



March 25, 2021

The Honorable Jonathan Kreiss-Tomkins, Chair
House State Affairs Committee
Alaska State House of Representatives
State Capitol
Juneau, AK 99801

by email: House.State.Affairs@akleg.gov

Re: ACLU of Alaska Testimony on HB 118

Dear Chair Kreiss-Tomkins, Vice Chair Claman, and Members of the House State Affairs Committee:

The ACLU of Alaska writes in regard to HB 118, *Expanding Prisoner Access to Computers*. The legislation is intended to help people who are incarcerated more easily obtain state identification, and to remove some prohibitions on their access to computers. Namely, the bill would allow the Department of Corrections (DOC) to approve the use of computers for rehabilitation or compliance with a re-entry plan or case plan, including use related to access to legal materials, visitation, or health care.

We support measures that provide better access to state identification upon release, given how critical official identification is to establishing life outside custody. We also support policy to provide greater access to computers for people who are incarcerated, because of the ways digital technology can help them be successful upon release — by, for instance, maintaining social bonds, accessing behavioral treatment, learning computer skills that are essential in today's society, or arranging healthcare or housing when they are released. Expanding uses for technology is especially vital in light of the COVID-19 pandemic, during which incarcerated people have not been able to see their families and loved ones and access rehabilitative programming. Because HB 118 may help achieve these policy goals, we support the bill.

However, we would urge the legislature to concurrently pay equal attention to how DOC implements greater access to computers. Providing meaningful access to technology is arguably more important than establishing statutory permission to do so. There is, for instance, nothing in HB 118 to require DOC to meet certain standards for computer access, and nothing to prevent DOC from arbitrarily restricting access to computers.

Following through on the implicit promise of this bill — that expanding access to computers and digital technology can help incarcerated people integrate back into society — will require careful planning, intent, and oversight. We urge the legislature to ensure that DOC is developing a usage policy and technology implementation program that:

- Assesses existing technology capabilities and service delivery, to identify where there are gaps (e.g. outdated technology, unequal access across DOC facilities, lack of service providers for certain programming like substance misuse treatment);
- Ensures that video visitation does not replace in-person visitationⁱ;
- Ensures subscription programming is culturally responsive for Alaska Native, Black, and other people of color in DOC's custody;
- Does not have a financial cost for people who are incarcerated, or their families and loved ones;ⁱⁱ
- Ensures technology and programming are disability and language accessible;
- Provides adequate training or education opportunities on computer technology, so that people who are incarcerated are learning vital skills; and
- Is funded adequately to ensure equitable access to computer and digital technology.

These are important components to deliver on the promise of HB 118. Ensuring equitable access to technology is an opportunity to reduce recidivism rates, recognize the essential role technology has in the modern world, and invest in people.

If you have any questions, please don't hesitate to reach out at mgarvey@acluak.org.

Sincerely,



Michael Garvey
Advocacy Director

ⁱ Bernadette Rabuy and Peter Wagner, *Screening Out Family Time: The for-profit video visitation industry in prisons and jails*, Prison Policy Initiative (Jan. 2015), <https://www.prisonpolicy.org/visitation/report.html>.

ⁱⁱ See, e.g., Michael Walters, *Free tablets for the incarcerated come with a price*, The Outline (Dec. 13, 2019), <https://theoutline.com/post/8329/jpay-free-tablet-program-ripoff>; Mack Finkel and Wanda Bertram, *More states are signing harmful "free prison tablet" contracts*, Prison Policy Initiative (March 7, 2019), <https://www.prisonpolicy.org/blog/2019/03/07/free-tablets/>.