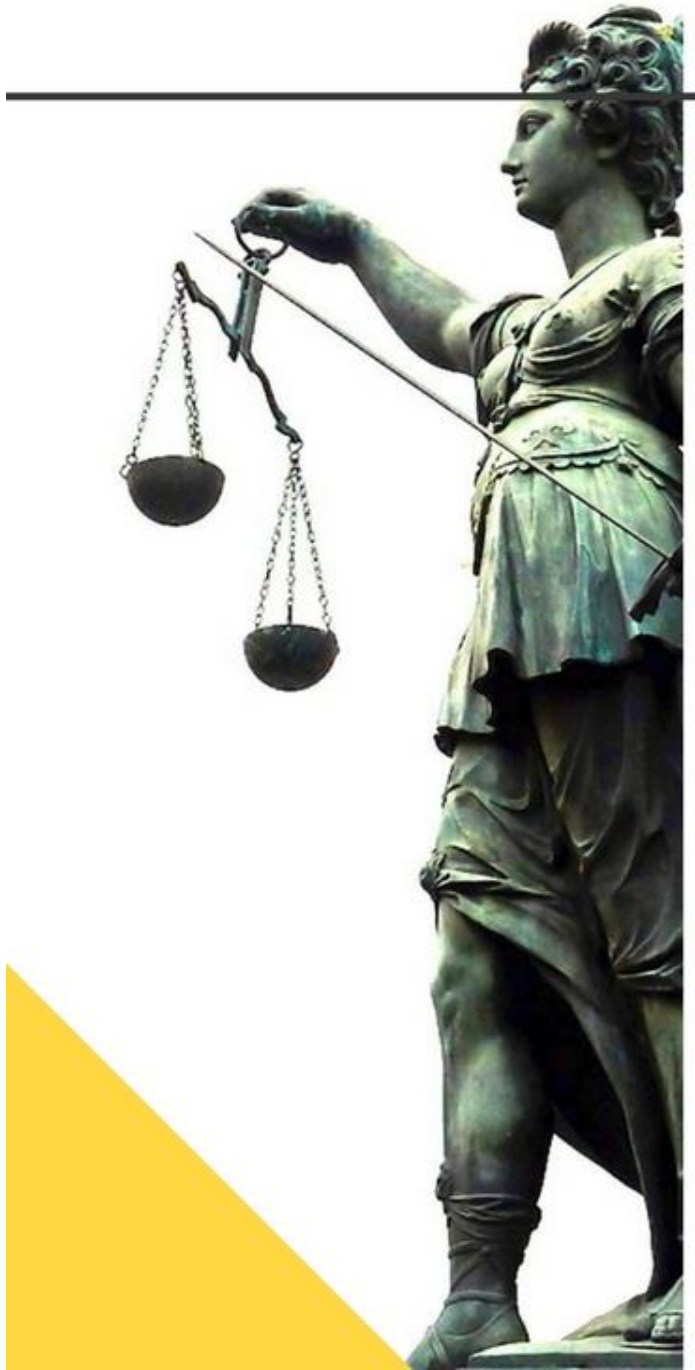


PART

02

Dr Hannah Graham
University of Stirling

CEP European Electronic Monitoring Conference

App Technologies, Electronic Monitoring and Probation

SCCJR
The Scottish Centre for Crime & Justice Research

UNIVERSITY of STIRLING

@DrHannahGraham

01

INTERSECTIONS ACROSS MY AREAS OF RESEARCH INTEREST - FOSTERS QUESTIONS

Technology and Criminal Justice
Probation and Community Justice
Innovation / Innovative Justice
Rehabilitation, Desistance, Reintegration

APP TECHNOLOGIES AND CRIMINAL JUSTICE

- Netherlands
- Sweden
- Finland
- Northern Ireland
- United States
- Others…

APP TECHNOLOGIES AND CRIMINAL JUSTICE

Ross (2018) and Johnson and colleagues (2016) discuss the utility and benefits of using apps in a drug court initiative with the A-CHESS relapse prevention app: it targets drug, alcohol and mental health disorders through a complex intervention and support model that includes the management of treatment sessions, progress tracking, symptom management, participation in a virtual support network, access to a library of treatment literature and risk-based relapse management strategies.

