The Electronic Monitoring of Offenders: ethics, policy and technology

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Professor Mike Nellis
Glasgow School of Social Work, University of Strathclyde
Aims

- To show we have come a long way
- To remember the origins of EM
- To suggest ways of conceptualising/thinking about EM as a penal measure NOW
- To link EM and Probation
- To consider the Future(s) of EM
The Electronic Tag
EM is no longer one “technological practice” - five/six types (to date)

- Curfew / restriction to a place
- Voice Verification
- Remote Alcohol Monitoring
- GPS Satellite Tracking
- Inmate Tracking System
- Victim protection?
The Origins of EM

- “Tracking movement” was imagined and preferred to “curfew/house arrest”
- “Telecare” - monitoring life signs of the old and ill was conceived simultaneously
- For offenders, EM was considered a rehabilitative device - a control, but not a punishment
- “The use of such a system of [electronic surveillance] actually extends the rights of parolees by allowing them to live with their families and keep their jobs when they would otherwise have been incarcerated. Society is also more surely protected against additional offences than if the parolee is released without extensive surveillance.”

when was this said?
1964

- “When specific offending behaviours can be accurately predicted and/or controlled within the offender’s own environment, incarceration will no longer be necessary as a means of controlling behavior and protecting society”

- Ralph Schwitzgebel (1964) A Programme of Research in Behavioral Electronics. Behavioral Science 9(3)
Robert and Ralph Gable 2007
(previously Schwitzgebel’s, Harvard 1960s)
Patent 1969; “Psychotechnology” 1973
The Schwitzgebel Machine
1969

Electronic anklet, being demonstrated, keeps drunk drivers out of jail and off the road.
- EM -

a tool to reduce pressure on prisons during 1990s
EM - an ideal form of community supervision?

EM permits many ordinary routines of daily life to continue

Tougher than probation(!?)

It prohibits, but does not inhibit
There is no business one cannot go about whilst wearing a tag.....

Thanks for the picture, Mr Gable
EM is not merely about confinement, nor is it incapacititative like prison!
Can EM be considered a type of surveillance, and is this OK?
The spectre of George Orwell’s “Nineteen Eighty Four”

But Partial surveillance can be much less intrusive than imprisonment

…. and extreme punitiveness in a society militates against use of EM
Conceptualising EM as Surveillance

- Surveillance - “gathering data in order to affect behaviour” - oversight of suspicious persons
- Remote location monitoring
  - NOT visual surveillance, not “seeing” facilitates “economies of [penal] presence”
- Focus on the body ... more than the mind
- Compliance = (simply) presence/absence at designated location and time
- Not in itself inherently rehabilitative
  - internalisation of norms of law-abidingness/ long term personal change not required (or addressed)
- An “automated socio-technical system”
EM - Surveillant Dimensions

(it’s not just a technology)

- Social support systems for monitoring
- Requires “marking” the body with a tag (except voice verification)
- Wearable tag creates potential for stigma
- Raises questions of (locational?) privacy
- Degree of spatial/temporal restrictiveness
- Collateral Impact on families and partners
- Actual subjective and behavioural responses - compliance, defiance or .. what?
  explore actual thoughts, feelings & actions
EM and Offender Compliance

TYPOLOGY OF COMPLIANCE

Incentive-based compliance  - gains and goods

- Trust-based compliance  - via relationships/obligations
- Threat-based compliance  - worse penalties
- Surveillance-based compliance  - “clockwatching”

NB- these are not mutually exclusive

Incapacitation-based compliance - an oxymoron
- compliance requires choice and commitment.

Compliance is not enough; constructive change is better,
Even those normatively committed to change still have to demonstrate compliance with the EM rules.
Probation should pursue all forms of compliance.
Other views of EM ... it is lenient?

Austin
THE GUARDIAN 4TH FEB 2002

SURELY YOU CAN GO OUT AND MAKE A POT OF TEA.

ELECTRONIC TAG
EM is a trophy - not a deterrent?
EM - dangerous? inept?

NICK NEWMAN'S Week

Legless convict is caught in pub

Tuesday, July 4, 2000

A RELEASED prisoner managed to dodge a curfew – after security staff fixed an electronic tag to his false leg by mistake. Tony Higgins simply unscrewed the artificial limb and left it at home while he went to the pub.

The 38-year-old was ordered to observe a 7pm to 7am curfew upon his release from Blakenhurst Prison in Redditch, Worcestershire. An electronic transmitter was installed at his home to alert police by telephone if it failed to detect a signal from the tag on his body.

However, a prison worker preparing Higgins for release had strapped the tag to his false leg. The oversight only came to light when Higgins's home phone was out of order.

Police officers called at his house and were told he had gone to his local to celebrate his freedom. The Home Office said the tag had now been tied to Higgins's other leg.
EM - technology is unreliable or vulnerable?
Tagging fails to halt crime

By Tom Whitehead
Home Affairs Correspondent

RELEASEING prisoners early with electronic tags does not help to cut reoffending, the Government was forced to admit yesterday.

Up to four freed prisoners a day commit another crime while under the home detention curfew programme.

Home Office figures revealed that 1,294 committed crimes last year. In 1999, when the scheme was introduced, 294 re-offended.

In total, 4,714 crimes have been committed, including 828 violent offences, 315 burglaries, 12 sex crimes, 85 robberies and 964 drug offences.

There have also been 1,669 cases of theft or handling stolen goods, 232 frauds and 1,976 motoring offences.

And critics warned that many more crimes go unsolved.

Shadow Home Secretary David Davis said: “Labour is freeing more and more prisoners knowing full well that more will reoffend.

“It makes their long-term policy of letting criminals out on tags to free up prison capacity look all the more dangerous. It is nothing short of criminally irresponsible.”

