



ITHAKA S·R

The American Prison: A Site of Digital Exclusion

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Ithaka S+R provides research and strategic guidance to help the academic and cultural communities serve the public good and navigate economic, demographic, and technological change.

Ithaka S+R is part of ITHAKA, a not-for-profit with a mission to improve access to knowledge and education for people around the world. We believe education is key to the wellbeing of individuals and society, and we work to make it more effective and affordable.



Session Goals

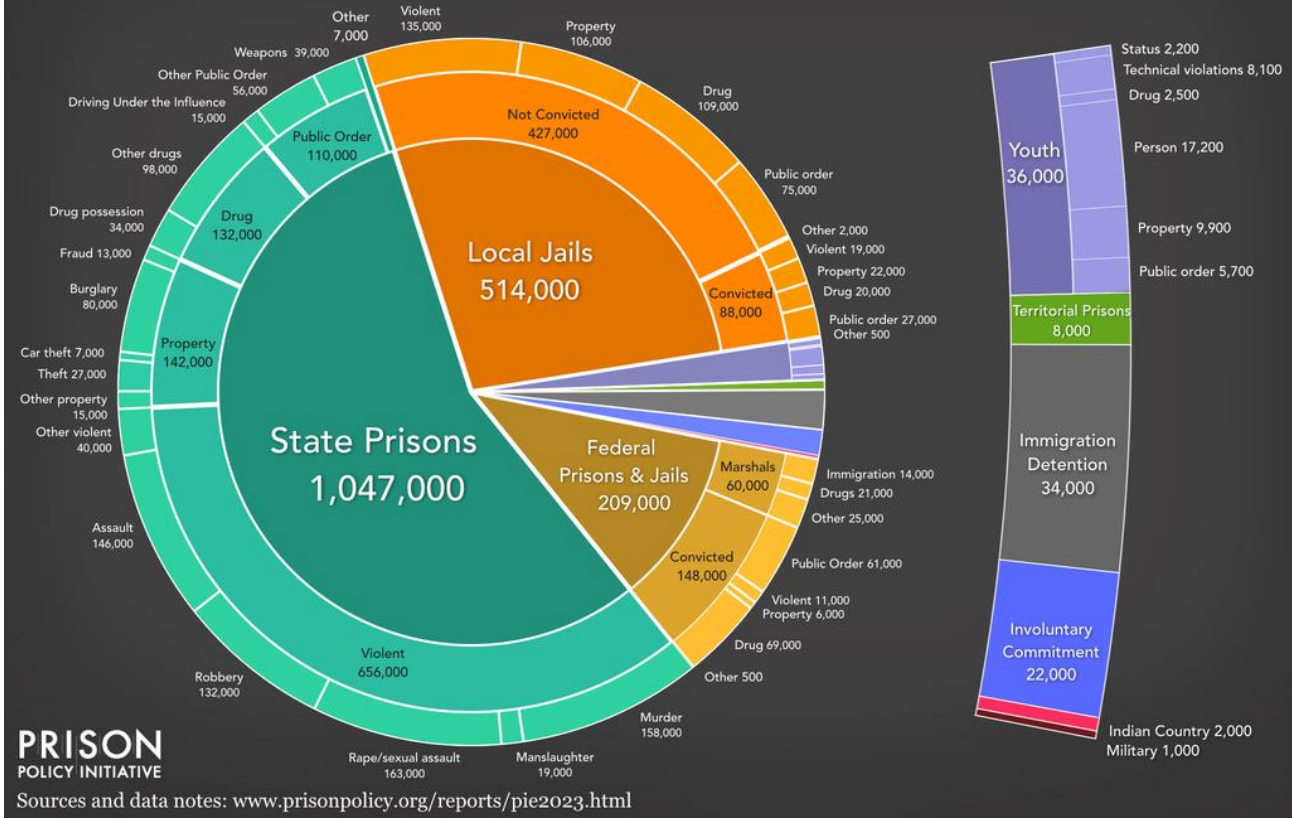
1. Provide context on mass incarceration and why the prison is a site of digital *exclusion*.
2. Introduce the challenges and complexities of conducting research in the prison space.
3. Dig in to one major intervention, Higher Education in Prisons (HEP), and explore its intersections with digital inclusion research.

Prison Action News Editorial Collective. "Prison Action News." *Prison Action News*, vol. 6, no. 2, Aug. 2013. JSTOR, <https://jstor.org/stable/community.32824683>. Accessed 14 Aug. 2023.

Understanding the Scale of the Issue

How many people are locked up in the United States?

The U.S. locks up more people per capita than any other nation, at the staggering rate of 565 per 100,000 residents. But to end mass incarceration, we must first consider *where* and *why* 1.9 million people are confined nationwide.



Understanding the Scale of the Issue

Mass incarceration directly impacts millions of people
But just how many, and in what ways?

