



KEYNOTE

TECHNOLOGY DIGITAL JUSTICE & REINTEGRATION

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#RPCon2018



OVERVIEW

- WHAT and HOW: Technologies, modalities, uses
- WHY? WHY NOT? Purposes and goals
- Insights from Europe: research and practice
- Advancing digital justice to support reintegration: opportunities, questions and some implications

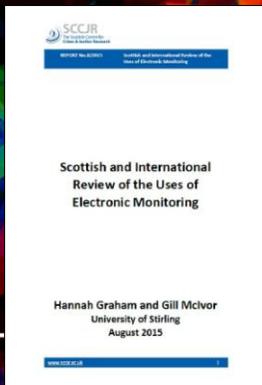
RESEARCH FUNDERS & ACKNOWLEDGEMENTS



Featuring research (McIvor and Graham, 2016; Hucklesby et al., 2016) co-funded by the Criminal Justice Programme of the European Union; research funded by the Scottish Government Justice Directorate (Graham and McIvor, 2015); and research resources funded by IRISS (Graham and McIvor, 2017).



RESEARCH RESOURCES



TECHNOLOGIES

- **Body-worn electronic monitoring technologies and restrictions:**
 - Radio frequency tagging and home curfews
 - GPS tagging and tracking and exclusion zones, 'bi-lateral' victim monitoring
 - Alcohol monitoring tagging
- **Apps, digitally-enabled interventions, and non-body-worn devices** (e.g., smartphones, digitally-enabled portable alcohol breathalyser kits).
- **Kiosks**, client portals, in-cell technology, and other digital interfaces.

TECHNOLOGIES



TECHNOLOGIES

Digital rehabilitation and digitally-enabled interventions in prison

TimeWise digital violence reduction toolkit and complementary digital media (animation) co-produced with people in prison – using technology to promote desistance and enable peer support, HMPPS, England and Wales.

https://www.youtube.com/watch?v=h_nEbFXyVU

<http://www.russellwebster.com/timewise/>

(Morris and Kaur Bans, 2017)



CRIMINAL JUSTICE MODALITIES

Jurisdiction	Pre-trial	Court order /condition of a court order	Execution of /Alternative to a prison sentence	Early release from prison	Post-release /parole	Domestic violence (e.g., protection order)
Scotland		✓		✓	✓	
England & Wales	✓	✓	✓	✓	✓	
Germany		✓		✓	✓	
Belgium	✓	✓	✓	✓	✓	
Netherlands	✓	✓		✓	✓	✓
Norway			✓			✓
Portugal	✓	✓		✓	✓	✓

Sources: Adapted from Kylvstad Øster and Caiado (2018) and Hucklesby et al. (2016)

FEATURES OF USES IN EUROPE

- **Assessment:** thorough assessments (and pre-sentence reports) are important.
- **Duration:** average length of an EM court order is 5 months, and as early release on licence or with parole is 6 months (Kylstad Øster and Caiado, 2018). Statutory restrictions on daily hours of curfews are common, e.g., maximum 12 hours a day.
- **Integration** with supervision and supports for desistance features in the most ethical and effective examples of how EM is used (see Graham and McIvor, 2015).
- **Compliance and Completion:** moderately high completion rates for EM orders in countries like the Netherlands, Norway, Sweden, Denmark, Portugal, and Scotland.

Sources: Kylstad Øster and Caiado (2018), Graham and McIvor (2015), Boone et al (2017) Hucklesby et al. (2016)

EUROPEAN CONTEXT

- European recommendation on electronic monitoring CM/Rec(2014)4;
- Council of Europe standards and ethics in electronic monitoring (Nellis, 2015);
- Compendium of conventions, recommendations and resolutions relating to prisons and community sanctions and measures (2017);
- European rules on community sanctions and measures CM/Rec(2017)3;
- European general data protection regulation (GDPR), including EU Directive 2016/680 on data protection in the police and criminal justice sectors.





WHY? PURPOSES & GOALS

- Punishment: retribution, restriction of liberty and/or privacy.
- Decarceration and diversion: reducing the use of custody by using technology as or within a community sanction.
- Surveillance and monitoring.
- Motivating compliance with and completion of an order.
- Crime control and reducing reoffending.
- Risk management, victim protection, and public protection.



WHY? PURPOSES & GOALS

- Responsivity and personalisation to the individual.
- Supporting (or being less harmful to and inhibitive of) desistance, recovery and reintegration processes.
- Communication and information-sharing.
- Instrumental and systemic purposes: trying to reduce time, money, workload and resource inefficiencies.
- Others?