“The number of criminals let out on bail early is rising rapidly and, unsurprisingly, so is the number of crimes they then commit.”

Liberal Democrat home affairs spokesman Mark Oaten said: “The Government is increasingly using the tagging scheme as a pressure valve for the prison system instead of using it to cut offending.”

Home detention curfew (HDC) sees prisoners released up to four and a half months early from their sentences and monitored at home, usually with tags.

Norman Brennan, of the Victims of Crime Trust, said: “How many times does the Government have to fail to protect the public by introducing such flimsy measures before they wake up and smell the coffee?”

“Many of these youngsters rate such tagging and home detention with contempt and see it as nothing more than an invitation to continue their offending.”

Some 115,000 prisoners have been released early since the scheme started and around 3,000 offenders are on HDC at any one time – the equivalent of five or six medium-size prisons.

Home Secretary Charles Clarke came under fire after it emerged that he is considering extending the scheme and releasing inmates even earlier.

In one damming case, Peter Williams, 19, murdered Nottingham jeweller Marian Bates after being released early from prison.

He had ripped off his tag, ignored curfews and missed seven probation appointments.

The Home Office insisted the scheme was successful because those committing crimes account for only about five to six per cent of the total.

But a spokeswoman admitted: “The reoffending rate on HDC has increased over recent years.”

“This is mainly due to the increase in the maximum curfew period from 60 days to 180 days.”
EM - Global Expansion since 1990s
Policy Rationales for the Expansion of EM?

- Reduce prison numbers and costs
- Improve/toughen community supervision (bail, sentence and post-release)
- “Modernisation” of public policy/state esp
- Disillusion with “anachronistic” probation
- Growth of (post 9/11?) “surveillance culture”
- Research - high compliance whilst on EM
- Policy transfer/Transnational showcasing
- The growing ICT infrastructure changes social possibilities for crime controllers
GPS/GSM Satellite Tracking

wide use in USA since 1997

English pilot 2004-06

used in France & Netherlands
Retrospective, “Real-time” (Continuous) and Hybrid Tracking
Creating Exclusion Zones

protecting victims ..and punishment
Exclusion Zones
size and police response times
- Variable scale printouts
- Give offenders maps - show them where they have been
- CrimeTrax in Florida - links offender locations to crime scenes
“Pitching” EM/tracking

Monitoring in “Real time” = better than probation?

Control is only real if it is “here and now”/live

EM makes offenders “telepresent”

Do you know your offenders are compliant when they’re away from home?

We check every 10 seconds!

ISECUREtrac GPS systems offer you the truth. You can hold your offenders accountable to the places they’ve been and the times they’ve been there, 24/7/365, anywhere in the world. Additionally, GPS tracking systems can greatly increase your level of offender supervision without adding to officer workload. ISECUREtrac alone can provide you with:

- Location and compliance verification every 10 seconds
- Fastest violation reporting on the market
- User-friendly, yet powerful, web-based software
- Proven GPS policies and best practices for agencies

For more information or to request an on-site demo, please call 866.537.0022 or visit www.isecuretrac.com
Lifelong Tracking in California?
(and other states)
EM - Fears and Anxieties

POLITICAL
- A “thin end of the wedge” technology
- Fear of “overcontrol” - Orwell’s 1984
- Fear of “undercontrol” - no crime reduction

PRACTICAL
- Costs less than prison, but still expensive
- Diverts resources from rehabilitation to surveillance?
- The complex ethics of surveillance
- Private sector involvement
- Technology might displace social work rather than augment it..

- ... if we let it.

- The political and professional challenge is to embed EM in rehabilitation.
• Is EM a harbinger of worse technological developments?

  shift from (mere?) location monitoring to behavioural control?

Technocorrections of some sort are inevitable in the 21st century: probation - get used to it
Normalising Locatability and Pinpointing in the Community

... so how punitive is EM? ......
The Achievements of EM

- The technology is improving
- Its present forms are not overcontrolling
- The private sector is able and willing to engage in constructive dialogue
- EM’s development can be shaped and constrained by policymakers
- EM adds valuable forms and degrees of control that probation cannot achieve alone
- It is not incompatible with rehabilitation
- It has reduced prison use/time in prison for many offenders
- We have learned to be modest about EM - but its full potential is not yet maximised
The Possible Futures of EM

- Pain inflicting tags may be developed - but will discredit the EM cause - it will make people more alarmed by it?
- Implant Tags - RFID chips? Verichip?
- For location monitoring or behaviour control .. or both?
- Normalisation of EM in criminal justice - but at (too) high cost?
- Diversification of existing EM technologies and of “target groups”:
  - Asylum seekers
  - Terror suspects
  - Telecare for old, ill and disabled
The Probable Futures of EM

- ICT infrastructure will not go away - politicians and crime controllers have new control options.
- Social work will have to continually prove itself.
- Technology will become smaller and cheaper.
- Modernising ideology makes EM attractive, probation anachronistic.
- Prison remains costly and often damaging - but its use will probably NOT decline massively.
- Public demands for protection will not diminish.
- Police will show interest in managing EM.
- Research will make some difference, especially regarding costs and aggregate crime reduction effects.
- For/against attitudes to private sector will play a part.
- Europe may not copy USA, eg with satellite tracking.
The Preferable Futures of EM

- All five EM types have their uses - but use sparingly and subordinate them to humanistic values - no “technical fix”
- Politically this may be easier said than done - but, record shows, not impossible!
- Embed EM in rehabilitative programmes
- Acknowledge that most offenders prefer (existing) curfews to prison
- Don’t seek or even expect perfect /total control - and beware its champions!
- Do keep seeking ways of reducing the use of custody
- Do not devalue the public sector
The End

Thank you