

Impact of technological advances on law enforcement



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“ Technological advances present a greater burden than opportunity for law enforcement. Discuss this statement in relation to either courts/police/prisons or probation”

Electronic Monitoring (EM), is frequently used for the observation of an offender throughout pretrial or probation processes to assure public safety (Petre et al. 2016; Lyons 2006; Council of Europe 2014). EM is a generic term that incorporates various forms of monitoring techniques such as; Radio Frequency (RF) commonly used for curfews by submitting a signal to a monitoring box in their designated location and Global Positioning System (GPS) tag which transmits ‘ real time’ locations of the offender (Graham and Mcivor 2017; UK Government 2018; Finn and Muirhead-steves 2002). This essay will analyse the opportunities and burdens that EM can bring to a law enforcement agency, such as the Probation Services’ (PS). This will be explored by identifying two key burdens such as; the lack of rehabilitative attributes that EM fails to encompass as a result of privatisation and the recent ‘ boom’ of EM sanctioning resulting in the ‘ downgrading’ of the PS. Contrastingly, these burdens will be analysed and argued with two opportunities such as; recognising the use of EM in other countries to identify the opportunities that EM can bring and how EM’s strict guidelines and curfews can in reality prevent recidivism. To conclude, this essay will draw together the afore mentioned concepts to provide a conclusion.

The expedient growth of EM surfaced in the 1970’s and 1980’s when the growing cost of incarceration and overcrowding was recognised widely in the UK (Paterson 2007; Mair and Nee 1990; Renzema and Mayo-Wilson 2005).

With this, the growing pressures led to the Home Office to consider many

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things such as; Stacey's (1989) embedding of the Offenders Tag Association (OTA) and how America came to rely on EM as remedy to 'dealing' with low risk offenders and prison overcrowding. Resultantly, the UK incorporated EM as a the 'logical extension of tracking and curfews' in the UK (Bottoms, Rex and Robinson 2011: 228; Burrell and Gable 2008), with yet no research indicating that EM can actually cut crime.

When imposing this, EM needed to be regulated. Worrall and Hoy (2005) placed emphasis on the essential requirement of probation officers to adjust to this quiet growth and fulfil this role, as they are integral to the supervision of offenders in society. Yet, over ten years later Worrall and Mawby (2014: 350), conducted 60 interviews with current and former probation officers. Finding that the PS' deemed themselves to be perceived as 'a caricatured image of a tree-hugging sandal-wearers' in society when comparing to other law enforcement agencies. This was commonly reasoned by probation officers as a side effect of placing value on establishing a strong importance on the relationship built between the offender and probation officers, that binds the profession into an honourable one (Worrall and Mawby 2014). It can be argued that this suggests that probation officers to be perceived as 'implicit' and 'undervalued' in society and also in regard to their involvement in EM.

EM technology is not directly rehabilitative itself, it can only enhance or assist more overt and direct procedures that are initially there to rehabilitate (Bonta et al. 1999). Therefore, if an offender is exclusively sanctioned to EM by the courts, little to no rehabilitation will be attained. As Nellis (2006)

explains, simply confining an offender to the walls of their home and tracking <https://assignbuster.com/impact-of-technological-advances-on-law-enforcement/>

where and when they go cannot and will not achieve rehabilitation.

Therefore, the issue is raised, who is supporting offenders on EM to become rehabilitated? The responsibility of EM and the Probation Services in the UK is unclear and blurred, the technology is not regulated by one singular law enforcement agency and therefore, lacks consistency and as a result, credibility. In the financial year of 2011-2012 the Ministry of Justice spent more than '£116m on electronic monitoring with the Home Office overseeing a contract that means just two private providers – Serco and G4S – are entirely responsible for service delivery' (Policy Exchange 2012: 11).

Signifying the massive increase in privatised providers regulating EM all around the UK (Hall and Canton 2014). This can be perceived as a burden to the PS for many reasons such as; in the same year the Policy Exchange (2012) published a report forensically diagnosing the issues with EM, explaining private companies are more focused on completing the bare minimum of their contract and therefore, not assisting police or probation to find more efficient ways of working and rehabilitating.