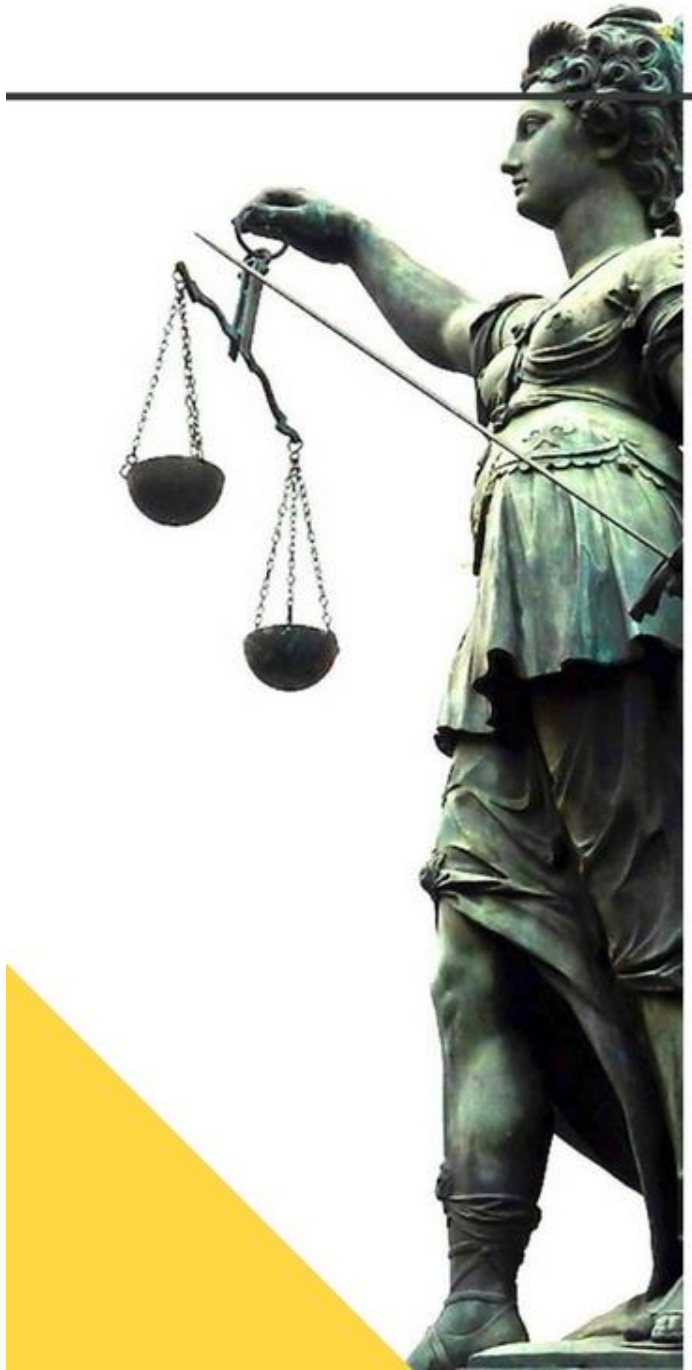
APP TECHNOLOGIES AND CRIMINAL JUSTICE

Stuart Ross (2018) raises some relevant issues which inhibit innovative uses of mobile applications in criminal justice and forensic health services:

- The problem of quality
- The problem of treatment
- The problem of engagement

JUST BECAUSE TECH CAN DO IT...

