Surveillance technology and monitoring criminology essay

' Post 9/11, it seems many people are content to accept increased monitoring, surveillance and incursions into their private lives to support what is sold as enhanced safeguards to individual and national security. Yet, there are lurking dangers in such tacit acceptance.' Critically analyse with illustrations, contrasting different criminological viewpoints in your answer.

Surveillance technology and monitoring has been increasing, especially in the wake of 9/11, however it has two faces,[1]on the one hand providing safety and security to protect the public and aiding national security, but on the other hand it provides an intrusive interference into people's private lives and it can curtail rights, creating a division within society. There has been a change in criminological ideologies and the way that crime is dealt with. We now live in what is called a ' surveillance society.'[2]In Discipline and Punish, [3]Foucault wrote about the brutal system of punishment, which focused on the infliction of pain on the body that existed in the 1700s, which was replaced by the prison, eighty years later.[4]This was seen as an efficient way of punishing as it is based on the ' technology of power'. Foucault referred to this as ' discipline' based around surveillance, which uses a variety of subtle techniques to control and manage the offender in ever more finely graded ways.[5]Foucault used Bentham's panopticon prison design as a metaphor, to describe the role that surveillance played inside the prison. The circular prison design, featuring a central guard's tower from which a guard can see into every single prison cell while themselves remaining hidden, separates out the prisoners, thus helping control order in the prison, but also generates knowledge and practices relating to the prisoners through facilitating study of them as individuals.[6]It was thought that this constant

visibility would bring about a sense of vulnerability in the prisoners, which, in turn, would lead them to control themselves and progressively the exercise of power over the inmate should become unnecessary as they exercise self discipline.[7]

A contemporary example is provided by Shearing and Stenning,[8]in relation to control within Disney World, which they termed ' instrumental discipline'. The control structures and activities have other functions which are highlighted so that the control function is overshadowed. For example, employees wish visitors a happy day and a good time from the moment they arrive as well as maintaining order, so that the control and surveillance is unnoticed but its effects are ever present. Potential trouble is anticipated and prevented by the surveillance of omnipresent employees who detect and rectify the slightest deviation. As a consequence the control becomes consensual, effected with the willing co-operation if those being controlled, which allows coercion to be reduced to a minimum, much like Foucault's description of Bentham's panopticon. It is an extraordinarily effective form of control where people conform due to the pleasures of consuming the goods that corporate power has to offer. Surveillance is pervasive and it is not in the form of the ' Big Brother' state, it is defined by private authorities designed to further the interest of the Disney Corporation than a moral discipline which shapes and sustains a particular order. Within Disney World the control is embedded, preventative, subtle and co-operative and requires no knowledge of the individual, therefore it is not intrusive or invading people's privacy as they continue to enjoy the time spent at Disney World, without realising that they are subject to control.

Since the 1970s fear of crime has come to be regarded as a problem quite distinct from actual crime and victimization, and distinctive policies have been developed that aim to reduce fear levels, rather than to reduce crime. [9]Foucault was concerned about knowledge-production,[10]which is now more readily available and more easily accessible through news on the television and the internet. This has given rise to an ' information society,'[11]which led to an increase of fear but also earlier and accurate predictions of current and future criminal behaviour and methods in order to safeguard against them as crime has been re-dramatised in the media. Media may construct groups who are feared and seen as outsiders e. g. paedophiles and terrorists and not only does their exclusion increase their insecurity but also everyone else feels more insecure because of the risk they have been told these groups pose. The rest of the population needs to be protected from these ' dangerous' people who should be controlled by fairly strong authoritarian State action.[12]This is how and why surveillance is sold to consumers by governments and commercial organisations as " benign" and in society' best interest and it is why[13]there is a lack of resistance to and largely complacent acceptance of, surveillance systems by society in general.