INFLUENCING OTHER OUTCOMES

DENMARK: Electronic monitoring, supervision & support

- **EDUCATION:** Larsen's (2017) study (n = 1,013) of 18-25 year olds shows the Danish EM programme is associated with 18% increased completion rates of upper secondary education three years afterwards, compared to short-term imprisonment;
- **WELFARE & UNEMPLOYMENT:** Andersen & Andersen's (2014) study finds EM reduces welfare dependency compared to imprisonment for young offenders (under 25). Dependency trajectories for older offenders in this study didn't differ much for EM or prison.

Sources: Andersen and Andersen (2014), Gainey (2014), Larsen (2017)

PERCEIVED STRENGTHS

'Especially young offenders when you think this is going to be a really hard reintroduction into the community ... as opposed to saying to his friends when they come to his door or his hostel or whatever "we're going out, you've got to come out" and young offenders have said "it's easier if I've got a tag", and that's very sensible I think. So it's not "I can't come and I'm scared, and I'm not one of your group any more", it's so they've got a bit of a status with having the tag [laughs] which in some ways is a protective element for them in terms of saying "because of this I can't come out and do this, I've got to be in my house between these hours" and absolutely I think it is right' (Interview 23, Parole Board for Scotland).'

Sources: Graham and McIvor (2017a, 2017b), McIvor and Graham (2016)

PERCEIVED STRENGTHS

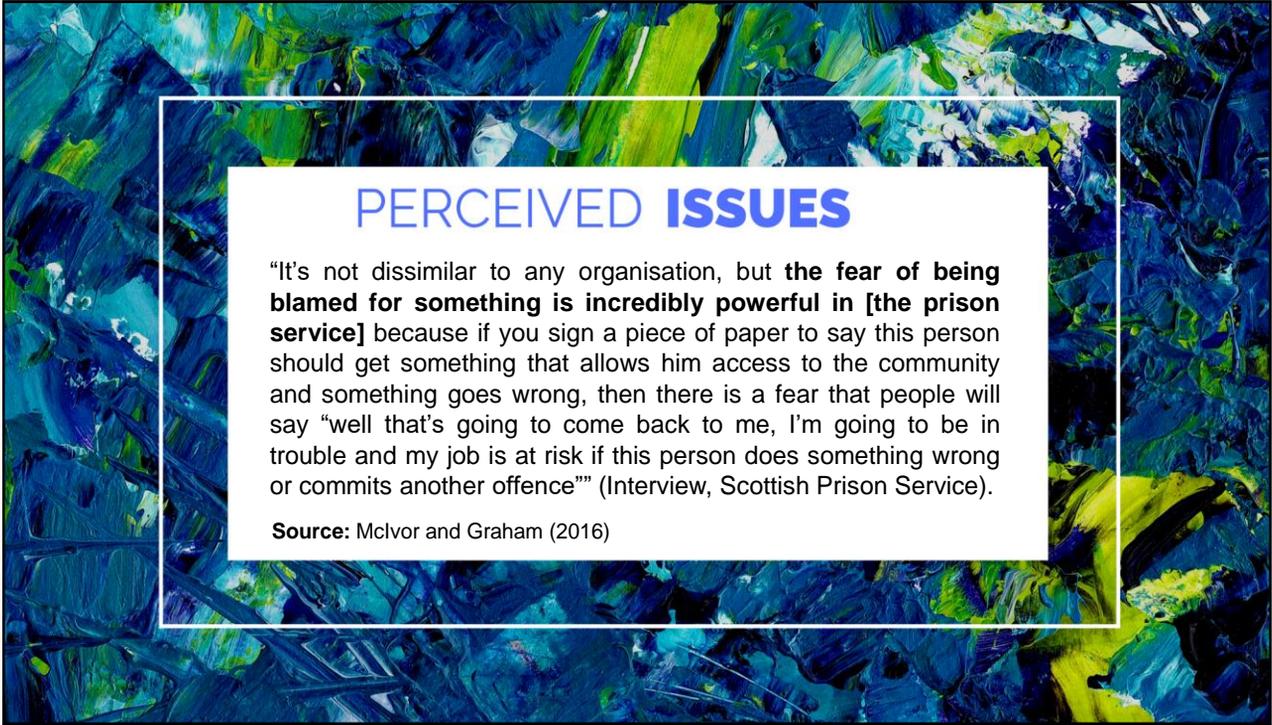
"I can see the point of having them [prisoners] outside in the community serving part of their sentence because it's preparing them for release ... It's letting them engage with their family again and their kids, it's letting them see their kids coming out from school, they can do homework with their children, the whole aspect of being a father I suppose they're going to benefit from, and I think the families benefit from that as well" (Interview, Scottish Prison Service).

"We need to trust prisoners on the tag to a certain extent. They need to be given a certain level of choice and freedom. In most cases, they will be liberated and without supervision within weeks or months anyway... Even in conversations with victims, I ask them "would you prefer them to get HDC and to take responsibility, and be monitored for a while to see that they're complying in the community, or would you prefer they are just out soon with nothing, no supervision or structure?" (Scottish Prison Service).

