

Department of Corrections unreasonably declines computer access to inmate

Legislation	Ombudsmen Act 1975, Corrections Regulations 2005
Ombudsman	Peter Boshier
Case number(s)	423220 (previously unpublished)
Date	2017

Access to computer suite in prison denied—Ombudsman found this unreasonable—Corrections agreed to reconsider the inmate’s request and to review criteria for use—also that computer facilities at prison be reviewed to ensure availability to prisoners who meet criteria for assistance with litigation

Sentenced prisoner applied to have access to a computer in the Secure Online Learning (SOL) suite but the application was declined on the basis that applicant was a sex offender with a history of using the internet for identifying, grooming or stalking victims. All of the computers in the SOL suite were internet capable. Furthermore, Corrections staff considered that access to an electronic typewriter was adequate to meet this inmate’s needs.

However, Regulation 195 of the Corrections Regulations 2005 provides that a Prison Manager is obliged to provide assistance to prisoners in certain types of litigation. The Ombudsman found that in this case, Corrections’ decision to decline the application was unreasonable. Access to an electronic typewriter was not adequate in the circumstances and Corrections had not identified a reasonable evidential basis on which to conclude that providing the applicant with access to a computer in the SOL suite would pose a risk to the maintenance of safety and security, or be impracticable. Further, the SOL exclusion criteria on which Corrections relied are not sufficient to discharge Corrections’ obligation to provide adequate facilities for litigation.

The complaint was sustained. Subsequent to the Ombudsman’s recommendations on this complaint, Corrections agreed to reconsider the inmate’s application for access to the SOL suite; to review criteria for eligibility to SOL so that a tangible and evidenced link between a

prisoner's offending and the risk arising from the use of SOL is required; and to review its computer facilities at this particular prison to ensure that computers are available to prisoners who meet the criteria for assistance with litigation.

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