EM and the Global Trade in (Techno)Corrections

Electronic monitoring (EM) of offender technologies developed as responses to the problem of prison overcrowding and the enhanced focus upon re-introducing market values to the criminal justice sector, incorporating advances in information and communication technological infrastructures into new modes of crime control. At first glance, EM technologies appear to be tools with the potential to stimulate criminal justice innovation: new modes of virtual regulation suited to the digital world that global citizens inhabit. Yet, closer scrutiny of the use of EM across the globe unveils a sprawling, amorphous industry in commercial techno-corrections that both stimulates penal growth in domestic markets and facilitates policy transfer across international jurisdictions. The pioneering EM markets of North America, the UK and Australasia act as testing stations for the next generation of developers across Europe, Latin America and South East Asia. Viewed more closely, EM appears indicative of an intensification of surveillance and electronic population governance that has emerged from neo-liberal states and dispersed across the globe in a myriad of shapes and forms.

A recent Policy Exchange (2012) paper entitled *'Future of Corrections'* lauded a vision of EM in England and Wales whereby 140,000 people could be monitored at any one time by GPS technology by 2017/18; thus enabling a more expansive system of automated community corrections. The ambition to drive growth from the 2013 position of 25,000 monitored offenders was unsurprising to those who have observed the development of EM yet the scale of the '*Future of Corrections'* vision seeks to re-shape the landscape of community supervision. Twenty-five years after its initial appearance, the evolutionary pathway of EM in England and Wales remains noteworthy for an absence of policy and purpose with a nexus of commercial organisations and political interests driving the use of the technology within criminal justice. Evidence on best practice with EM demonstrates that the technology has little non-punitive utility unless it is integrated with other interventions but this evidence has failed to influence policy developments. The EM political-commercial nexus explains why, contrary to the international evidence on best practice, EM in England and Wales functions as a stand-alone technology operated by the private sector and in isolation from other community sanctions.

It follows that EM cannot be understood simply as a criminal justice innovation – it is a product of a global industry in technocorrections: a sub-division of the corrections-commercial complex identified by Lilly and Knepper two decades ago (see Lilly, 2006 for an update), itself a child of the United States military-industrial complex, conceptualised by President Eisenhower a further three decades before. The corrections-commercial complex, and its surveillance-commercial sub-division, emerged at the end of the Cold War as

political, corporate, and private interests infused criminal justice thinking and shaped a new arena of commercial criminal justice (Paterson, 2012). The preference for market delivery of previously 'public' goods and services, initially described as 'privatisation', became a feature of governmental projects in the (mainly) English speaking countries that favoured neoliberal political and economic reforms during the 1980s and 1990s and enabled EM entrepreneurs to experiment with a new criminal justice tool.

Thus, the evolution of EM as a penal innovation is best understood as an adjunct to broader developments in the commercial crime control market that laid its roots in the United States after the Second World War. This market, grounded in private security, benefited from growth spurts provided by the end of the Cold War, the liberalisation of economic markets, and rising concern about uncontrolled migration, global crime and international terrorism, to develop into a global market in commercial criminal justice and technocorrections. In many ways, the contours of the EM industry mirror those of the private prison industry that re-emerged out of the United States in the 1980s and spread to Australia and the United Kingdom during the 1990s before undergoing additional growth in Western Europe over the last decade. Similarities in market growth should not be over-emphasised though. EM was embraced in countries such as Canada and New Zealand that had rejected prison privatisation. Because of this, developments in EM should be understood to have links with broader neoliberal processes of privatisation whilst also being tied to the demand for enhanced surveillance capacity from late-modern nation states. This developmental process is incomplete. The establishment of second generation EM technologies such as satellite tracking (or location monitoring as it is sometimes known), biometrics and crime scene correlation in the pioneering EM countries is indicative of a developing market.

Analysis of the commercial criminal justice market helps explain patterns of policy convergence, as embodied by the presence of global corporations in countries that have embraced criminal justice privatisation, alongside a divergence of EM programmes at the local level. Leaving aside the pioneering markets mentioned in the introduction, EM is now used in countries as geographically dispersed as Taiwan, Singapore, Hong Kong, South Africa, Sweden, Denmark, Norway, Finland, Russia, Poland, Germany, France, Belgium, The Netherlands, Portugal, Italy, Argentina, Mexico, Israel and Korea. Each country adopts a slightly different EM model.