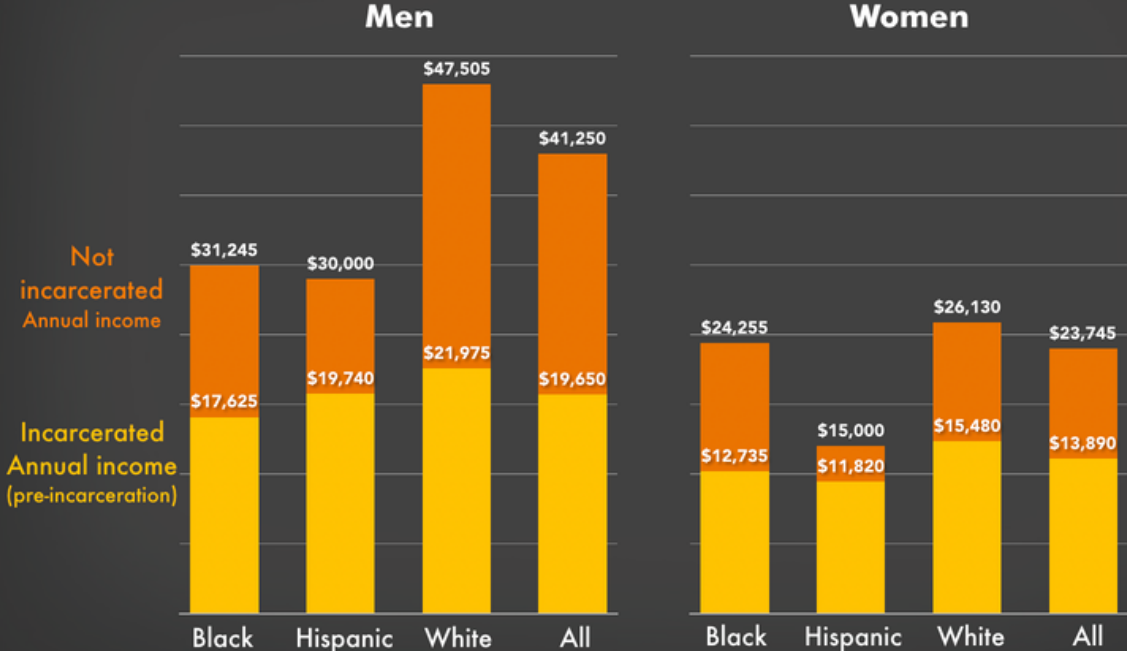


Compiled by the Prison Policy Initiative from 2020 Bureau of Justice Statistics data; Shannon, et al. (2017) *The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948-2010*; SEARCH's *Survey of State Criminal History Information Systems, 2018* (estimate of criminal records created according to the methodology of NELP's *65 Million Need Not Apply*); and FWD.us (2018) *Every Second: The Impact of the Incarceration Crisis on America's Families*

Understanding the Scale of the Issue

Most people in prison are poor, and the poorest are women and people of color

Median annual pre-incarceration incomes for people in state prisons ages 27-42, compared to incomes of same-age non-incarcerated people, by race/ethnicity and gender (in 2014 dollars)



Compiled by the Prison Policy Initiative. For detailed data notes, see www.prisonpolicy.org/reports/income.html

REPORT

Advancing Technological Equity for Incarcerated College Students

Examining the Opportunities and Risks

May 7, 2020

Kurtis Tanaka
Danielle Cooper



The Prison as a Site of Digital Exclusion

- There is typically no access to the internet within prisons. What access exists is limited and tightly controlled.
- The two main technology providers are for-profit, with business models that have been called exploitative of people who are incarcerated and their families.
- Many tech solutions are OK'd by DOCs* because they promise they can surveil all activity and communication.
- Access to digital resources is often sporadic and unpredictable, often due to policy changes and faulty hardware.

*DOC: Department of Corrections

“You Gotta Watch What You Say”: Surveillance of Communication with Incarcerated People

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ABSTRACT

Surveillance of communication between incarcerated and non-incarcerated people has steadily increased, enabled partly by technological advancements. Third-party vendors control communication tools for most U.S. prisons and jails and offer surveillance capabilities beyond what individual facilities could realistically implement. Frequent communication with family improves mental health and post-carceral outcomes for incarcerated people, but does discomfort about surveillance affect how their relatives communicate with them? To explore this and the understanding, attitudes, and reactions to surveillance, we conducted 16 semi-structured interviews with participants who have incarcerated relatives. Among other findings, we learn that participants communicate despite privacy concerns that they felt helpless to address. We also observe inaccuracies in participants' beliefs about surveillance practices. We discuss implications of inaccurate understandings of surveillance, misaligned incentives between end-users and vendors, how our findings enhance ongoing conversations about carceral justice, and recommendations for more privacy-sensitive communication tools.

1 INTRODUCTION

The United States (U.S.) has the highest incarceration rate and the largest population of incarcerated people¹ in the world [107]. Nearly half (45 percent) of adults in the U.S. (113 million people nationwide) have an immediate family member who has spent at least one night in jail or prison [28]. About 1 in 7 adults has a close family member — defined as a parent, child, sibling, partner or a spouse — who was imprisoned for at least one year [28].

Incarcerated people in the United States are under near-constant surveillance, particularly when communicating with people who are not incarcerated. Attorney-client communication is privileged and has some legal protections from surveillance [2], but other communication does not. Communication to and from incarcerated people is scanned, indexed, and screened by prison officials or third-party contractors (prison communication companies) who provide communication services [19, 42, 90]. Although individual facilities may not be equipped to leverage cutting-edge advancements in computing, the increasing prevalence of prison communication companies has created an economy of scale for surveillance [7]. Re-

The Prison as a Site of Digital Exclusion

What this Means

- Technology in the prison space can be alienating due to exploitative costs and surveillance.
- What technology exists is typically designed for the prison, and so may function differently than technology in the free world.
- Limited access, long sentences, and preexisting digital exclusion lead to a significant lack of information and digital literacy.



JPay's JP6S Tablet
(from <http://www.securuslantern.com/>)

The Prison as a Site of Digital Exclusion

Impact on People

Basic Proficiencies

Students express the need to leave prison with digital skills. They see these skills as vital to their success, be it to get a job, continue their education, or navigate 21st Century society generally.

Fear of Embarrassment/ Being 'outed'

Students express the concern that their inability to use technology could out their status as being formerly incarcerated.

Reduced Autonomy

Students noted that their lack of digital literacy reduced their autonomy, making them more reliant on others to perform basic tasks.

“The biggest challenge now is computers...I didn't even realize what I didn't know.”

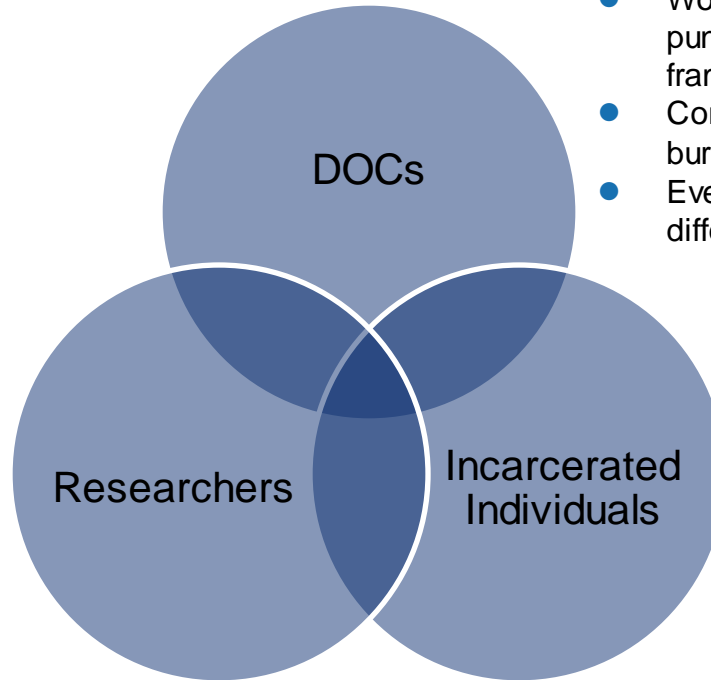
-Formerly incarcerated student reflecting on their reentry experience

Conducting Research in the Prison Space

Conducting Research in the Prison Space

Stakeholders

- Prioritize independence, transparency, and rigor.
- Research agenda may not align with DOC interests.
- Come from a variety of disciplinary backgrounds.



