Ethics and technology

Ethics is 'the right thing to do', or as Aristotle said in Nicomachean Ethics they are 'the space between the holes left in the justice net'. In common with all innovation and change, technological evolution raises ethical questions. Europe has addressed these through a series of regulations, rules and recommendations including the General Data Protection Regulation (EU), Council of Europe Probation Rules and recommendation on electronic monitoring and the Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment. But these only represent a starting point. Probation and those using EM, have to operationalise these guidelines, ensuring that ethical safeguards are in place when deploying technologies generally, and electronic monitoring particularly, into everyday probation practices. This is particularly important given that the subject of such innovations, offenders, are socially fragile and under justice protection.

Probation staff tread a difficult path working with offenders subject to sanctions and measures, supporting and controlling them at the same time. Their role is one of change management promoting the desistance of offenders via a professional, sincere and useful relationship.

The increasing use of technologies in probation practice raises a series of fundamental ethical questions which are the focus of this presentation. What ethical safeguards are needed to ensure that technologies and EM support the mutual efforts of probation officers and offenders and promote desistance? What safeguards need to be in place to ensure that technological solutions preserve human dignity, privacy and fundamental rights? How can artificial intelligence (AI) be used in ways which are transparent, avoid bias, preserve fundamental rights and protect society whilst also supporting probation staff and offenders? Should technologies be used to replace mundane aspects of probation work? Are there areas of probation work and EM which would benefit from technological support where there is currently none? How can monitoring and research be facilitated whilst safeguarding monitored individuals?

The presentation will discuss the ethical questions raised by the increasing use of technologies in probation practice and ask fundamental questions about when it is and when it is not appropriate to use technological solutions. It will highlight ethical questions and discuss potential safeguards which should be at the forefront of probation practice and which should also inform the development and capabilities of EM and other technologies.