Furthermore, the commercial criminal justice industry, having laid its roots in countries that favoured privatisation, has identified developing countries as future markets. This is evident in the growth in interest in EM from the post-Soviet countries and the Balkans. Brazil has legislated for criminal justice reform in this area, whilst Argentina and Mexico already have established EM programmes. Criminal justice market reforms are also being promoted

across Africa although, as yet, no country has adopted EM. This is not to say that we are pre-destined to economic determinism and that the control mentalities of political-commercial imperatives cannot be contested. Developments in Portugal (see this issue), Argentina and the United States have focused, creatively and innovatively, on the use of EM technologies as more personalised, enabling devices to support victims rather than control offenders. These developments represent a re-conceptualisation of the use of the technology outside of the confines of traditional rational choice-based and offender-focused thinking; potentially, EM 2.0.

The global presence of commercial organisations in EM punishment makes them essential objects of criminological study as do their links with the political establishments of late-modern states, and the increasingly psychological terrain of crime and disorder (perception) management. The global embrace of techno-managerial strategies such as EM is evident across crime control systems with technologies such as biometrics, CCTV and Geographical Information Systems (GIS) flourishing in commercial environments that market the benefits of asocial technologies in monitoring and managing unruly and disruptive behaviour. This has proved problematic for surveillance technologies such as EM, CCTV and biometrics whose development has often been driven by political and commercial agendas rather than evidence-based research. The chimera of security and crime prevention provided by allegedly pre-emptive surveillance technologies rests upon the shoulders of populist myth and carefully constructed public relations. Parliamentary lobbying, revolving door political-commercial relationships and poor accountability structures have led to the citation of commercially produced or sponsored data as ‘evidence’ to support EM-based policies with support slowly undermined by a steady trickle of data about programme limitations.

The growth of EM in the United States, Canada and England and Wales and subsequently across the globe has taken place despite a lack of conclusive evidence that it 'works' in protecting the public and reducing re-offending. Thus far, consultation and 'evidence' have been used to legitimize rather than inform policy which helps to explain the diverse use of EM technologies across jurisdictions and the uneven outcomes EM provides. England and Wales is the only jurisdiction to have sub-contracted all service provision to the private sector with most other countries operating EM-based curfew orders through the public sector with varying degrees of commercial influence. Therefore, the development of EM should be viewed as a product of global forces that emphasise neoliberal rationales surrounding surveillance, crime and its control which are translated within each nation state's social, political and economic context and the mentalities and dispositions of their governing bodies and processes.

In order to understand the use of EM as a criminal justice policy tool it is imperative to recognise the political-commercial context in which it has been, firstly, developed and, secondly, traded across international jurisdictions. Therefore, empirical studies of the effectiveness of EM cannot be understood in isolation from an appreciation of the industry that gave birth to them. Developments in the US have taken place alongside a litany of allegations about malpractice and corruption that are emblematic of problems encountered in the broader field of commercial criminal justice and security (Lilly, 2006). Similarly, the UK experience has been littered with technological failures, poor performance, and an absence of genuine market competition. The central argument of *'Future of Corrections'* was that the ineffective and costly use of EM in England and Wales was due to market failure that encouraged poor practice. The evidence-base for this assertion drew upon the United States model of local governance structures and EM service delivery. Furthermore, the sub-text of *'Future of Corrections'* implied that the failure of first generation EM was due to insufficiently intrusive and intensive surveillance and control. First generation EM had proved insufficiently punitive for some and inadequately effective for others. Thus, the historical trajectory of EM Policy in England and Wales has been to do more things (introduce new programmes or technologies), more extensively and punitively (for example, to increase curfew length), and to export these ideas abroad. Failure subsequently acts as a market stimulant for new products, competitors and international development. If only all industries functioned in this manner!!!

To re-situate the argument within criminological-speak, the EM industry acts as a mode of industrial net-widening – both within criminal justice and across other sectors. EM is initially introduced as an alternative to imprisonment but ends up acting as an intermittent release valve for over-crowding. EM is subsequently introduced as an alternative to existing community sanctions but functions as an increasingly intensive and intrusive supplement. Finally, criminal justice acts as a testing ground for other public sector arenas where EM is utilised such as health, education and border control. While the evolution of EM as a correctional rather than rehabilitative tool can be linked to broader contours of change in the penal system, the spread of EM technologies is best understood as both a product and facilitator of the global trade in surveillance-based population governance.

References/Reading

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