- Prioritizes **security** and **control**.
- Works in a punishment/rehabilitation framework.
- Complex hierarchy and bureaucracy.
- Every state and facility can be different.

- Are the experts of their own experience.
- Have special protections under the Common Rule.
- Have limited agency. Gaining consent and providing research incentives must be carefully considered.

The External Research Process

What is the TDCJ External Research process?

The TDCJ External Research process is outlined below. This occurs in three phases: 1) the initial review phase, 2) active project phase, 3) closure phase.

Initial Review Phase

This phase may take up to 180 days.

- Submit completed research packet with necessary components
- Office of Inspector General (OIG) conducts a background investigation of PI and Co-PIs
- Research and Development prepares research packet and internal documentation
- Office of General Counsel (OGC) reviews project
- Designated Division Directors review project
- Deputy Executive Director reviews project
- Project is approved or denied.

Active Project Phase

This phase is the entire length of time your data is being collected and used for publication or analysis.

- Collect/receive data
- [Complete Progress Reports \(ERF 22.11\)](#)
 - Initial progress report at 3 months
 - Subsequent reports every 6 months
- Complete and present technical report(s) on project findings
 - A minimum of one technical report is required for each project
 - Research and Development will aid in the coordination of your technical report presentation with TDCJ personnel if needed
- Publish or present your findings
 - Provide outward facing materials (manuscript drafts, presentations, posters, etc.) to Research and Development at least 30 days prior to submission/ presentation for review
- Submit [External Research Incident Reports \(ERF 22.12\)](#) when applicable
 - Documents adverse events that occur during the course of an external research project

Closure Phase

This phase occurs when data collection/ reception has ended and all publications as well as presentations of project data have been completed.

- Submit [External Research Closeout Request \(ERF 22.12\)](#)
 - Will serve as the final documentation of the technical reports, publications, presentations, and other materials your project has generated.
- Designated Division Directors review project closure
- Research and Development provides Project Closure Memorandum

Conducting Research in the Prison Space

DOC Review

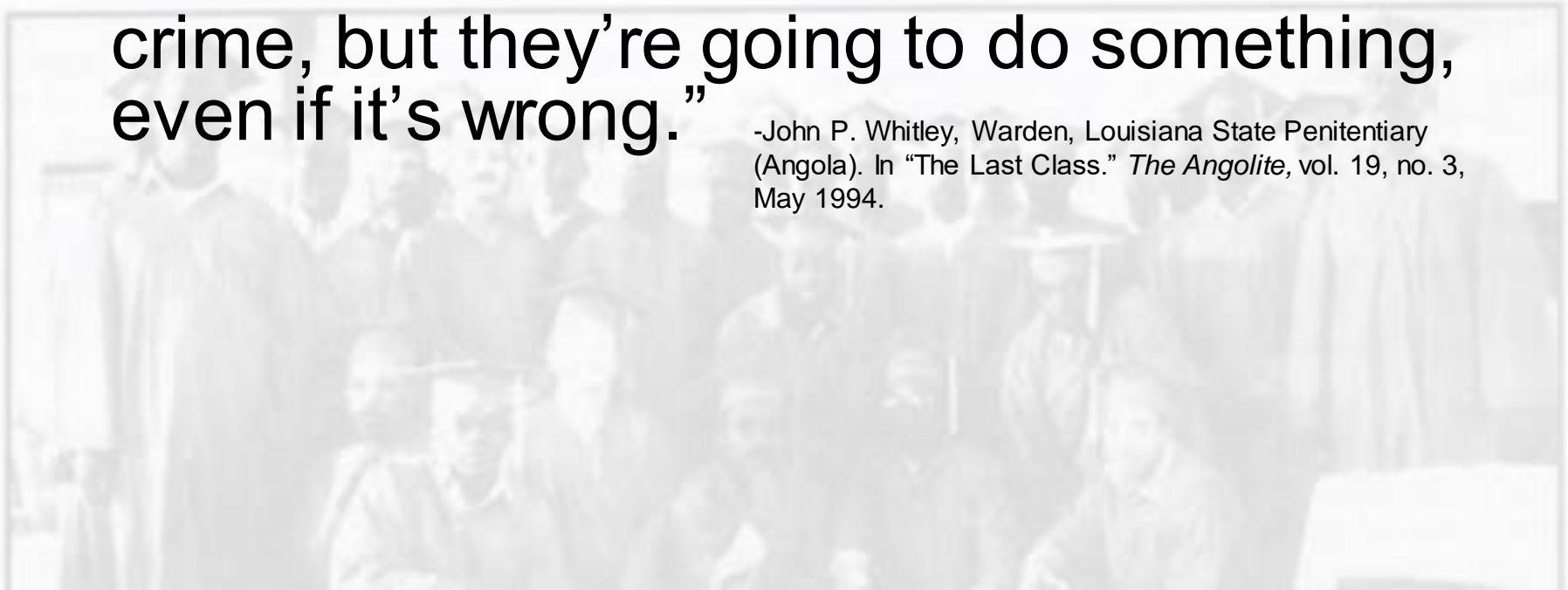
- DOC review processes can be opaque and lengthy. It is not always clear who the decision makers are.
- Many directives require outputs to be reviewed by DOC prior to publication.
- Some directives require that the research “has some value to the Department” meaning that research must be aligned with DOC interests and priorities.

both the shining triumph of obstacles overcome and the impending tragedy of the end of higher education for America's prisoners.