During the twentieth-century there was a shift from normalising individual offenders (post crime) to pre-crime[14]management by reducing opportunities of risks posed by actual and would-be offenders. This was represented in Feeley and Simon's ' New Penology,'[15]which concerned ' actuarialism' and anticipating the future and assessed risks to prevent crime. A range of risk calculation techniques that underpin crime control policies

which seek to identify and manage groups of people according to their assorted levels of dangerousness[16]were developed. Within the theory of ' managerialism,' developed a practice of targeting resources (on crime ' hot-spots', career criminals, repeat victims, and high risk offenders); gate-keeping to exclude trivial or low-risk cases (except where these are deemed to be linked to more serious public safety issues); and a generalised cost-consciousness in the allocation of criminal justice resources.[17]This was seen as economic, efficient and effective within the public sector, where strategies were employed by police organisations including the increased use of surveillance, proactive targeting of people and places, and the rise of ' problem-oriented policing' and ' intelligence-led policing,'[18]which was prominent with the application of scarce resources for the worse risks.

A modern example of this is the airport security system, which now uses biometric sensors to obtain various measurements of biological features unique to each individual, such as iris pattern, fingerprint or handprint, and comparing this data to previously recorded data of the same type in a database.[19]These screening techniques are then used to identify typical offender characteristics, where it is important to maintain security and to flag-up certain passengers as being ' high risk' based on simple calculations. Passengers scoring above a certain threshold can be searched, questioned or investigated further, or discretely put under surveillance within the airport terminal.[20]Another example includes the use of automatic number plate recognition (ANPR), which works by scanning passing vehicle registration plates and checking them against various relevant digitised databases, to ensure that the vehicle has insurance and to check any document

irregularity with the driver. This form of surveillance is more intrusive than foot-traffic by closed-circuit television (CCTV) that normally leaves those observed anonymous.[21]

Critics of such risk checklists claim that this can lead to social sorting, [22]which may involve stereotypes of race, religious faith, nationality and gender, for example, to be aggregated to define " target markets" and " risky populations", which can have far reaching impact on life chances, and of social exclusion and discrimination.[23]It could be argued that the aforementioned are only present in poorly researched and implemented screening systems, and that properly researched, evidence-based screening systems that have been properly evaluated and revised as necessary are a useful additional tool.[24]However, the airport security system relates back to Bentham's Panopticon as individuals are being watched but do not know the extent to which they are being watched, if at all, but may modify their behaviour nevertheless. This disciplinary surveillance manifests in all areas of social life, including health and medicine, education, the military and factories.[25]Advanced security and surveillance technologies may help to curtail feelings of insecurity amongst the public but the degree of interference should reflect the level of the ' risk' or dangerousness that the surveillance is monitoring and trying to prevent. This intrusion may seem to be justified within airport security due to recent dangers relating to terrorism, importing and exporting of illegal drugs and illegal immigration. Protecting the public has become the dominant theme of penal policy.[26]

Deleuze[27]points to electronic tagging of offenders – rather than being detained in a prison, thus today's society is able to punish and control even

while ' setting free'. Today, many offenders being electronically monitored are not in fact offenders whom a court has so sentenced, but are actually prisoners who early conditional release from their medium-term prison sentences who would be monitored at home for the remainder of the time that they would have been in prison.[28]Tracking tags, like electronic access cards, can permit/disallow or warn against entry to a particular zone or place, possibly at a particular time or day. The ' first generation' of electronic tags did not have any capability of ' tracking' an individual tagged offender's movement.[29]In recent years, a ' second generation' of electronic tags, look set to supersede and replace the earlier generation tags. The GPS technology enables the tag to identify its exact geographical position, while the mobile cell phone technology enables the tag to relay this positional data back to a monitoring centre. Tags and key cards leave a little digital record in an archive each time they are used which can be used as a way to reconstruct events should something go awry. Tags can ' modulate' a given offender's daily routine, thus there is potential to combine this mass of stored data to build up a ' picture' of a person's activities, communications, interests, financial transactions, and so on.[30]Cohen[31]talked about a ' blurring of boundaries' so that it is sometimes difficult to tell where the prison ends and the community begins, due to the use of custody and electronic monitoring. This type of technology is extremely intrusive on part of the offender and may seek to segregate them from the community and also affects the family of the offender. However, it does not seem to affect the public at large.