Sources: Graham and McIvor (2017a, 2017b), McIvor and Graham (2016)

WHY NOT?

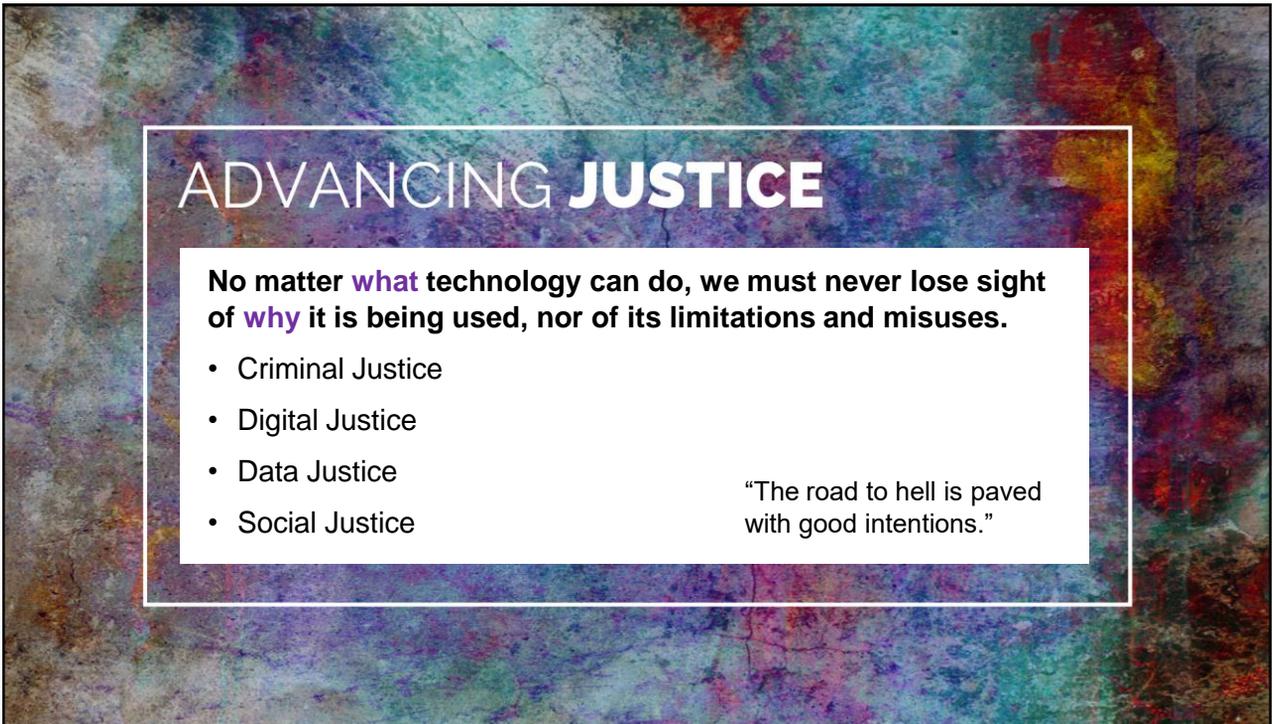
- 'Remoteness, distancing, automation' – Bauman and Lyon (2013) critique 'doing at a distance' and 'action-in-absentia'.
- Disproportionality of use, punitive uses and penal cultures.
- Neoliberal ideologies
 - Privatisation and marketisation of criminal justice.
 - Austerity, cost-cutting, and individual responsibilisation.
- Net-widening: Stan Cohen's (1979, 1985) warnings are apt
 - 'Front door' and 'back door' net-widening (Beyens, 2018).



PERCEIVED ISSUES

“It’s not dissimilar to any organisation, but **the fear of being blamed for something is incredibly powerful in [the prison service]** because if you sign a piece of paper to say this person should get something that allows him access to the community and something goes wrong, then there is a fear that people will say “well that’s going to come back to me, I’m going to be in trouble and my job is at risk if this person does something wrong or commits another offence”” (Interview, Scottish Prison Service).

Source: McIvor and Graham (2016)



ADVANCING JUSTICE

No matter *what* technology can do, we must never lose sight of *why* it is being used, nor of its limitations and misuses.

- Criminal Justice
- Digital Justice
- Data Justice
- Social Justice

“The road to hell is paved with good intentions.”

ADVANCING **DIGITAL JUSTICE**

- **Consultation:** meaningful consultation from the outset and ongoing. Principles and paradigms matter. 'Culture eats policy for breakfast'.
- **Communication:** electronic monitoring / digital comms strategies; awareness-raising initiatives, resources, forums and networks.
- **Co-production:** with people with convictions, families, victims, representative groups being heard, lived experiences learned from.
- **Crisis response protocols** and independent review mechanisms.

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QUESTIONS?

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