The axe was poised a thousand miles away in Washington D.C. to cut off the possibility of ceremonies like these ever again occurring in any prison.

“Politicians don’t know what to do about crime, but they’re going to do something, even if it’s wrong.”

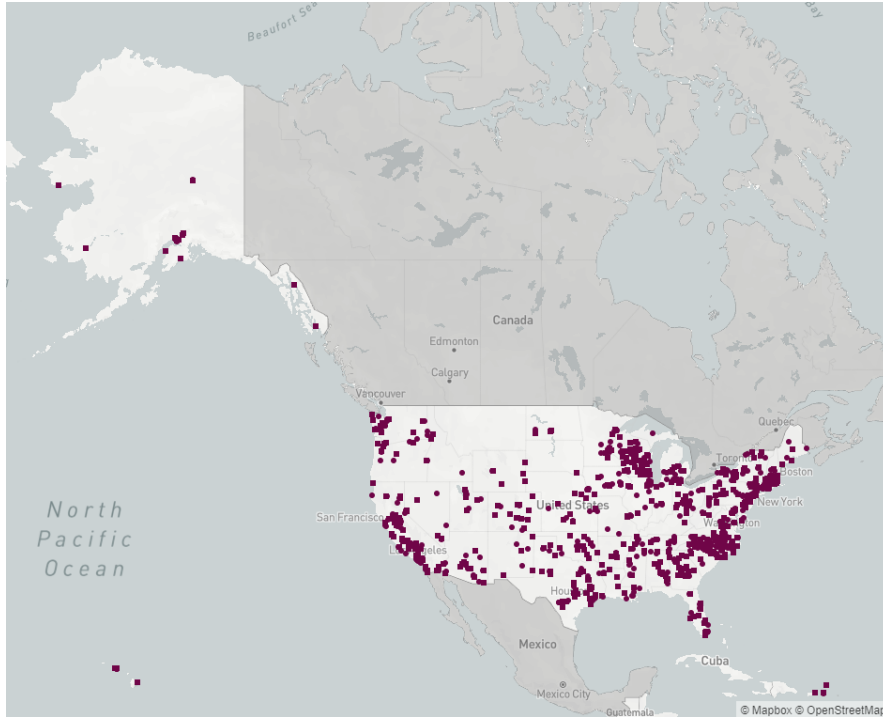
-John P. Whitley, Warden, Louisiana State Penitentiary (Angola). In “The Last Class.” *The Angolite*, vol. 19, no. 3, May 1994.



Higher Education in Prisons & Digital Inclusion

Higher Education in Prisons

Need to Know



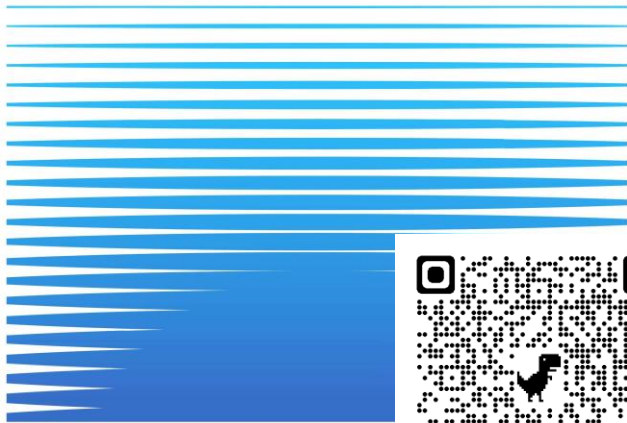
Map of Higher Education in Prison Programs in 2022
(from the Alliance for Higher Education in Prison,
<https://www.higheredinprison.org/national-directory>)

- Field was decimated during the tough on crime era, though has resurged over the past decade through the support of philanthropy and the restoration of Pell Grants.
- Programs exist at the will of the DOC.
- Many college programs are completely analog (e.g. all assignments and papers are handwritten).
- The lack of technology holds serious implications for program quality, equity, and sustainability.

Technology in Higher Education in Prison Programs

A Report on Survey Findings

Ess Pokornowski



Study Overview

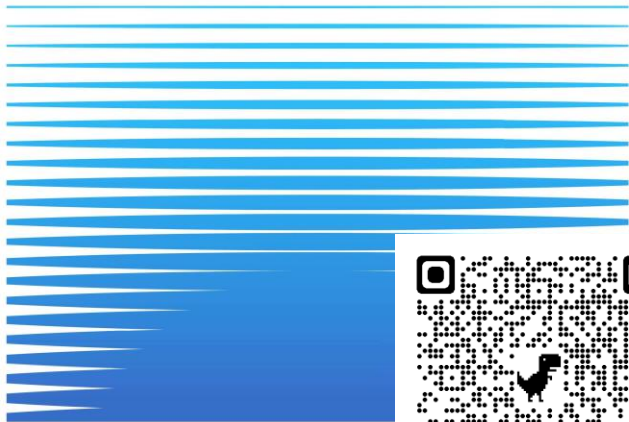
- A first of its kind national survey of HEP programs dedicated to their technology infrastructure.
- Provide the field with comparative information with which to benchmark implementations.
- Covered 4 major focus areas: Devices, LMS/Software, Network Access, and Future Plans.
- Supplemented by a series of follow up interviews to capture greater texture and nuance.