Jones[32]points out that intelligence agencies' use of surveillance practices (i. e. spying) and their use of ongoing monitoring systems designed to alert them to certain circumstances of interest or concern. CCTV can also be combined with facial recognition software to match facial image data stored on databases of known individuals.[33]Even though this may be seen as intrusive, there would be a reason behind why the suspect's image was held in the first place. This would flag-up known offenders which, would make it a simpler task for police investigation if such technologies existed. The inescapability of surveillance and compliance with it is something that many people find objectionable for many reasons, such as, loss of privacy, autonomy, trust or control and may thus actively resist or seek to subvert it. However, it is more accepted if the information obtained is recognised as being legitimate.[34]If cameras are pointing in the correct direction and images are being recorded then a visual record of the offence is made which could be used to apprehend the offender and/or secure a conviction in a court, as it may be available in evidence, thereby justifying the use of CCTV. Poor image and recording quality seem likely to become less significant as technology improves.[35]However, this may not act as a deterrent as crime may be displaced so that offenders simply commit crimes where there are no cameras. There was belief that CCTV would deter people from committing crimes, however, research shows that CCTV schemes were not as effective at crime reduction as hoped. Welsh and Farrington[36]found that improved street light was more effective in reducing crime in city centres, that both were more effective in reducing property crimes than violent crimes, and that both measures were far more effective in reducing crime. They also

noted that in Britain city centres CCTV cameras generally appear popular with the public.

In 1991, Foucault[37]concentrated on the ' art of government' where conduct was not controlled or governed by the criminal justice system alone but through a plethora of organisations, many of them private and many with a central role in other spheres such as commerce.[38]These include local authorities, health services and voluntary agencies.[39]Individuals are also expected to take responsibility for their own security. Each of these adds to the process of responsibilisation which has become part of modern control of crime and disorder."[40]Foucault's discussion of governmentality[41]included the rise of neo-liberalism, which recast the ideal role of the State from one as guarantor of security to one in which rule is progressively undertaken ' at a distance' from the State. Cohen[42]talked about ' dispersal of discipline' and stated that boundaries have also been blurred between the public and the private as the private sector comes to play an ever-larger role. Privatised ownership of data raised anxiety of " expandable mutability"[43]and " function creep,"[44]which are concepts meaning that technology designed for one purpose can take on other functions, and data collected for one purpose can migrate for use in other ways that have potential to be deployed in broader contexts.[45]An example of this is where Transport for London will allow bulk data from its ANPR cameras used to log vehicles for congestion charging purposes to be viewed in " real time" by anti-terrorist officers of the Metropolitan Police for intelligence purposes.[46]The sharing of intelligence information between agencies could well be liable to unauthorised " leakage"[47]and potential

abuse of data sharing. This may lead to breaches of the data protection, human rights and the erosion of privacy, as the public are unaware that data collected in relation to them is being used for unknown purposes, even though they may be legitimate. One way the law has sought to deal with this is through the Data Protection Act 1998, which requires that those who operate CCTV systems (data controllers) and who record images from which individuals can be identified, must register with the Information Commissioner and ensure that the system is operated in accordance with the data protection principles, however this legislation does not apply for intelligence purposes as described above.

To conclude, procedural safeguards included surveillance cameras have come to be a routine presence on city streets and the risk of unrestrained State authorities, of arbitrary power and the violations of civil liberties seem no longer to figure so prominently in public concern.[48]Corbett[49]argues that increased surveillance is defensible if the data collected is used strictly for state security purposes, crime prevention and crime detection, to promote deterrence and encourage compliance of potential offenders, and when this fails, sanction them in the hope of future individual deterrence. For the time being, surveillance technologies are here to stay; it is the price that people need to pay in order to have improved national security for the safety and security of the mass population. However, is the State surveillance going too far with the form of surveillance on the roads, where cameras are permitted to reach into the " private" interior space of vehicles to photograph a driver as a safeguard against penalty point fraud or where proposals have been made for mandatorily fitting cars with " black boxes"

that can locate them in the event of a road crash?[50]A balance needs to be struck so that the State does not abuse its power, otherwise it will be accountable to Article 8.[51]

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