Corrections Management (Detainee Access to Education, Library and Information Communication Technology) Policy 2019

Notifiable instrument NI2019-662

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

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1   Name of instrument

This instrument is the *Corrections Management* (*Detainee Access to Education, Library and Information Communication Technology) Policy 2019.*

2   Commencement

This instrument commences on the day after its notification day.

3   Policy

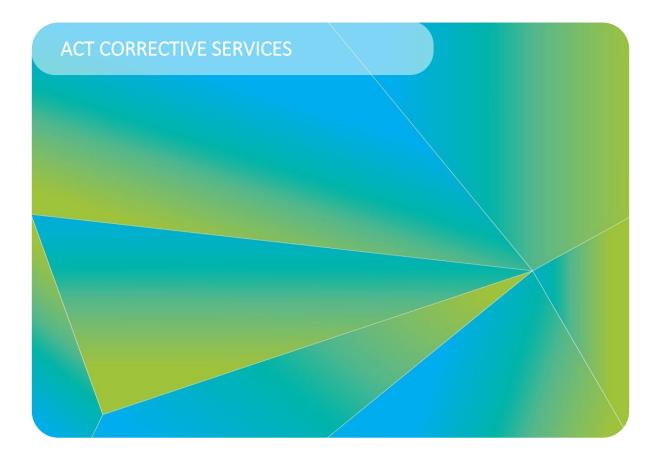I make this policy to facilitate the effective and efficient management of correctional services.

4   Revocation

This policy revokes the *Corrections Management (Library) Policy 2011* [NI2011-46].

Jon Peach
Executive Director
ACT Corrective Services
11 October 2019

DETAINEE ACCESS TO EDUCATION, LIBRARY & INFORMATION COMMUNICATION TECHNOLOGY

POLICY NO. D32

ACT CORRECTIVE SERVICES

ACT Government

Justice and Community Safety

Contents

1   PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees have access to a variety of educational programs, library and Information Communication Technology (ICT) that meet their needs and delivers skills to support their transition to the community and employment outcomes. Detainees are supported and encouraged to undertake educational programs.

This policy establishes the requirements for education, library and ICT services in a correctional centre.

2   SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the General Manager Custodial Operations will establish operational procedures under this policy.

3   DEFINITIONS

Information Communication Technology (ICT)
Computers, Internet, Legal Education and Resource Network (LEARN), and associated hardware and software. Excludes email use (*Detainee Communications Policy*).

4   PRINCIPLES

4.1   ACTCS recognises the significance of developing vocational skills and maintaining contact with family and friends for detainees.

4.2   Detainees are offered educational programs that as far as practicable meet individual needs and are culturally appropriate.

4.3   Detainees are engaged and supported to access educational programs through the sentence management process (*Sentence Management Policy*).

4.4   All detainees have regular access to a library that is stocked with educational and legal resources.

4.5   Educational programs are delivered by accredited organisations and provide skills-based learning that assists detainees to gain employment on return to the community.

4.6 Detainees with a disability, and Culturally and Linguistically Diverse detainees, will receive appropriate support and consideration.

4.7 An appropriate level of access to ICT is provided to all detainees in accordance with the *Incentives and Earned Privileges Policy* to:

a. contact family, friends, legal representatives and oversight agencies via pre-approved email addresses;

b. stream free-to-air television;

c. engage in meaningful learning programs; and

d. access to applications such as email, word processing, spreadsheets, paint, PDF viewing and limited Internet browsing.

4.8 ACTCS maintains the right to regulate all aspects of the creation, storage and transfer of all ICT data and content created and stored by detainees.

4.9 A detainee holds the intellectual property rights, copyright and right of possession to ICT documents they create, unless expressly waived by the detainee, and subject to considerations of security and good order in a correctional centre. This excludes email communications and attachments.

4.10 All use of ICT systems by detainees is logged, monitored and reported.

4.11 Decisions on detainee access to ICT will be made by the General Manager Custodial Operations (GMCO) in the interests of the safety of the detainee and any other person, and security and good order at a correctional centre.

