

MODERNISING JUSTICE THROUGH NEW TECHNOLOGY

IMPROVING PRISONER ACCESS TO NEW TECHNOLOGIES

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Thank you for inviting me here today.

Let me make my position clear from the start.

You can't 'modernise justice through new technology' – at least in prisons – and forget about prisoners. Part of the agenda needs to be the carefully managed improvement in prisoners' access to new technologies.

In my remarks today I will acknowledge the risks that need to be managed but go on to balance them against the potential benefits of digital case management, rehabilitation and improved efficiency in the day to day running of prisons.

The Prison Reform Trust and the Prisoner Education Trust have produced an excellent report on this issue – 'Through the Gateway – How Computers can Transform Rehabilitation' – which I have used in preparing my remarks and I commend to you.

First, I should briefly explain the role of HMI Prisons and the work we do that informs these remarks.

Prison inspection has a long history in England and Wales and my statutory role now is to report to the relevant Secretary of State on the treatment of prisoners and the conditions in prisons. Over the years, the Chief Inspector's remit has been extended beyond prisons and with partners such as HMIC, Ofsted and CQC we now inspect police and court custody, juvenile establishments and all forms of immigration detention. With partner inspectorates we now form the mechanism by which the UK delivers its obligations as a party to the United Nations Optional Protocol to the Convention Against Torture to ensure the independent inspection of all places of detention.

In all the 100 or so unannounced inspections we undertake each year we make our judgements against variants of four healthy prison tests:

Safety – prisoners, particularly the most vulnerable are held safely.

Respect – prisoners are held with respect for their human dignity.

Purposeful activity – prisoners are able and expected to take part in activities likely to benefit them.

Resettlement – prisoners are prepared for their release into the community and helped to reduce the likelihood they will reoffend.

Prisoner access to new technology has a role to play in all of them.

Imagine you had been marooned on a desert island for the last five years or so – or locked in a prison cell. How much the technology and how it's used would have changed.

Smart phones, PCs, tablets, the Cloud, Twitter, Tumblr, Skype, contactless payments replacing coins in your pocket – I can't keep up myself. Looking for and applying for a job, housing and a host of other services; paying our bills and managing our finances; staying in touch with family and friends; education; travel. The list goes on.

And there is a dark side to these developments. These new technologies can be used to facilitate crime, exploitation and abuse. We worry about how to keep our children safe on line. The technologies can help us communicate but they can isolate us too. We need to know how to use them safely.

Prisoners have been excluded from almost all of this.

I acknowledge there have been important developments in the way prisons use new technologies to manage prisoners. System for analysing intelligence reports and assessing risk are increasingly sophisticated.

The prisoners' file system, P-Nomis, is now in universal use so the risks of incidents happening because information is not exchanged are much reduced – although, infuriatingly, we still find examples where one department has decided to set up their own records system and not share information with other parts of the prison.

Prisons are increasingly using self-service kiosks for prisoners to access basic information and carry out simple tasks – to check the small wage they receive for their work has been paid and make a shop order for instance.

These are welcome developments and enable staff time to be used more efficiently. They come with a word of warning however – they should be in addition to regular staff contact not instead of it. It may be that it is when the prisoner comes into the wing office to order some cell supplies that he drops a hint that there may be trouble on the wing or so and so is very down and has not come out of his cell.

The area where I think prisons lag furthest behind is in prisoners' access to the internet. I am not advocating that prisoners should have unrestricted access. But let's be clear, as many in this audience know, it's relatively easy for prisoners to get hold of an illegal phone.

One prisoner on the wing holds a phone which they rent out. All anyone else needs is a sim card. Some of that illegal use might be relatively harmless – staying in touch with friends and family for instance but they can be used to plan crime, do drug deals

and harass victims. There has been some horrible video circulated recently which shows a group of boys in a YOI assaulting another lad. I have had distressing correspondence from victims asking how they can get a facebook page with a prisoner gloating about their crime taken down.

I think right now the systems reactions to this kind of abuse and illegal use is too slow and complacent.

I understand the concerns that if prisoners' access to new technologies was increased that would lead to more of the abuses I have described.

Prisons are in the business of managing risk. All the time prisons are making decisions about balancing security considerations against the discretion that is necessary if staff supervision costs are to be reduced and prisoners are to participate in work and resettlement activities.

Like other risk management processes in a prison, prisoners' access to new technologies and the internet needs to be based on risk assessment of the individual concerned and properly supervised. Furthermore, I would be astonished if the sort of expertise gathered in this room could not provide technical solutions that would minimise risk. Frankly, if President Obama can listen to Angela Merkel's mobile telephone calls I would have thought we could keep a check on what Fletcher and Godber are up to in HMP Slade.

