

NEW EDUCATIONAL INSTRUMENTS IN PRISON. MAKING THEM POSSIBLE. THE LATEST SPANISH REFORMS ON PRISON RULES

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The unthinkable happened, the unexpected effects of a pandemic accelerated new habits and behaviors worldwide. This brings us to a reflection on social transformations and how it does affect prisons' ways - new technologies, the key role of teachers and educators in the penitentiary field and how to implement those into prison from a legal perspective -.

The latest reform of April 13th, 2022, of the Spanish Penitentiary Laws¹ on external communications and internet use in prison provides material for this reflection. The very nature of prison - limiting personal freedom - relates to controlled predictable spaces subjected to specific rulings covering nearly every aspect of daily life. This must be balanced with utter respect to fundamental rights, inherent to any human being, which inform any modern concept of a prison term. Similarly, prisons rulings should foster an adequate environment that allows security and rehabilitation, reparation of past conducts and opportunities for change and ultimately reintegration back into the community.

Therefore, rules and procedures appear as an instrument of paramount significance to understand impediments in penitentiary environments, but also should be a facilitating instrument for individual and social advances making rehabilitation a credible goal, not just an obstacle that relates to an absolute statement familiar to many practitioners in this field: **“this cannot be done in prison”**.

New technologies like internet illustrate those social changes, confronting easily adapted digitally native generations with analogue ones due to different factors like age, educational opportunities, health conditions, socio-economical background, including many of those under a prison term. Teachers are a key reference to allow inmates to be digitally aware and avoid them to lag further behind thanks to education in prison. Therefore, technology appears as an instrument for teachers to develop educational programs within walls, an also as facilitators to educate on technology itself, making them knowledgeable and able to conduct themselves digitally.

¹ Royal Decree 268/2022 reforming penitentiary rules – Bylaw 190/1996 – Article 127.4: “Depending on the material and technical possibilities of each penitentiary, libraries shall have access to information networks, in accordance with the principles of digital security and data protection. The use of these means, both for the purposes provided for in article 128 of these regulations and in general in the educational or cultural field, will be regulated by the internal regulations of each penitentiary. Limitations may be established individually in the terms of the article 128.”

Art. 129.2: “The use of computer and computer equipment will be regulated in the corresponding rules on internal regime, including the use of external information storage devices and connection to communication networks”.

Art 41.8: “Communications regulated in this section [external communications] may be carried out through the use of information and communication technologies including videoconference, depending on the material and technical possibilities of each penitentiary ...”

The importance of **legal schemes to support new instruments relates to bringing certainty and guarantee**, avoiding misuse and facilitating scrutiny an evaluation on professional measures. The **ruling shall not inform a stagnant environment** but on the contrary build up on a framework to be filled with actions that allow treatment and social advances affecting inmates' lives, the exercise of individual rights and personal choices on future reintegration. Thus, teachers have a key role within this picture offering education with the latest technology and facilitating knowledge on today's digital instruments.

But let's not indulge in wishful thinking, **changing ways or making them possible does not depend solely on a legal structure**. To conclude on this reflection, three main aspects should be considered on a successful implementation of technology in prison education, comprising:

- **Frame and paths** – coming from Policy Makers that bring certainty and reference, removing a well-known statement in penitentiary environments: “that cannot be done”.
- **Will and resources**—coming from Prisons' Governors and those responsible of prison treatment, procuring spaces and resources for practitioners.
- **Ancillary instrument and the human touch:** teachers and educators working with inmates under the premise of technology as an additional complementary instrument to enforce the **prime human touch on any intervention with their inmates' students**