Made possible through the support of 

Technology in Higher Education in Prison Programs

A Report on Survey Findings

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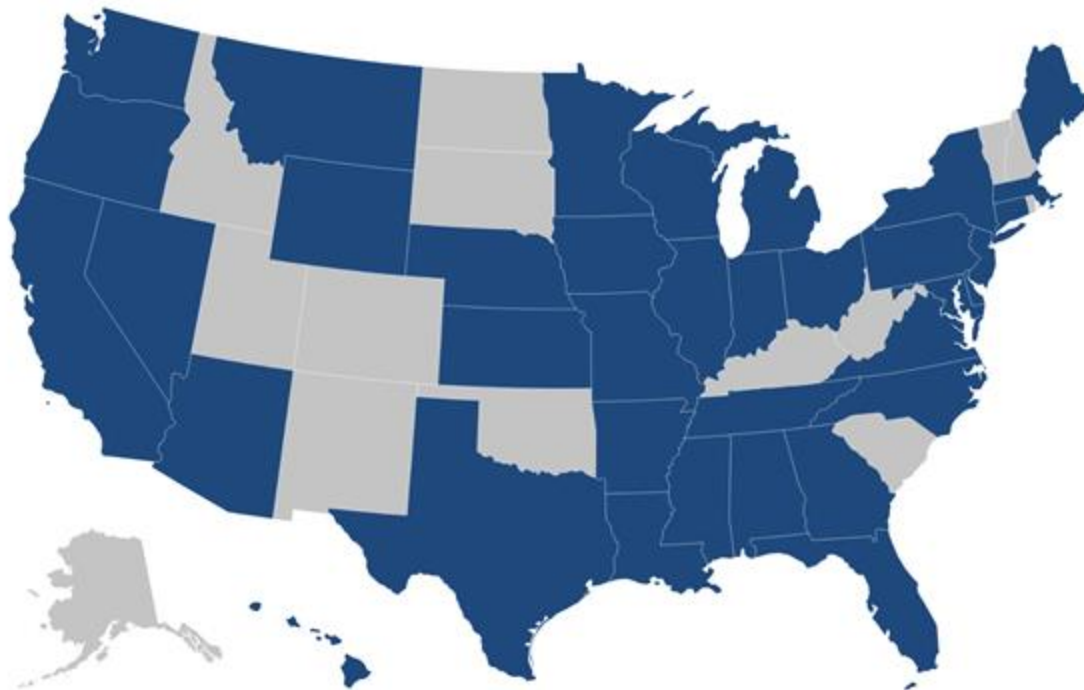


Key Findings

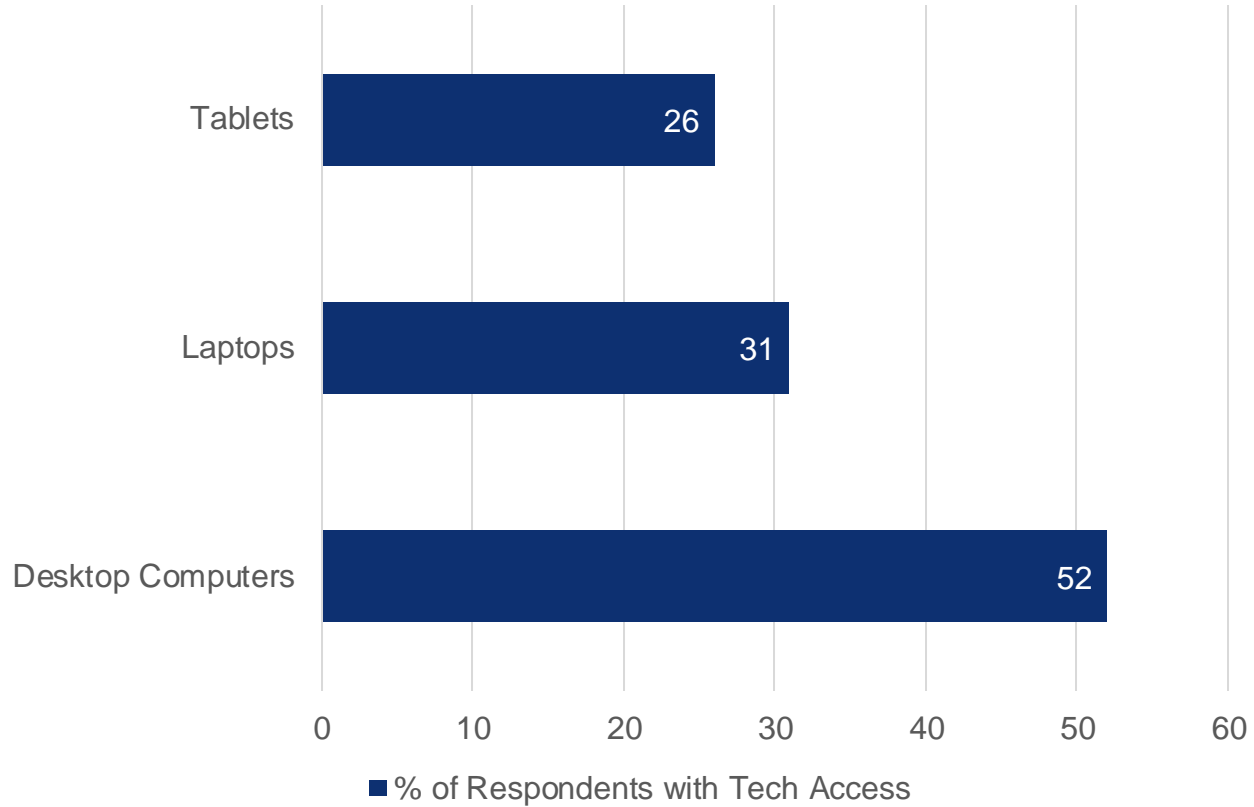
- Majority of HEP instruction still occurring entirely in person.
- 24% of respondents say their students have zero tech access.
- Optimistic outlooks: 67% of respondents believe they will expand tech access within the next 2 years.
- There is less optimism about expanding internet access.

