‘Tracking people: blurring boundaries between sectors’

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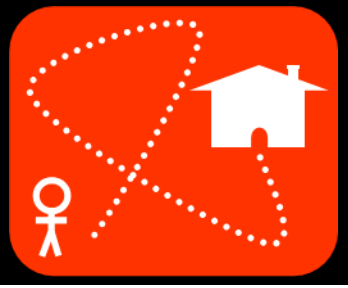
Introduction



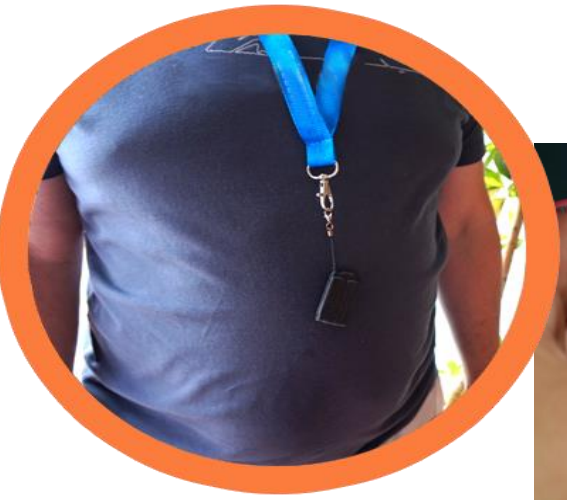
- AHRC funded network 'Tracking people: challenges and controversies'
- Aim was to develop a network to critically explore the ethical, legal, social and technical issues arising from the current and future use of wearable tagging and tracking devices in spheres including criminal justice, terrorism, immigration, health and local authority care of children and young people.

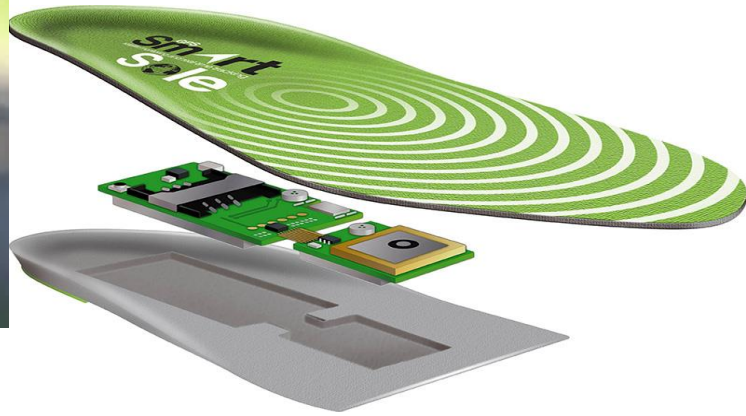
Current and future uses of tracking technologies

- Criminal justice
  - Suspects, defendants and offenders
  - High-risk individuals
- Domestic violence/stalking
  - Suspects, defendants, offenders and victims
- Immigration
  - New arrivals, those being processed and awaiting deportation
- Terrorism-related cases – suspects and offenders
- Mental health – resettlement from secure mental health institutions
- People with dementia
- Elderly
- Children/young people - runaways

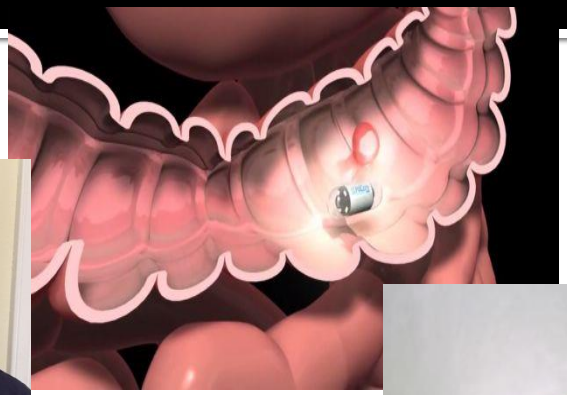
Devices

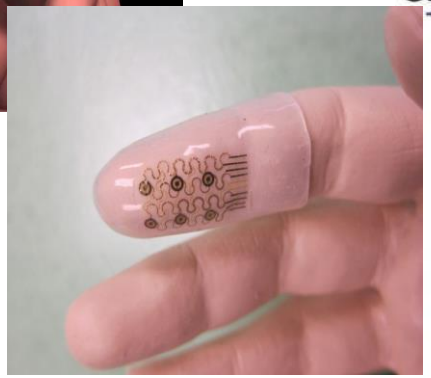
Different methods of tagging/tracking people



