case or discuss a plea. Lawyers told us that, in their view, the Department's policy about lawyers taking laptops into official visits areas, to share information with clients is both restrictive and inconsistently applied. I am pleased to report that, after discussions with us, the Department agreed to reassess its policy, and committed to ensuring consistency at different prisons.

However, I would have expected to have found evidence of regular discussions between the Department and the legal profession on how best to manage communications and risks, and greater use of technologies such as Skype. I would also have expected lawyer/client communications to be part of comprehensive ICT planning. That does not appear to be the case on the evidence provided to us. In part, that may reflect the fact that prisons and courts used to be run by separate government departments. The new Department of Justice is now responsible for both. I hope this will lead to improved coordination and policy development.

Neil Morgan

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