Program Responses by State

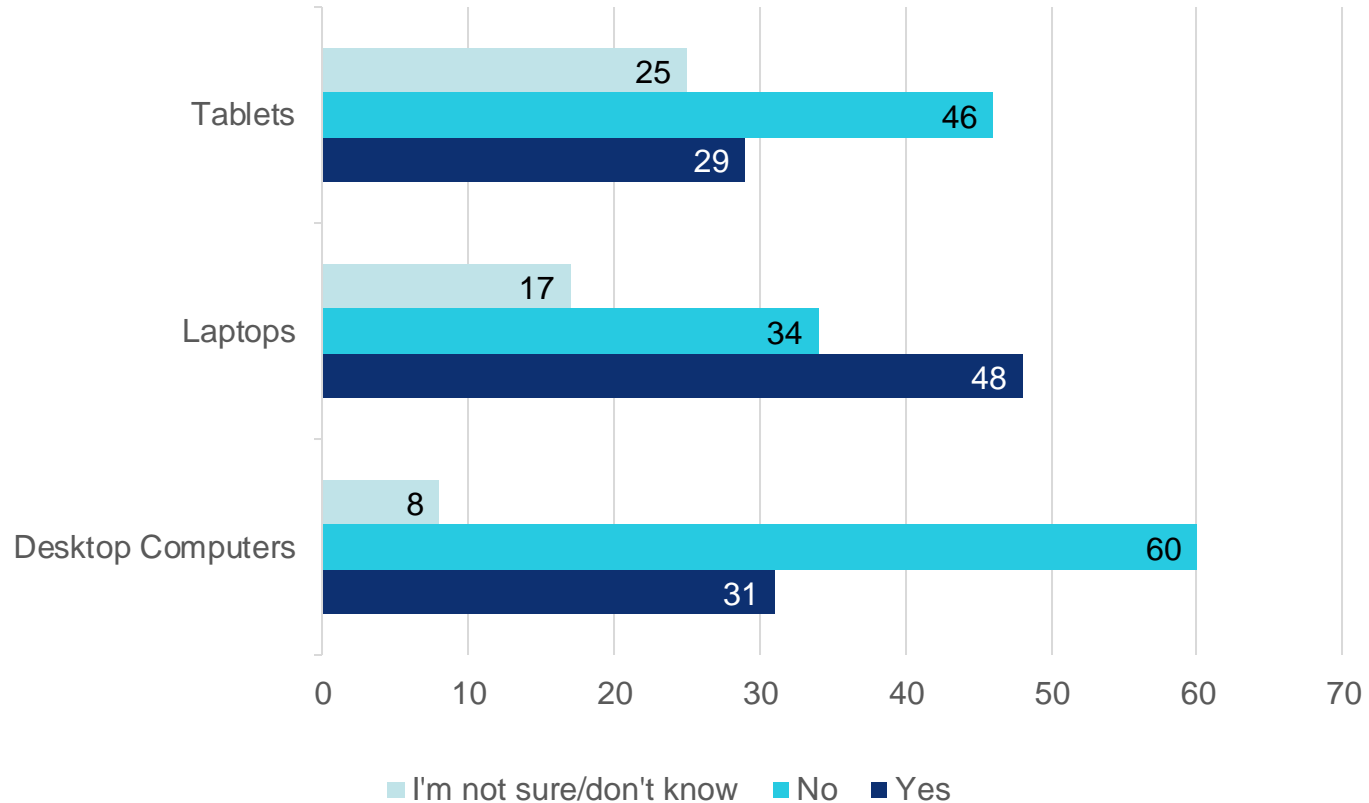
Programs operating in 36 states and the District of Columbia responded to the survey.



