

Electronic monitoring, commercial surveillance and the 'malfunctioning subject'

Craig Paterson looks at the implications of electronic monitoring for modern society.

Between 14,000 and 15,000 people are now subject to a variety of forms of electronic monitoring (EM) across England and Wales. First used in 1989, those subject to EM-based programmes include bailees, adult and juvenile offenders, prisoners under early release restrictions, terrorist suspects, individuals subject to immigration controls and, potentially in the near future, the elderly and those who refuse to pay child support. Growth in EM has been driven by a fascination with the potential of new technologies to deliver 'techno-managerialist' solutions to complex social problems. This techno-centric view of the use of EM has meant that the wider implications of its development have often been missed. EM represents the movement of commercial surveillance technology into people's homes, the extension of societal controls and the potential for commercial personnel to make disciplinary, normalising judgements about the

do they present?' have remained unanswered.

Although international debate has concentrated upon the types of offenders that *should* be made subject to EM, a familiar pattern has been adopted towards offender targeting in England and Wales. This focuses upon the 'usual suspects' and targets of crime control methods – in general, those individuals living in the most deprived areas of the country. The development of commercial crime control technologies supplements the already intensive focus upon these individuals and groups who are deemed to be 'malfunctioning' and is reinforced through, Anti-Social Behaviour Orders (ASBOs), Acceptable Behaviour Contracts, Exclusion and Dispersal Orders, the proliferation of CCTV, biometrics and even identity cards as further weapons in the sovereign battle for control over disorderly neighbourhoods and, in particular, disorderly youth.

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behaviour of 'malfunctioning' subjects: those deemed by authorities to manifest limited ability to regulate their conduct and who require additional control. There is a historical parallel here with the extension of social work governance of family life (Donzelot, 1980).

The growth of the EM of offenders in England and Wales has taken place despite a lack of conclusive evidence that it 'works' in protecting the public, reducing re-offending or changing behaviour in the long-term (Mair, 2005). In part, this explains the diverse use of EM technologies in the criminal justice system and the lack of a coherent Home Office policy concerning its most effective use. This is not a unique set of circumstances. Debates on the introduction of crime control technologies such as CCTV, biometrics and identity cards have borne considerable resemblance. While the salient ideological and political discourse in these discussions has revolved around issues of surveillance, security and control, more practical questions such as, '*what can these technologies actually achieve?'*' and, '*what indirect consequences*

This view is supported by evidence collected in research conducted with Group 4 Securicor, an EM service provider. Analysis of EM statistics in Greater Manchester found that the areas experiencing high levels of juvenile nuisance were similar to those with high numbers of offenders subject to EM. The Intensive Supervision and Surveillance Programmes (ISSP) and Intensive Change and Control Programmes (ICCP) that incorporate EM for persistent juvenile and young offenders, were developed to counter growing concern about 'youth nuisance' in the area. This was further confirmed by Manchester's top position in the league table of local authorities issuing ASBOs, with 1237 issued between 1 April 1999 and 31 December 2005, of which 51 per cent were issued to 10-17 year olds (Home Office, 2007). Previous research has shown that 74 per cent of ASBOs were used against those aged twenty-one or under (Campbell, 2002).

Although using the language of enhanced security and public protection to justify growth in

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the use of EM, this technology has in reality served to expand regulatory systems of social control for those deemed to be 'malfunctioning'. The extension of surveillance into domestic space was acknowledged by Group 4 Securicor as providing a distinct separation between their service and traditional community penalties:

'What other community service order can give them absolute proof of compliance? Otherwise, it's just speculation. Little Johnny reported to the police at eight o'clock on a Friday night as he was supposed to do, but where was he at half past ten? Nobody knows... But we do now'.

(EM Manager)

The implication here is that traditional community penalties did not provide sufficient levels of public protection and security due to inadequate surveillance. The current thinking sets in place a process through which increasingly intensive and intrusive forms of surveillance can be justified in the name of enhancing security:

'I can see a whole range of community service orders based on satellite tracking. They (central government) will want to know the whereabouts of individuals, particularly those guilty of less acceptable crimes. They will want to know the whereabouts of paedophiles, sex offenders and the like 24 hours a day.'

(EM Manager)

The broad, and often unclear, use of the concept of 'security' has the potential to render the term redundant, just as with earlier conceptions of social control (Cohen, 1985). And the conflation of security rhetoric in political debate about the control of young people and the control of terrorism is particularly invidious. How does a surveillant technology that locates the whereabouts of an individual actually enhance security and public protection, when there is no immediate means to enforce violations? Instead, it seems that the politicisation of 'technocorrections' generates a chimera of control which disguises the messy reality of everyday life that exists beneath the surveillance gaze.

The EM of offenders represents just one section of the expanding industry in 'technocorrections' that incorporates elements of the private security, military and telecommunications industries. The surveillance capacity generated by these industries has diverted attention away from the role of human agency in the implementation of surveillance technologies. Surveillance studies encourage an understanding of EM as a form of socio-technical interaction extending the focus of previously public surveillance technologies (for example, CCTV) into the domestic sphere. EM curfew orders seek to remove disorderly groups and individuals from public space and to encourage structure in often unstructured lives. Demand for the control of offenders also emanates out of communities and helps to create a contested political struggle over the regulation of local populations and territories. The use of EM curfew orders in addition to other social management strategies asserts the interests of 'respectable' members of the community ahead of those deemed to be troublesome, whose freedom to roam is limited. EM must therefore be understood as a component of the extensive crime control machinery available to the state, commercial organisations and local community groups to target specific populations through routine, formal and informal surveillance.

The recent shift in the use of EM technologies beyond crime control has taken place with practically no public debate about the use of regulatory surveillance and the indirect consequences for new populations deemed to be 'malfunctioning'. This is

partly because surveillance encounters are now seen as the norm in the society that we live in (Ball and Wood, 2006). This means it is necessary to imagine the future so that we can make decisions about how much intrusive surveillance is acceptable. In the United States, EM technologies are already used to monitor the whereabouts of elderly victims of dementia and also for sex offenders who have completed their sentence but who are still considered to present a threat to the public. This presents two new avenues for development in the commercial surveillance industry. While monitoring the whereabouts of the elderly has long been identified as a target market for the EM industry, monitoring offenders after release represents a further extension in the net of social control through lifelong surveillance.

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