And, as anyone who is on the government's IT system knows, it is difficult enough getting onto the BBC News site, let alone anything more dodgy.

I suppose too, that there is a fear that a move in this direction will be seen as being 'soft' on prisoners. I suspect that is what they said when they first took the chains out, replaced straw with bunks or put telephones on the wing landings. We can't leave prisons in a time warp, and prisoners woefully unprepared for the world they will re-enter or for that matter, afford the expense of running prisons in a pre-digital dark age.

So what are the benefits to allowing prisoners to be part of the modernising justice through new technology development?

Well, to start with, one of the most important initiatives across the justice system is the development of digitalised case records that can be exchanged across the CJS between police, CPS, courts and probation so the huge bundles of paper files become a thing of the past. Video links are increasingly used for court appearances by prisoners avoiding the costs and disruption involved in transferring them to court for what are often very short appearances.

But how will the accused, remanded prisoners, be able to access all the information they should have about their case? What about all the other proceedings a prisoner may be involved in – family and civil cases for instance? What about the prisoners who are themselves victims of crime? How, in the new digital age, will they progress an appeal?

Whatever your views on crime and punishment, the one thing we can all agree on I hope, is that we want prisoners to leave prison less likely to commit crime than when they went in. I have occasional differences of opinion with the Justice Secretary but he is absolutely right to say we need to transform rehabilitation outcomes.

We know a lot about what works. Prisoners need the skills, experience and habits to get and hold down a job on release. And they need practical help to make sure they have a roof over their head, manage their money and access other services after release.

I have not seen any research that looks specifically at prisoners' level of IT skills. It is a gap that needs to be filled. But we know that almost half of all prisoners have no qualifications at all and we can infer that the level of IT skills is correspondingly low.

I can think of few jobs nowadays that do not require at least a basic level of IT skills. In importance it's just a short way between basic literacy and numeracy. Most jobs will require a lot more than that. Some prisoners, particularly those doing longer sentences undertake Open University courses or other higher level qualifications if they can get help to pay the fees. Not surprisingly, a lack of access to IT is a major barrier to their studies.

There have been efforts to address this. 'Virtual Campus', for instance, a secure web based IT platform has been rolled out across most prisons and is an important resource. But too often we find the hardware still in boxes, staff without the relevant skills to use it properly and, at best, it being used to far less than its full potential.

It is not just a matter of education and training. How do you apply for a job without web access? Look for and apply for accommodation? Manage your money? Make travel arrangements?

For all the efforts of the agencies, we know that the most effective rehabilitation support is provided by strong and positive family relationships. So maintaining and strengthening family relationships is a crucial part of the rehabilitation process. But visits are difficult and the travel is costly.

A couple of years ago I went to visit the UK detention facility in Camp Bastion, Afghanistan. One of things they were doing there was allowing the Afghan detainees to have closely supervised Skype conversations with family members who were in an aid agency's office in Kabul. If they can do it with potentially hostile detainees in a tent in the Afghan desert, I can't see why we can't do it here.

I have in fact seen a small number of similar examples here. Detainees held in immigration removal centres here are allowed supervised access to friends and family back home – but not if they are held under the same powers in a prison. – but not if they are held under the same powers in a prison. In another example, HMP Parc in Wales fixed for a prisoner to join the parent teacher conference of his son who was having trouble at school.

The prison governors and staff I speak too are in no doubt more of this kind of thing is possible, it would be beneficial and they could safely manage the risks involved.

Managing and reducing the risk offenders pose to others is a crucial part of a prison's work. You will be aware of the controversy there has been recently about letting prisoners out of prison on day release. It needs to be managed better but the principle is sound. It is a sensible thing to gradually test long term prisoners in the community before their final release is agreed.

In the same way it is important to test prisoners' behaviour in the virtual community under supervised conditions and get them to understand and control the behaviours that lead them to committing offences. Where the prisoner gives indications that their behaviour on line may put others at risk, action can be taken accordingly.

So in conclusion, I don't think we can go on with prisons in a pre-internet dark age: inefficient and wasteful and leaving prisoners woefully unprepared for the world they will face on release. I don't believe you can modernise justice through new technology without addressing this. Yes, there are security issues to be addressed, but the technology allows every key stroke to be monitored and access can be risk assessed. We now need to get on with getting this part of prison policy to make its long overdue entrance into the 21st century.

Thank you