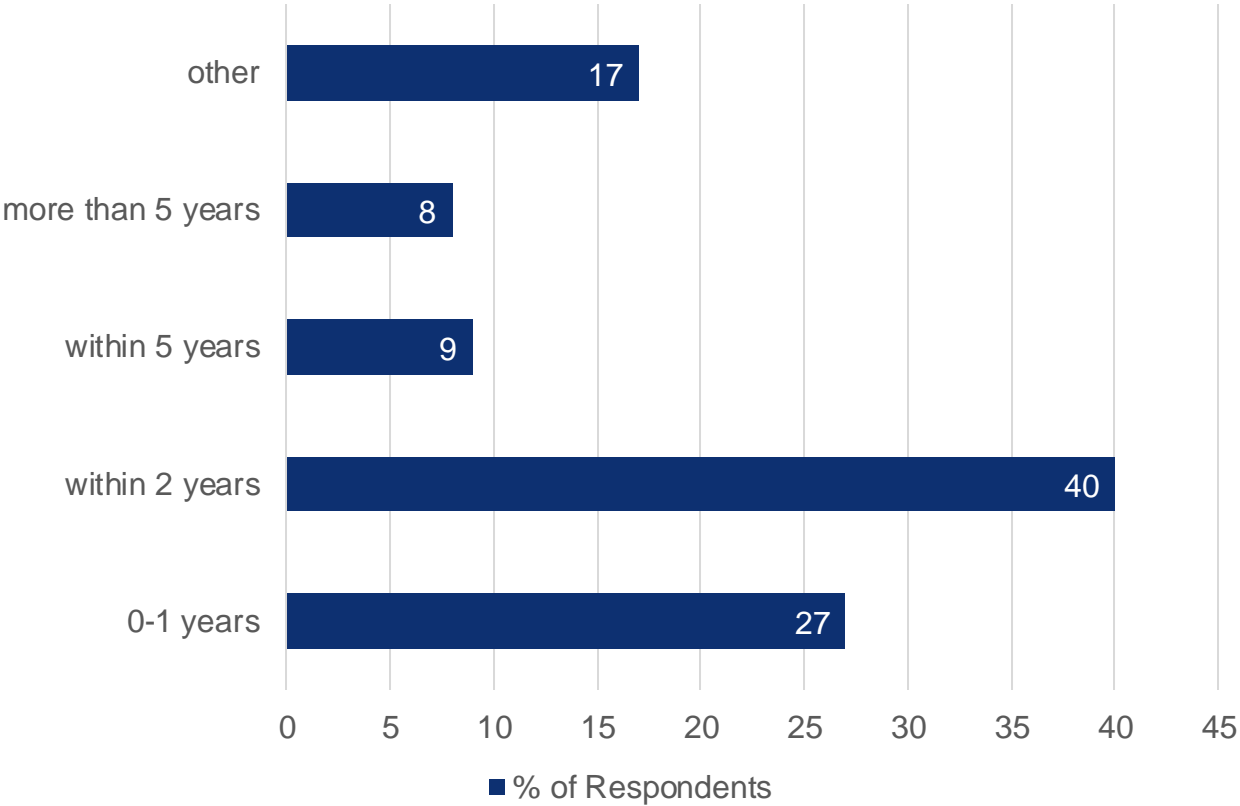
Technological Devices



Sufficient Access to Complete Coursework

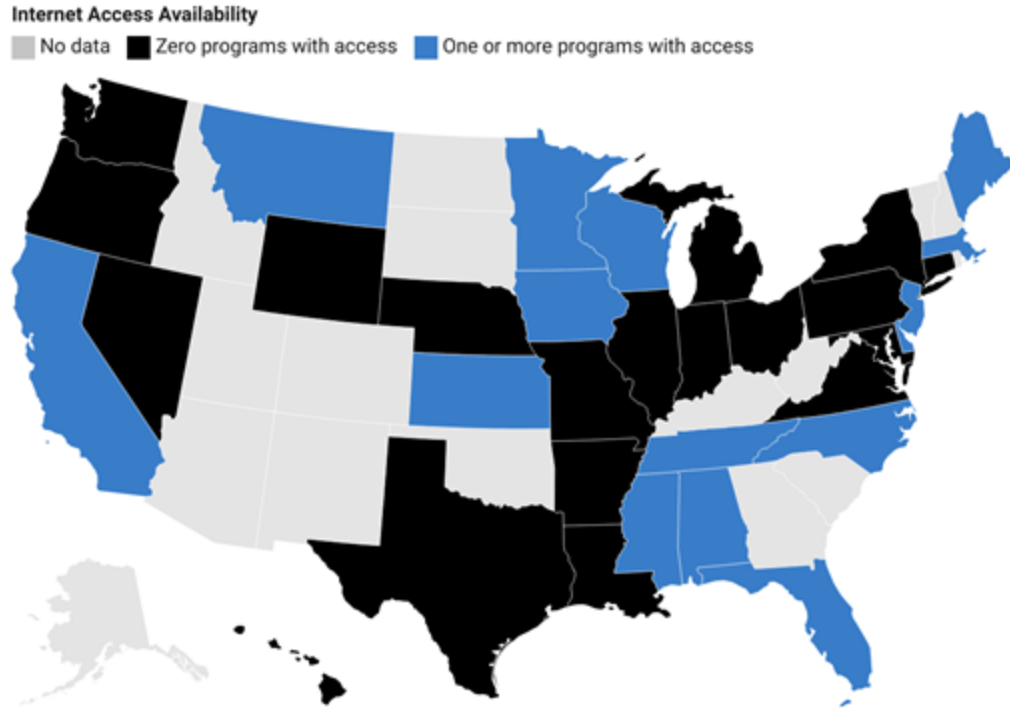


Future Plans: Implementing or Expanding Access to Priority Technology

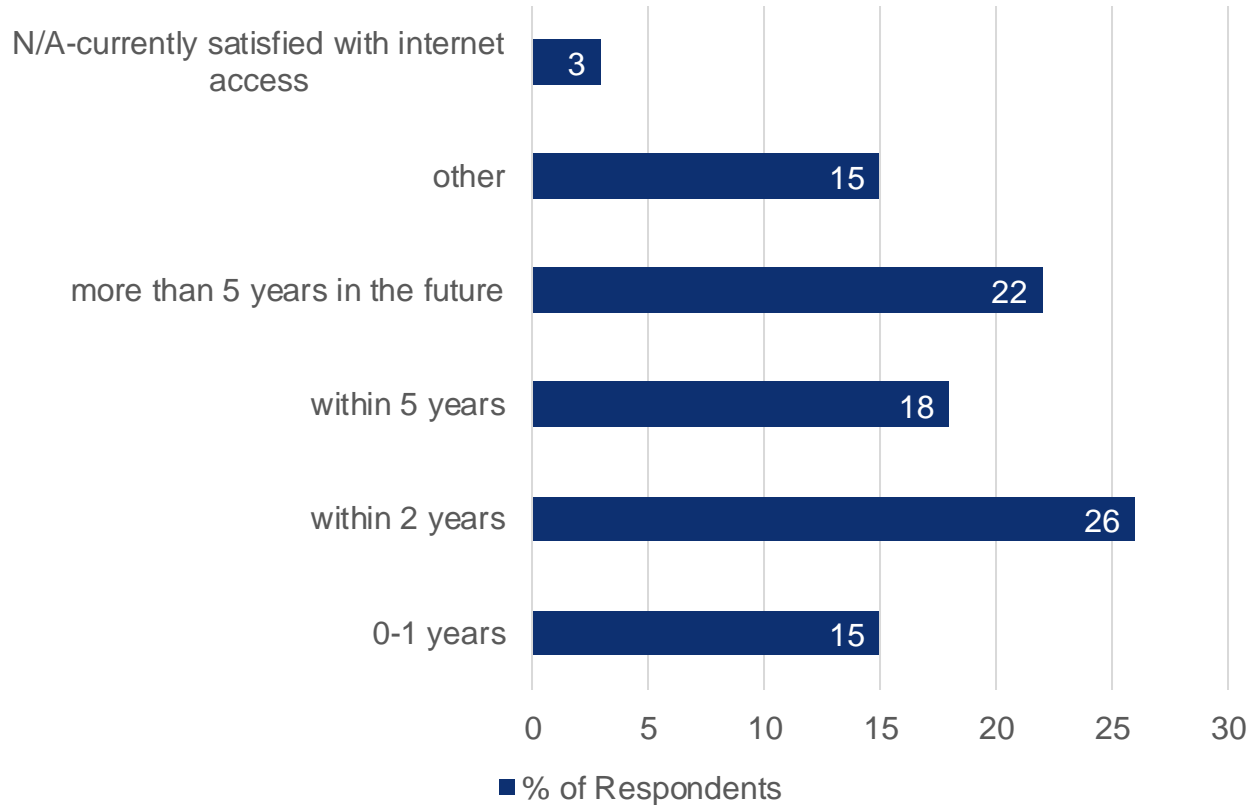


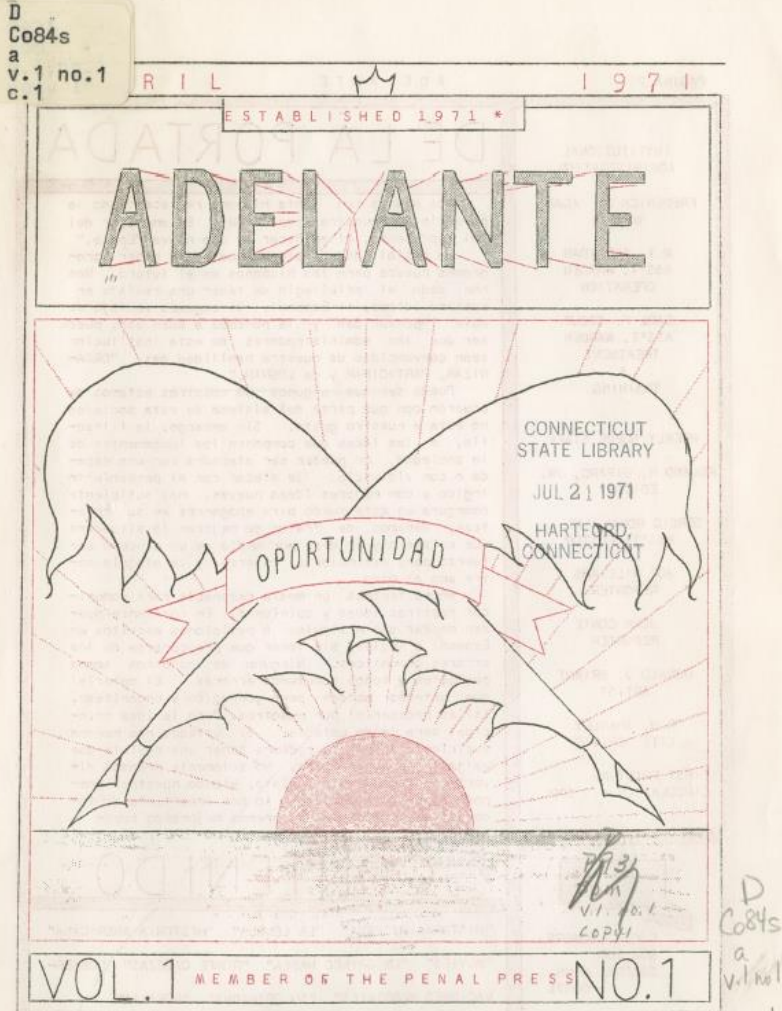
Internet Access

The majority of students do not have any internet access.



Future Plans: Implementing or Expanding Internet Access





Setting a Research Agenda

4 Focal Points for HEP

1. Instructional engagement and delivery.
2. Information and digital literacy.
3. Disability, accessibility, and accommodation.
4. Digital skills in reentry and employment.

Our View Point

VOL. IV TEN CENTS A COPY OCTOBER, NINETEEN SIXTEEN ONE DOLLAR A YEAR No. 1

The Problem of Prison Reform

WE ARE living in an age of rapidly evolving civic conscience. Sociological questions are receiving more careful and intelligent consideration than ever before in the world's history. Problems affecting the welfare of the individual, which a few years ago were left to individual solution, are now engrossing the earnest attention of all public spirited men and women of the day.

The matter of prohibition with reference to alcoholic beverages has become an issue in the majority of the states in the union, and the time is not far distant when it will come up for national adjudication. Industrial crimes against the economically helpless have aroused public indignation as never before. The regulation of public utilities; the establishment of more equitable relations between master and servant; curtailment of sophistication of food stuffs; cessation of child labor; improvement of public morality; all these and many other questions have received the vigorous and drastic attention of our legislative bodies to a degree that would have been unthought of even a decade ago. In short, the humanitarian spirit of the age is becoming fully awakened; and the fact that we are our brother's keeper is assuming a new and wider significance, extending beyond our mere duty to the individual and including the greater duty which we owe to our community, our state and our nation.

NOWHERE is this general awakening of the public conscience more marked than in its relation to a satisfactory solution of the penal problem as it exists today. The deplorable condition of the prisons throughout the

country and the reprehensible manner in which we have been treating our criminals is focusing the belated attention of philanthropists and humanitarians everywhere. In the midst of notable achievement along other lines of progress, we are beginning to realize our culpability and stupidity in adhering to medieval methods in dealing with those who have transgressed the criminal statutes. We have treated them as being entirely apart from the social body, as monsters unworthy of our slightest consideration and as pariahs to be shut away and shunned forevermore by the more reputable members of society. Of their welfare we have taken no thought; to their possible reformation we have devoted absolutely no effort. We have tacitly admitted our inability to cope with a natural and inevitable phase of our present social condition and have proclaimed our defeat by the establishment of our present penal system, whereby its victims are actually turned back into society more prone to criminal practices than when incarcerated.

