Ignotum per Ignotious: Second Generation Surveillance Technology and the Presumption of Guilt
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Abstract
The UK Presidency of the European Union called for an expansive mandatory policy of surveillance aimed at the reduction of crime. There is evidence to suggest that the proposed policy, to be implemented through second generation surveillance technology, will lead to the effective deregulation of the police and security forces and impliedly to erosion of the rule of law. As second generation surveillance technology increasingly replaces arrest and interrogation as the first point of contact between the police and the suspect it is time to interrogate whether the Panoptic ideal is being undermined.

The paper accordingly goes beyond the Foucauldian chain of equivalence between visibility, vulnerability and subjectification to assess whether surveillance can be equated with discipline in the 21st century. The assessment based upon a critical analysis of reported interactions between police, security forces and suspects in surveillance intense environments concludes that exposure to the stimuli of second generation surveillance technology may produce behaviour that is the antithesis of that anticipated by Panopticism.

The paper answers calls being made to address the implications of second generation surveillance technology for the rule of law.