The reliance on private providers to monitor EM can lead to negative effects on the probation services', such as the lack of communication and the standard of the communication. This idea can be evidenced in a report by NAPO (2012) generated in 2012, which is based off their members submitting 120 examples of problems that occurred whilst an offender was on EM, there were recognised common themes such as; probation officers complaining about not being told by the tagging company when violations were being made (HMIP 2017), females who are victims of domestic abuse on EM who resided at the same address as their abuser and therefore,

having to violate time limitations to seek refuge and most importantly, the highest common problem reported was the high intensity of confusion between probation and private companies and who was responsible for a breach or violation. The challenge identified here is that accountability embedded into private providers of EM is much greater than the PS. Who in contrast with private companies, can aid offenders more on EM through traditional rehabilitative means, suggesting EM can be perceived a burden to the PS as it minimalizes and almost withdraws the PS' involvement.

Demonstrating the unchanged circumstances from the reports generated in 2012, in 2014 Nellis goes on to support this concept further by defining EM as “ a modern, twenty-first century criminal justice system without a professional probation service” (Nellis 2014: 506). Suggesting the technological advances such as EM can be perceived as a burden to the PS. For the reason that, EM is becoming more and more privatised and as previously evidenced, this can create barriers between the probation services and the offender on EM. Fundamentally, without the Probation Services or something at an equal tier, rehabilitation cannot be attained, and it is commonly known that without rehabilitation, an offender is more likely to re-offend (Stacey 2015). This can be evidenced by Hucklesby and Holdsworth's (2014) research ‘ in 2014, 842 individuals were recalled to prison, 601 as a result of breaching curfew requirements’ and ‘ in 2014 three quarters of curfew breaches related to time violations (453) with nearly a fifth (105) resulting from equipment tampers’ (Hucklesby and Holdsworth 2014: 9). It can be argued that these statistics are a result of the PS not being able to fulfil their rehabilitative job role. However, Hucklesby

and Holdsworth fails to describe the motivation and reasoning behind these re-offences, subsequently meaning it cannot be presumed the reasonings are due to lack of rehabilitation.

Nevertheless, to modify this highlighted burden of EM and renovate it into an opportunity, ideas and concepts can be taken from a different country such as Belgium. In Belgium offenders that have been sanctioned to prison sentences of more than three years, must prove that they are eligible for EM (Beyens and Roosen 2016). This is done by evidencing a constructive activity to take part in during their time on EM such as a treatment plan, professional activity or education. All of which, own rehabilitative features (Hedderman, Ellis and Sugg 1999) and therefore, EM has an opportunity to benefit offenders. (Beyens and Roosen 2016). Signifying that EM fails to be a ‘burden’ to law enforcement agencies, as the offender would have had to surpass the strict filtering system to take part in EM, leaving offenders who want to do well. However, it is noted that this is not a requirement for offenders with prison sentences lower than three years. Beyens and Roosen (2016) go on to explain how Belgium attain a high rehabilitative EM service through many foundations which can be drawn from many arguments, which are explained, in some part, by education and the centralisation of their Probation Services. Belgium’s Probation Services have installed its own internal social service to their own Electronic Monitoring Centre, termed ‘Houses of Justice’ and they are responsible for the social follow up of offenders on EM in Belgium. Individually every ‘Justice Officer’ has a master’s degree in Criminology, suggesting that ‘Justice Officers’ will be more equipped to aid the offender’s rehabilitation whilst on EM due to their

knowledge in theory and reasonings behind crime. Additionally, justice officers aid rehabilitation in a practical perspective as they contact/visit the offender within the first 48 hours of EM and then proceed to have regular follow up meetings with the offender. Justice Officers are also required to alternate from the setting of the offenders' home and the office in order to gain a full picture of the circumstances surrounding the offender. As a result, Blokland (2015) analysed Belgium's penitentiary register with focus to re-imprisonment, discovering that offenders who were sanctioned to EM, were less likely to be re-incarcerated in comparison to those released ordinarily. Taking this into account, through filtering offenders to the requirement of a constructive activity and the centralisation of EM and probation services, recidivism rates were expectantly low. Linking back to the UK, if EM was centralised with its own probation services and endorsed a filtering system, it can be suggested that EM can rehabilitate and observe together, to then ultimately transform EM technology into an opportunity rather than a burden to the Probation Services.