'Every breath you take,
Every move you make,
Every bond you break,
Every step you take,
I'll be watching you.
Every single day,
Every word you say...'
-- THE POLICE (1983)



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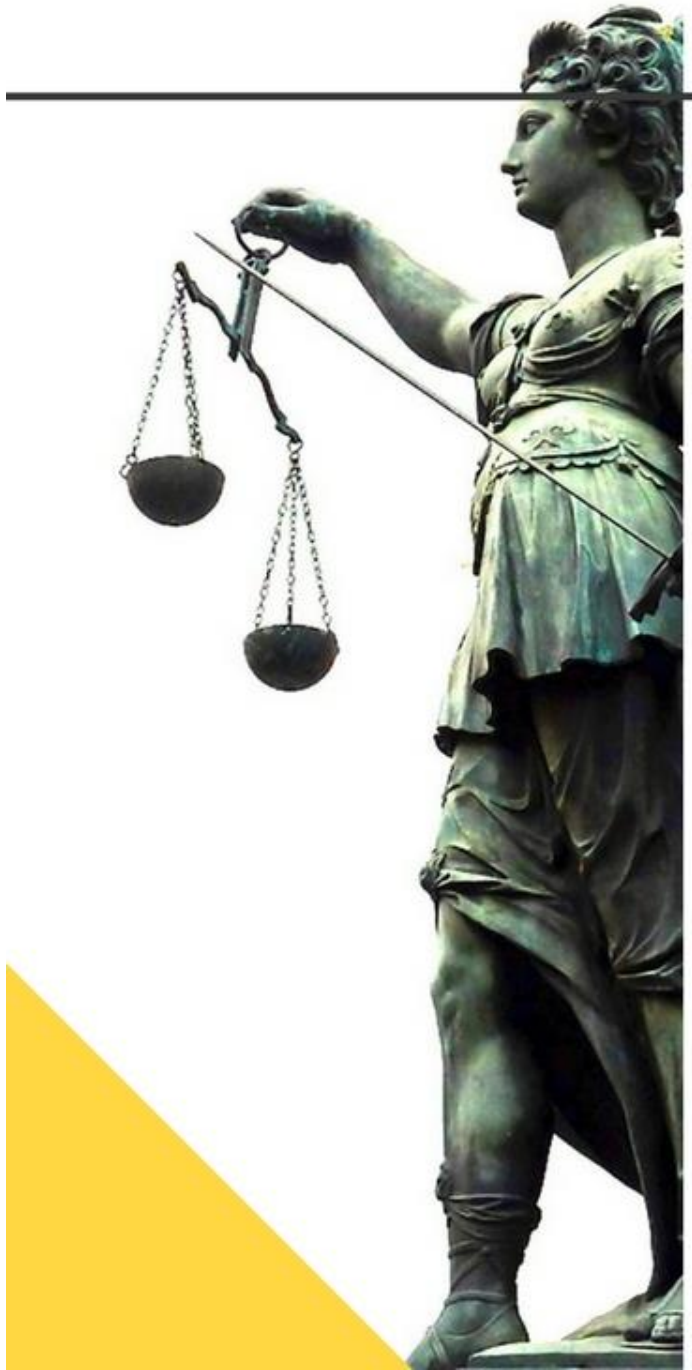
Innovation, Technology and Justice

No matter what technology can do, we must never lose sight of why it is used.



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Innovation, Technology and Justice

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

EUROPEAN

CONTEXT & CONSENSUS

- European Recommendation on Electronic Monitoring (2014).
- European Rules on Community Sanctions & Measures (2017).
- European General Data Protection Regulation.
    - EU Directive 2016/680 on data protection in the police and criminal justice sectors.

TERMS & CONDITIONS APPLY: LEGALITIES OF USE AND LEGITIMACY & PROCEDURAL JUSTICE

- Who owns the app data? Who can authorise access to it?
- Why is it used? Through what lens/model?
- If app technologies and online tools are used alongside or integrated with electronic monitoring, what are the implications for compliance, enforcement and breach?