5 EDUCATIONAL PROGRAMS

5.1 All detainees will receive a literacy, numeracy and educational needs assessment during induction to a correctional centre to inform suitable education programs for the detainee.

5.2 The Executive Director will authorise accredited organisations to deliver educational programs to detainees.

5.3 A schedule of all educational programs available to detainees will be maintained.

5.4 Engagement in education may be linked to a detainee's *Sentence Management Plan* including relevant rehabilitation objectives, and will be regularly reviewed between the detainee and their Sentence Management Officer (*Sentence Management Policy*).

5.5   Detainees are permitted to hold library books and necessary and appropriate educational materials in their cells in accordance with the property limits under the *Detainee Property Policy*.

6   EXTERNAL VOCATIONAL AND TERTIARY STUDY

6.1   Detainees who wish to engage in, or continue, vocational or tertiary enrolment must undertake study in their own time.

6.2   External study is subject to the approval of the Head of Security to ensure security and good order of a correctional centre are maintained.

6.3   Detainees are responsible for the administration and costs associated with their external study, including the management of assignments and other deliverables.

6.4   Where a detainee requires access to websites directly related to their vocational or tertiary enrolment, they must submit a *Detainee Request Form* to Education including the reasons for the requirement.

6.5   Where a detainee requires support with their external study, they should discuss this with Education.

7   LIBRARY

7.1   As far as practicable, the library will provide:

   a.   study stations;

   b.   computers for use by detainees; and

   c.   librarian support and services.

7.2   The Executive Director will appoint a Librarian to manage correctional centre libraries.

7.3   The GMCO will maintain a schedule of access times for detainees in each accommodation area to access the library.

7.4   Information about access, borrowing library items, services and library rules will be made available to all detainees.

7.5   The library will provide access to a range of fiction, educational and legal resources for detainees, including but not limited to:

   a.   approved magazines and journals;

   b.   books to meet the needs of non-English speaking detainees;

   c.   Aboriginal and Torres Strait Islander cultural and historical material;

d. access to unrestricted ACTCS policies and procedures;

e. reference books and legal resources to assist in legal defence and litigation; and

f. resources to assist the vision and hearing impaired.

7.6 Detainees will continue to have access to library facilities under the *Management of Segregation and Separate Confinement Policy*.

8 ICT

8.1 Detainee access to ICT systems:

a. is a privilege;

b. is monitored using automated functions and manual processes by authorised ACTCS staff; and

c. may be withdrawn for misuse including but not limited to section 8.7.

8.2 Access to detainee computers is managed under the *Incentives and Earned Privileges Policy*.

8.3 Detainee computer accounts will contain software for detainees to access legal, educational and other resources, and 640 Mb storage space.

8.4 During the induction process, each detainee will be issued with a personalised username and password to access ICT in a correctional centre (*Induction Policy*).

8.5 It is the responsibility of detainees to safeguard their user names and passwords from other detainees. Detainees can request a password reset if they forget their password or where they are concerned about the security of their password.

8.6 Detainees are not permitted to encrypt or password-protect any data on a computer.

8.7 Detainees must not use ICT for the following, and may be managed under the *Discipline Policy* for activities including, but not limited to:

a. activity constituting a risk to the safety of any person, or to security or good order at the correctional centre;

b. revictimising a victim;

c. to cause community distress;

d. the misuse or corruption of the computer or software;

e. use of another detainee's account, or the name and password of another detainee;

f. to communicate with another detainee;

g. installation or modification of any software;

h. modify system settings;

i. for fraudulent purposes;

j. the use or circulation of illegal or prohibited material, including any material of a pornographic nature;

k. encrypting or password-protecting any data;

l. to pass information to a third party on behalf of another detainee to circumvent safety, security and good order at the correctional centre;

m. attempts to bypass, circumvent, or access websites not approved for detainees under section 8.16;

n. criminal behaviour; or

o. for conduct of business.