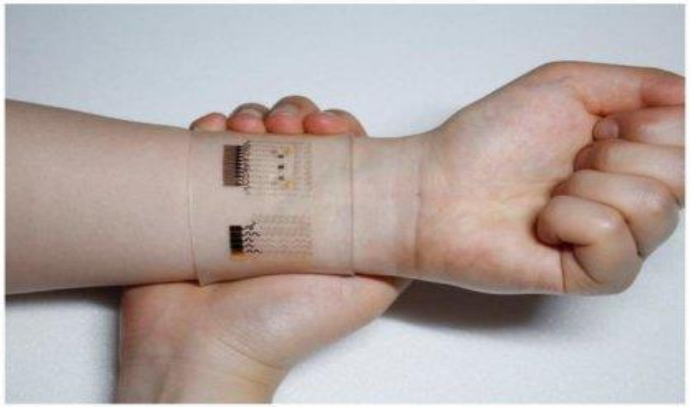


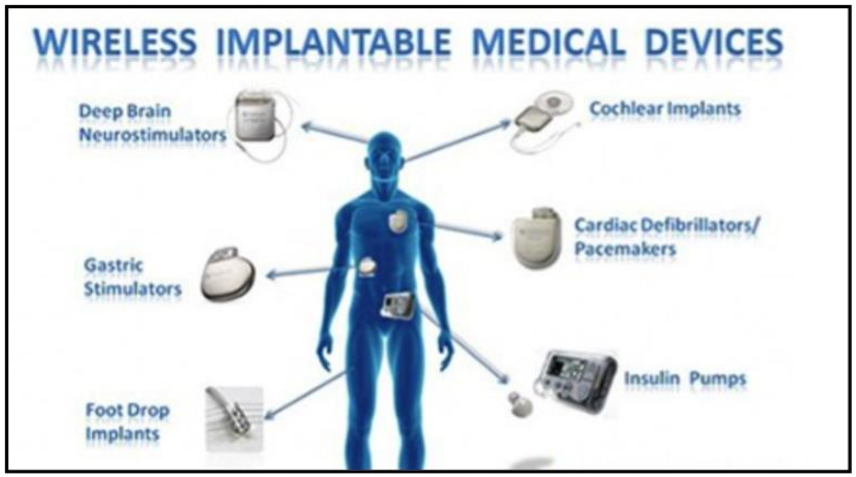
Medical devices





Skin-based Diabetes Monitoring and Therapy





Functionality/wearability of devices

- Visibility
- Removability
- Real-time/retrospective monitoring
- Accuracy/range
- Battery life
- False alarms
- Drift
- Communication
- Designed for whom?

Typology of purpose

- 3 primary purposes (Michael et al, 2006)
  - Control
  - Care
  - Convenience

Purposes I

- Locatability
  - Active, passive or only when required
  - Easier and quicker to find individuals
- Geographical exclusion/inclusion
- Risk management
- Reassurance for users/carers/public/decision-makers
- Communication
- Instrumental
  - Costs
  - Increasing capacity
  - Increasing efficiency
  - Reducing populations in detention

