

*Criminal Justice, New Technologies, and the
Constitution*

May 1988

NTIS order #PB88-213921

CRIMINAL JUSTICE

**NEW TECHNOLOGIES
AND THE CONSTITUTION**

SPECIAL REPORT

CONGRESS OF THE UNITED STATES OFFICE OF TECHNOLOGY ASSESSMENT

Recommended Citation:

U.S. Congress, Office of Technology Assessment, Criminal Justice, *New Technologies, and the Constitution*, OTA-CIT-366 (Washington, DC: U.S. Government Printing Office, May 1988).

Library of Congress Catalog Card Number 88-600524

For sale by the Superintendent of Documents
U.S. Government Printing Office, Washington, DC 20402-9325
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Foreword

In honor of the Bicentennial of the United States Constitution, OTA is conducting a study of Science, Technology, and the Constitution. At the request of the Committee on the Judiciary of the House of Representatives, and its Subcommittee on Courts, Civil Liberties and the Administration of Justice, OTA is examining ways in which continuing scientific advances and new technological developments may influence the scope and meaning of enduring constitutional principles and protections. A background paper, *Science, Technology, and the Constitution*, was released in September 1987. The first of several special reports, *Science, Technology, and the First Amendment*, was released in January 1988.

Articles I and III of the Constitution and four of the ten amendments in the Bill of Rights address the rights of those suspected, accused, or convicted of crime. This report, *Criminal Justice, New Technology, and the Constitution*, looks at new technologies used for investigation, apprehension, and confinement of offenders, and their effects on the constitutional protection of these rights.

These technological innovations offer social benefits that respond to the current pressures for reduction of crime, the just and equitable administration of justice, and relief of prison overcrowding. However, technology throughout history has been a double-edged sword, equally capable of enhancing or endangering democratic values. This report describes the new technologies being used in criminal justice and, as in all of the reports of this series, addresses that delicate balance to be maintained between the national interest and individual rights.



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NOTE: OTA appreciates and is grateful for the valuable assistance and thoughtful critiques provided by the reviewers. The reviewers do not, however, necessarily approve, disapprove, or endorse this report. OTA assumes full responsibility for the report and the accuracy of its contents.

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