

# Balancing criminal justice and personal freedom assignment

Law



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Justice and Personal Freedoms Balancing Criminal Justice and Personal Freedoms The use of technology has been extremely beneficial to all branches of criminal justice although the loss of privacy and personal freedoms has been somewhat dramatic. As technology has evolved fighting crime has improved. Technology is a part of every day life for everyone. According to Rebecca Blaine, the first fully programmable computer was created around 1936. Since that date inventors all over the world began to work on improving computers.

As inventors began to improve amputees technology has evolved tremendously (Blaine 2007). The basic computer which once typed and was able to hold a few documents has evolved to tracking the movements of individuals live through satellite surveillance, determine the DNA sample of an individual, identify individuals through fingerprinting, allowing communications within one second across the world, and numerous other tasks which enable law enforcement to fight crime effectively and efficiently.

Although technology has allowed law enforcement to fight crime, it has also invented more crimes in the process. The new technology has led to problems such as identity theft, hacking, child pornography, civilians using hidden cameras for personal use, and government abuse of power.

Technological advances are here to stay. Is it possible to protect individual rights and privacy with the evolving use of technology? Individual privacy has been facing new threats since technology has become more advanced.

The realm of technology and privacy has been transformed, creating danger and hope. The fourth amendment guarantees individuals the right, " to be

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secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized” (Flatland 2007). As technology has advanced the rights to privacy has begun to dullness. amputees, hidden cameras, listening devices, inferred hearing devices, DNA databanks, IFS databanks, mobile data terminals, satellite surveillance, and other technological advances have stripped American’s of the privacy they once knew. In order to balance the privacy rights of individuals and maintain public safety the courts have had to intervene but often technology robs American’s of privacy regardless. In attempting to balance the right to privacy, Philip Agree claims we must first define privacy or individual rights.

Privacy rights are difficult to measure and citizens are aware they suffer harm from technological advances which enhance police work, but are unable to reconstruct the connections between cause and effect. Privacy, according to Philip Agree, is the capacity to negotiate social relationships by controlling access to personal information (Agree 1997). The balancing of privacy and the ever evolving use of technology will not be an easy task. Identify suspects due to video footage, a strand of hair, a drop of blood, and fingerprints with ease.

Computers allow the identification process to go rather quickly. The photo of a suspect can be put on the news or internet exposing the individual worldwide. Hidden cameras and public cameras allow police to capture

suspects and stop numerous amounts of criminal activity. The surveillance equipment available today allows police to stop terrorist, drug traffickers, weapon dealer, pedophilia, bank robbers, and every other known type of criminal.

Although certain individuals may complain about loss of privacy due to cameras in public places these are successful methods of preventing and discouraging criminal activity. Public cameras, according to Marcus Unite, represent a valid use of the state's power to protect its citizens (Unite 1997). The state's power to use public cameras rules in favor of public safety over privacy. The courts have ruled that an expected right to privacy usually ends upon leaving one's home. Balancing privacy and fighting crime with modern technology involves compromises and acceptance.

Mass Insight claims that in order to effectively balance privacy with the advancing technological advances the solution would be, " a combination of elements including self regulation and codes of conduct with government oversight, new privacy- protecting technology and laws punishing those who violate privacy harshly. " (Mass Insight 2007). Although these are essential in finding a way to balance the needs of citizen's privacy and maintaining social order people must realize that modern technology does not allow the luxury of privacy as we once were privy to.

Self regulation would include limiting the access citizens have to technological devices. There are particular devices which only law enforcement should have access to. Satellite surveillance, inferred hearing devices, DNA databanks, IFS databanks, hidden cameras and listening

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devices should not fall into the wrong hands or be misused by law enforcement. Those who hack into the government systems should be punished harshly. Law enforcement agencies and agents who do not obtain warrants to use hidden cameras and listening devices should face severe penalties.

The laws should apply to all states and each department. The misuse of technological devices leads to loss of privacy which in turn leads to lack of trust in law enforcement. The repercussions of losing trust of the community are numerous therefore balancing the individual's right to privacy and maintaining social order is vital. Codes of conduct have been determined through the court and Congress. The United States Supreme Court has made several rulings on privacy issues guiding police on what can and can not be done.

The codes of conduct should be more straightforward and nationwide. The Congress and Supreme Court should have a sit and hash out almost every conceivable privacy issue and make laws and rulings to eliminate any confusion. The laws should clarify probable cause and related issues. The laws should address issues such as exactly when a warrant can be issued and when one can not be issued. The guidelines are often too broad and the courts have to make more decisions which should be spelled out in a code of conduct.

The government should be forced to not only set laws for when they can use technological devices, but also for the use by private citizens of certain devices. Devices such as satellite surveillance and others law enforcement

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use to fight crime should be limited to to allow citizen's more privacy. The use of hidden cameras and surveillance equipment is not limited to law enforcement as the equipment is available online to anyone with a credit card, bank account, or a prepaid credit card.

The courts should have enforced stricter penalties for when individuals use technology for evil or illegal activities instead of normal and entertaining ways. The hackers, police who use their equipment illegally, those who steal information and steal with the information talent, pedophilia, and others who use computers, cameras, etc... to violate individuals of their privacy should be dealt with harshly. Another method to balancing privacy and protecting the public would be inventing new privacy protecting technological devices.

Hacker safe computers, less personal information available on the internet, and more accessible surveillance detectors could enable individuals to gain a bit more privacy back. The public must be able to fight the illegal use of technology in order to maintain a safer society. The law enforcement agents must also abide by and enforce the laws dealing with privacy. If we can not depend on the government to attempt to protect all of our rights, including the rights to privacy they will not be able to depend on the members of the community.

If the laws are shaped to balance the safety of the public against modern technological devices then enforced the public would feel more at ease with all the ways technology is being used today. Information or technological devices which fall into the wrong hands should be prevented at all cost. The government should begin screening their employees a bit better and

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accountability should be more visible. If the public is ware of officers who are punished for illegal wiretapping, using satellite surveillance for personal gain, or tampering with evidence stored on computers they would feel more confident that their rights are being safeguarded.

The public must know the government will not allow agents to violate privacy without very good reasons and if caught they are punished. There are many ways in which the American government can maintain public safety and still allow citizens a bit of privacy. Gaining the trust of the public would be a good start. Once the public realizes the use of technological vices is done so properly and according to the laws they will feel more at ease. The public must also take steps to safeguard their own privacy. For example, there are surveillance detectors available online for \$99.

A private investigator will sweep your house for surveillance equipment for a price. Using prepaid credit cards on the internet instead of your bank credit card is a way to protect yourself. Lobbying Congress for websites to not be able to display your personal information without permission is a means of protecting oneself. (Except for those who are registered sex offenders of course) Making sure your children are not in chat rooms where adult men and women can prey on them is a way to protect oneself from technological monsters.

The public must not only depend on the government to protect their privacy but must also take the necessary precautions and steps to protect themselves. The government can only do so much and they have to take the safety of the public into consideration. The United States Patriot Act allows

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privacy to take a back seat due to national security reasons. Privacy should be protected but only to a certain point. If someone is violated but a terrorist act is prevented then so be it. The problem is law enforcement is not the only individuals who violate the personal stay.