Purposes II

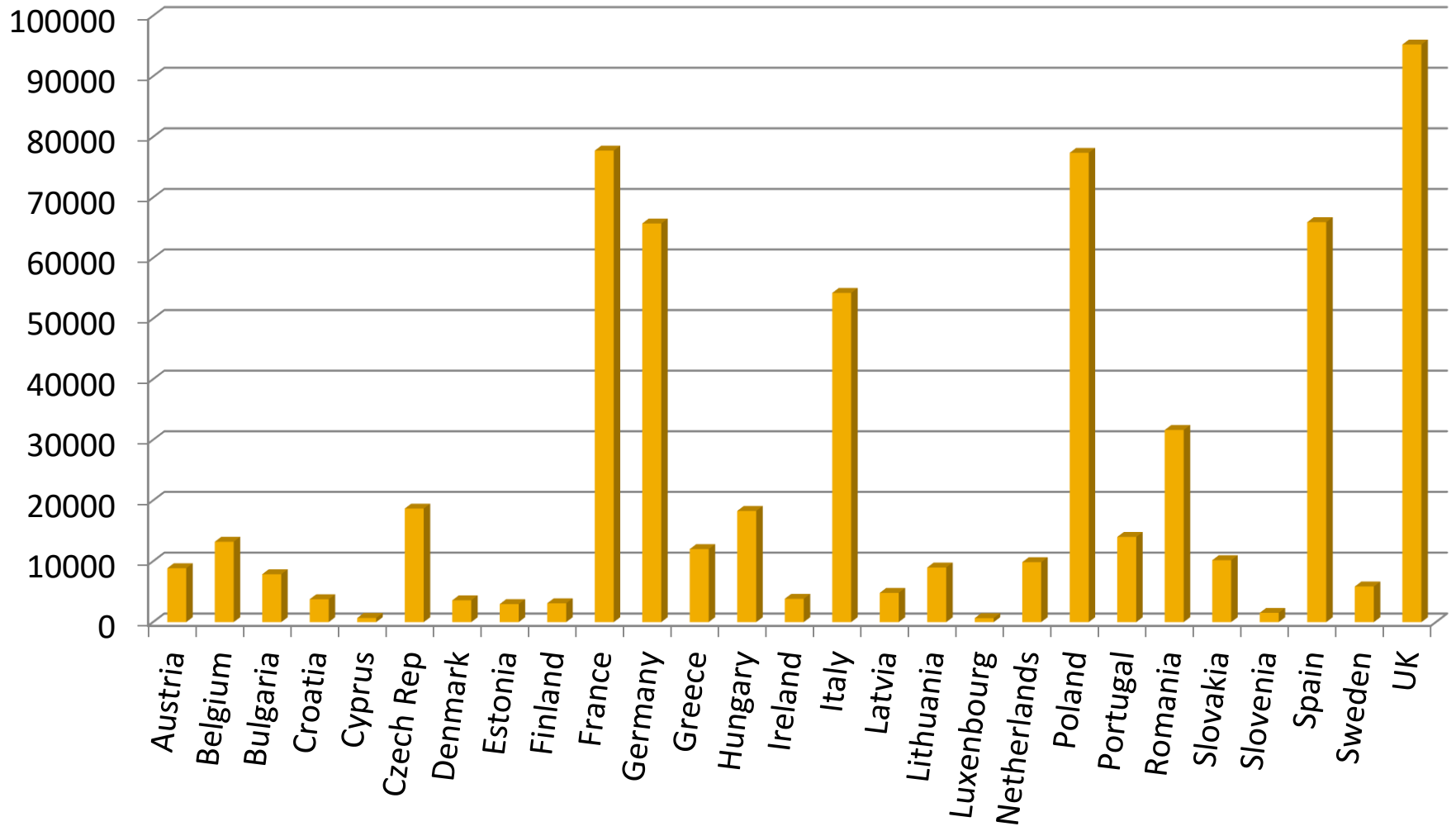
- Safeguarding
  - Wearer, specific individuals and/or 'the public'
- Relieving burden of care
- Freedom, autonomy and independence
- Habit-breaking/routine making
- Criminal Justice
  - Supporting compliance
  - Punishment
  - Rehabilitation/desistence/resettlement