It is only now, in the dawn of the twentieth century, that we are beginning to realize that crime is merely symptomatic of a diseased social body. We are gradually awakening to a recognition of the fact that its roots lie in sociological and economic imperfections rather than in individual perversions beyond our power to overcome; and while we are more or less blunderingly and gropingly endeavoring to correct the evils which make crime prevalent, we are, on the other hand, beginning to apply curative and restorative emollients to that portion of our social body already contami-

nated. The application of these ameliorative measures comprise what we understand by the prison problem as it exists today.

JUST so long as punishment was the intent and wording of the law governing criminal offenses, it is not difficult to account for the apathy and indifference of the general public toward the man in prison. Cruel and often revolting as the prison regimen was, it was esteemed necessary in dealing with those who had placed themselves beyond the pale of humanity by breaking the laws. Even today, although in the minds of thinking men and women the idea of punishment is subordinated to that of reformation, there still exists the intolerant, vengeful, retributive "punishment idea" in connection with a term in prison. The judge in sentencing a man, stipulates "at hard labor;" the prosecuting attorney asks for a severe "penalty," not to give the culprit an opportunity to reform, but because the cost of his trial was unusually high; or because he availed himself of his constitutional rights and fought his case; or because he believed an "example" ought to be set as a deterrent to others; or because of some other equally logical reason calculated to vindicate the majesty of the law and satisfy the ends of justice.

The "punishment idea" then, perpetuated the evils of the old prison system; and this system was indeed well calculated and ingeniously devised to fulfill the functions expected of it.

So much so that men were released at the expiration of their term (parolees were unheard of) broken, morally and

(Continued on page 16)

Setting a Research Agenda For HEP & Digital Inclusion Research

- Need to move from a presence/absence framework to one that studies the quality of access and use.
- Develop a holistic framework that investigates digital inclusion before, during, and after incarceration.
- Connect research on the carceral context to the broader field of digital inclusion research.

“Penal institutions tend to be a kind of catch basin for a myriad of human problems not resolved elsewhere.”

-The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice (1967) p. 180



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Thank you

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