When imposing this, EM can be a cost-effective opportunity to incarceration, allowing offenders to stay out of prison yet, still be under surveillance (House of Commons 2018; Belur et al. 2017). Thus, creating a 'penal transformation' (Nellis 2014) by offering a 'solution' to prison overcrowding (Worrall 1997). This is supported by the NAO (2006) stating that 'ninety days in custody costs nearly five times as much as 90 days on Home Detention Curfew or Adult Curfew Order'. As a result, EM has become widely implemented in the UK (Geoghegan 2011). Further supporting this, the NAO (2006: 1) reported that 'the number of EM cases is rising from 9, 000 in

1999/00 to 53, 000 in 2004/05'. Signifying the intense growth of EM used as a community sanction and ultimately an alternative to incarceration and in result, the developing reliance placed on this sanction to achieve this. However, as a by-product of this, net widening can transpire. Cohen (1985) introduced and defined the theory ' net widening' as the result of the expanding control over groups of individuals by programmes. Thus, with the increase of community-based sanctions (such as EM), the number of offenders dealt with by the justice system (Howard 2000) is growing, as offenders are often becoming sanctioned with EM who may not have been sanctioned otherwise (Belur et al. 2017) for example; before EM the offender could have been incarcerated or sanctioned to hourly community service.

Throughout the court process, low risk offenders are more likely to be sanctioned to EM as the public are expected to feel less at risk (Padgett et al. 2006) and EM's strict guidelines can ultimately act as an opportunity to Probation Services by discouraging the offenders to violate their EM guidelines (curfew, exclusion areas) (UK Government 2018; Belur et al. 2017). Roberts (2004) indicates how this can support the offender by providing opportunities that would not be attainable in a prison setting such as employment. This can also be supported in many countries such as America, where Bales et al. (2010: 132) accustomed an alternative viewpoint, finding that ' 54% of offenders wanted to follow the rules of the EM programme because they felt like they were being watched'. This statistic can be applied to the UK and suggest that EM does hold rehabilitative factors and therefore, can be perceived as an opportunity to the Probation Services through its rehabilitative factors.

However, considering the cost-efficiency and the stringent guidelines that facilitate EM, as opportunities to the PS, the 'downgrading' of the PS can be perceived as eventually overriding these. This is further assessed by, the 'downgrading' of the Probation Services as it can be tactically linked to the afore mentioned growth of EM throughout the UK. Nellis (2014: 177) evidences this by explaining that 'EM technology was being upgraded at the same moment as the professional expertise of the probation service was being downgraded', thus meaning with the downgrading and decreasing presence of the Probation Services, the established and meaningful relationships needed to regulate the quiet growth of EM cannot be created (Worrall and Hoy 2005). When comparing EM as a stand-alone probation mechanism to the PS' it is almost unachievable as it cannot replace the attributes that probation officers hold such as; educative and supportive (Nellis 2017). As a result, EM as a technological advance can be perceived as a greater burden than opportunity in relation to the Probation Services, this can be suggested as the reliance on the Probation Services since the 'boom' of EM has significantly diminished.

This essay has analysed throughout the opportunities and burdens EM can present to the Probation Services, this has been achieved by identifying behavioural influences such as the impact EM has to rehabilitate and the practical influences such as cost-efficiency and effects of strict guidelines. The exploration into this topic is limited in the UK and largely outdated however, from the afore analysed literature and reports, it is prevalent that there is a need to re-assess EM in the UK with focus to centralising the sanction and incorporating the Probation Services at a larger scale.

Although a number of disadvantages are highlighted by the respondents, it can be assumed that the advantages, both for the individuals under EM and the cohabitants, mostly outweigh disadvantages.

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