Criminal Justice

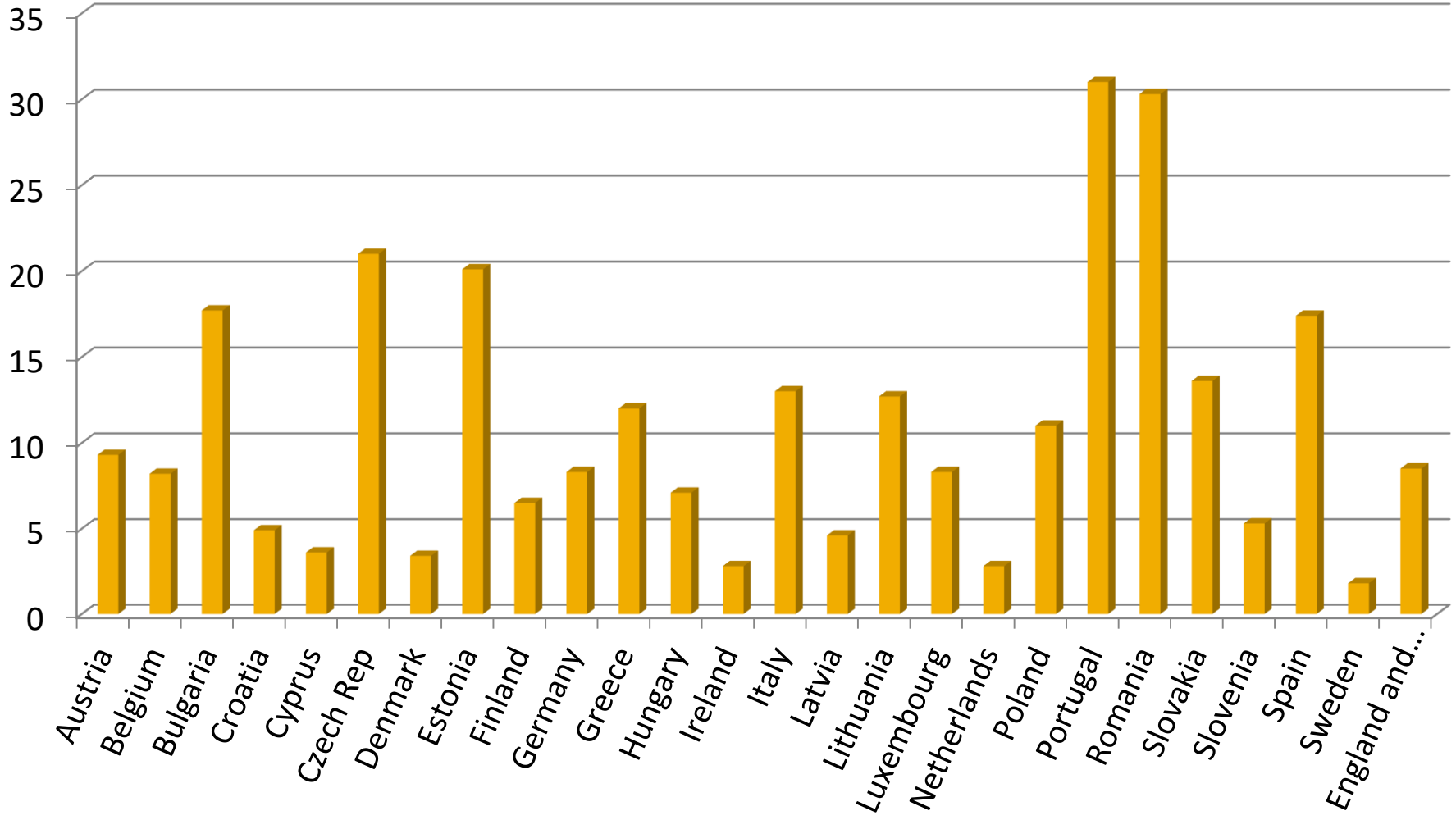
- No accurate published information about number of tagging/tracking devices in use.

- Criminal Justice detention (England and Wales)
  - 85,000 prisoners
  - Reoffending rates up to 70%
  - Cost is between £20,665-£35,465 per adult place (MoJ, 2015)
  - 12,000 on EM at any one time (2018)

EU prison populations 1st September 2015 (CoE 2017, SPACE 1: 11.2)



Average length of imprisonment (months) in 2014 (CoE 2017, SPACE 1: 11.2)



Mental health in-patients

- Significant numbers of mentally ill individuals are in secure settings
  - 795 high security beds and 3192 medium secure beds in UK (NHS England, 2015)
  - 71.96 psychiatric beds per 100,000 population in Europe (Eurostat, 2018)
- Institutionalisation and safeguarding for both individuals and wider 'public'

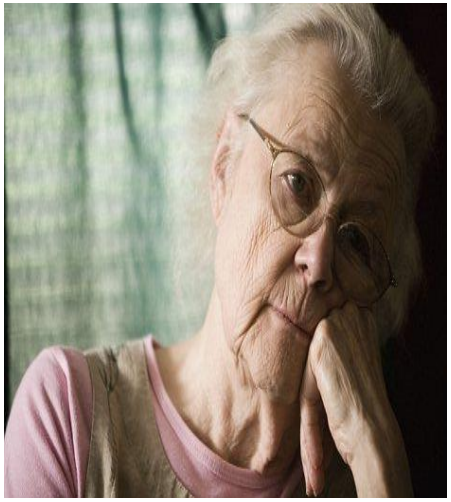
Immigration detention

- No accurate data on number of immigrants detained in Europe but numbers are rising
- Particular concerns about the detention of certain groups e.g. women and children
- Data on European countries are not comparable (Global Detention Project (2016)
- Numbers in detention in 2016
  - France – 47,937
  - Sweden – 3714
  - Greece 14864