TERMS & CONDITIONS APPLY: LEGALITIES OF USE AND LEGITIMACY & PROCEDURAL JUSTICE

- If app technologies and online tools are used alongside or integrated with electronic monitoring, what are the implications for engagement, legitimacy, procedural justice? These matter.
- ‘Behavioural contracting’ and ‘e-contracting’
  - Examples: Mental health court and drug court rehab in Australia, problem-solving approaches in Scotland

ZYGMUNT BAUMAN & DAVID LYON (2013): 'REMOTENESS, DISTANCING AND AUTOMATION'

Bauman draws on the work of Hans Jonas, a 20th Century ethical philosopher, to warn against modern victories of technology over ethics.

> ‘We now possess technology with which we can act at distances so enormous that they cannot be embraced by our ethical imagination.’

What are the opportunities and the challenges and limits of ‘doing things at a distance (action in absentia)’ in Probation?

PROBATION & CRIMINAL JUSTICE SOCIAL WORK CULTURES, PROFESSIONAL IDEOLOGIES, LOCALISM

Not enough is yet known about practitioner perspectives on why app technologies are used (or not used) in Probation and Criminal Justice Social Work, and their views and experiences about using these alongside or integrated with electronic monitoring, and why?

How does increasing uses of technology affect probation work? How is its use influenced by probation cultures and values?

"It's not used widely in [city]; I think we're one of the authorities that don't and again I think it's about courts as well . . . I'd asked a few social workers a couple of weeks ago about their use of it and they say they don't use it, they ask for it rarely and I was saying well why is that? I suppose **there's a bit of a fixed thinking about this**…" (Interview 10, criminal justice social worker)

"**There's quite a lot of resistance**" (Interview 4, criminal justice social worker).

"**I'm not sure how far we can go in terms of integration** between the two particularly given that one of them's a private provider' (Interview 1, criminal justice social worker)

Source: Graham and McIvor (2017)

Research shows that practitioners think electronic monitoring, when used ethically and effectively, can be one positive factor (alongside others) in desistance processes. Technology can be used to support change.

“In terms of the change in their lives, we get a lot of comments along the lines of, you know, “it gave me time to think”, “I was not associating with my peer group” or they might not put it that way, “I was able to say to my pals “I can’t go out tonight””, “I wasn't running with the pack at weekends I was, as a result of that, not coming to the attention of the police at weekends”, “it gave me a bit of stability in my life”’ (Interview 11, G4S staff).

Source: Graham and McIvor (2016); see also Hucklesby (2008)

- How are criminal justice apps and users different to those in (e)health?
- Should apps and electronic monitoring be tailored to criminogenic risk?
- Is electronic monitoring using tag, watch, or (foreseeably) patch technology needed? Or can apps and devices do it in some cases?
- What does penal moderation and penal exceptionalism look like in considering adding app technologies as one ‘more’ option? How might it contribute to net-widening and penal expansion?

- How are we communicating about new technologies with politicians, media and the public? Awareness raising and public legitimacy of technological tools and community-based sanctions and measures.
- How might societal conditions, politics and structural influences affect the uses of apps and electronic monitoring technologies? (for example, austerity and neoliberal ideology of individual responsibilisation may foster growth of digital 'self-management', ignoring inequalities and resource gaps and significant need for time and relationships in the desistance process)

WORKSHOP QUESTIONS

WHAT ARE THE OPPORTUNITIES AND PROBLEMS/BARRIERS TO INTEGRATING USES OF APP AND EM TECHNOLOGIES IN PROBATION?

WHAT ARE THE KEY ETHICAL CONSIDERATIONS IN ADVANCING MORE INNOVATIVE USES OF APPS AND ELECTRONIC MONITORING TECHNOLOGIES IN PROBATION?

WHAT ARE THE MOST IMPORTANT PURPOSES UNDERPINNING WHY ONLINE TOOLS AND APP TECHNOLOGIES CAN BE USED IN PROBATION?

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