8.8 Where a detainee has used ICT inappropriately or to create a risk to the safety of any person, or to security or good order at a correctional centre, their computer account may be restricted by the Deputy General Manager Custodial Operations.

8.9 Detainees can request a review of decisions relating to the restriction of access to ICT systems under the _Detainee Requests and Complaints Policy_.

8.10 Educational providers can add or remove materials from detainee computers by making a request to the Head of Detainee Services including the new and/or outdated material.

Auditing

8.11 Security audits of detainee computers may be conducted:

a. to ensure ICT is not being misused; and

b. where system breaches are identified.

8.12 All logs, records and archives of ICT systems used by detainees may be used as evidence.

8.13 All detainee use of ICT systems may be:

a. archived indefinitely;

b. reviewed by automated systems;

c. reviewed and audited by authorised staff; and/or

d. reviewed by authorised external agencies for the purposes of investigating suspected criminal or unlawful activity.

Technical support

8.14 Where a detainee requires ICT technical support, including but not limited to:

  a. requests to repair a non-operating or damaged ICT system;

  b. ICT network or connection issues;

  c. email or Internet access issues; or

  d. issues or non-operation of an detainee computer, keyboard or mouse,

  they must discuss this with a custodial officer or submit a *Detainee Request Form*.

8.15 Requests under section 8.14 will be sent on behalf of the detainee to PrisonPC@act.gov.au for investigation and a response.

Internet access

8.16 Detainees will be provided with access to a limited number of approved websites in a correctional centre, only for the purposes of assisting a detainee:

  a. to meet their program, education, vocation or tertiary requirements;

  b. to access news and information in accordance with section 52 of the *Corrections Management Act 2007* (ACT); and

  c. to access up-to-date:

    i. notified ACTCS policy and procedure documents; and

    ii. legislation and legal resources.

8.17 The list of approved websites will be available on all ICT used by detainees.

8.18 Detainees who require access to a website in order to meet their legal needs must submit a *Detainee Request Form* to Education including the reasons for the requirement.

8.19 In deciding whether to grant or deny a request under section 8.18, the GMCO will consider:

  a. whether:

    i. the detainee is a current student at the institution; or

    ii. there are reasonable grounds to suggest that the website is relevant to the detainee's legal needs;

  b. alternatives to meeting the detainee's needs without approving access to the website for all detainees;

  c. feedback from the Security Unit; and

  d. anything else the GMCO considers appropriate.

8.20   The detainee will be informed of the GMCO's decision, and a case note recorded on the detainee's electronic record system.

9   DETAINEE PRINTING

9.1   Detainees may print, photocopy or fax documents for personal, education or legal purposes up to a maximum of 25 sheets of A4 paper each day.

9.2   Where a detainee exceeds 25 sheets of paper they will be charged for each additional sheet as follows:

   a.   for black and white printing or photocopying, $0.10 per sheet of paper; and

   b.   for faxing, $0.25 per sheet of paper.

9.3   All documents will be printed at the Education office.

9.4   Detainees can collect their documents during scheduled education or library attendance, or by alternate arrangements approved by their Accommodation Area Supervisor.

10   RELATED DOCUMENTS

- A – Discipline Policy
- B – Detainee Communications Policy
- C – Incentives and Earned Privileges Policy
- D – Sentence Management Policy
- E – Induction Policy
- F – Detainee Requests and Complaints Policy
- G – Management of Segregation and Separate Confinement Policy

Jon Peach
Executive Director
ACT Corrective Services
11 October 2019

Document details

Criteria	Details
Document title:	Corrections Management (Detainee Access to Education, Library and Information Communication Technology) Policy 2019
Document owner/approver:	Executive Director, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	Three years after the notification date
Compliance with law:	This policy reflects the requirements of the *Corrections Management (Policy Framework) Policy 2019*
Responsible officer:	Head of Detainee Services

Version Control			
Version no.	**Date**	**Description**	**Author**
V1	May-19	First Issued	L Kazak