- UK has largest immigration detention estate in Europe
  - 2,138 detained in December 2017 and 27,331 individuals entered detention during 2017 (Home Office, 2018)
  - Cost £91 per day

Dementia

- Dementia
  - 47.5 million people worldwide with dementia in 2015 rising to 735 million in 2030 (OECD, 2016)
  - 9.6 million people with dementia in Europe in 2015 representing 1 in 50 population (OECD, 2016)
  - Expected to increase to 15 million by 2035 (OECD, 2016)
  - West Mercia police (2015/16)
    - 103 missing persons calls related to dementia
    - All found but one deceased and 13 harmed
    - Majority were found within 8 hours.
  - Japan (2016)
    - 15,432 missing persons with dementia
    - The number have been rising for the last 5 years
    - Most were found on the same day but 471 were deceased.



Children and young people

- Estimated that between 250,000 and 1 million children go missing each year in Europe
- In 2016, 3536 missing children in 22 EU states were publicised by law enforcement agencies (Amberalert.eu, 2017)
- In UK
  - 100,000 go missing per year (DoE, 2013)
  - Estimated 25% at risk of serious harm
  - Increased vulnerability to sexual exploitation

Tracking - a panacea?

Practical challenges

- Trackers/tags can be removed
- Battery life/charging regime
- Source of anxiety for the wearers and significant others
- 24/7 support
- 24/7 response
- Secure and stable accommodation

Ethical issues

- Consent
- Exploitation
- Michael at al (2006)
  - Privacy
  - Accuracy
  - Property
- Responsibility
- Costs

What makes tracking legitimate?

- Governance structures
  - Legal and regulatory framework
  - Human rights conventions
- Who decides that it can be used in individual cases
- The motivations for its use
- Voice - informed consent
- Better than the alternatives
- Right to appeal
- Periodic review of use

Challenges I

- Sanctions for non-use/misuse/non-compliance
- Misuse
  - instruments of harassment, oppression and slavery
  - State agencies
  - Private sector
- Stigmatisation
- Proportionality
- Over-stated claims
- Inaccurate perceptions of infallibility
- Providing adequate and timely support structures

Challenges II

- Ownership and exploitation of personal data
- Automation bias and false positives
- Equality of access to technologies
- Discriminatory use
- Reduced or no personal interaction
- Diversity
  - Across sectors
  - Across populations
  - Different devices/languages for different purposes

Private sector involvement

- Continuum from providing equipment and storing the raw data to providing a full service.
- Full service includes monitoring centres and contact with individuals, families and statutory agencies.
- Complicates delivery models, data protection , responsibilities and so on.
- Intensifies and adds to ethical and legal issues

Sector integration

- Growth of tagging and tracking applications is resulting in greater penetration of security companies into the fabric of society.
- The same companies are often providing equipment for control, convenience and care uses.
- Extension of the concept of the 'Commercial corrections complex' identified by Lilly and colleagues into new domains of care and convenience
- Creating powerful organisations who hold significant amounts of data on individuals, influence governments' decision-making and policies and decisions effecting individuals' liberty and well-being.

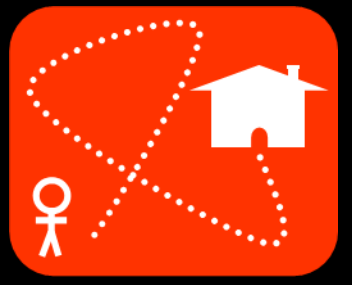
Concluding thoughts

- Inter-sector uses of tracking technologies heightens as well as highlights the challenges
- Questions about how to work together and share insights into best practice
- Advances in machine learning create new but potentially worrying possibilities
- Need to think more carefully about risks to wearers particularly in relation to misuse of technologies, data and hacking.

Questions we should always ask …

- Is it the best solution for the problem we are trying to tackle?
- Is it a necessary and proportionate response?

- Remember that there are responsibilities for both the wearers and the watchers



- Tracking people: controversies and challenges
- Website: http://trackingpeople.leeds.ac.uk