

# From post-crime to pre-crime: preventing tomorrow's crimes today

David Wall introduces this special issue of *cjm*.



'Good Morning Mr Yamamoto ...' the storefront's electronic advertising screen eerily greeted John Anderton (played by Tom Cruise in the 2002 film *Minority Report*) shortly after he had undergone an eye transplant to change his identity. 'Welcome back' it droned on '... would you be interested in trying out our new chinos; how were those tank tops you bought last time, Mr Yamamoto?' An iris recognition device in the advertising screen had recognised (the now deceased) Mr Yamamoto's eye signature and then linked it to his retail shopping record before data mining its own records and other global consumption data to anticipate products he might be interested in buying during his visit to the retail store. The central narrative of *Minority Report* is based upon Philip K Dick's 1956 short novel of the same name and is the futuristic and far-fetched practice (by today's standards) of a special policing unit that uses seers, or 'precogs', to foresee serious crimes before they take place and then takes preventative action to stop those crimes from ever occurring. The film's main action, however, is set within the surveillance society described above in which the culture and scientific practice of predicting human actions is embedded in ambient technologies that have been created to assist the lives of its citizens, but which have also ended up shaping them.

At the end of the day *Minority Report* is simply an enjoyable film which leaves the audience thinking 'what if'. For the purposes of this

special issue, this combination of the pre-crime and surveillance themes conveniently and provocatively highlights some of the very important issues that are discussed within. Plus, these themes also (arguably) play an important role because, they, along with other social science fiction, provide powerful cultural metaphors that, to paraphrase Frank Furedi, help to subconsciously order the line between fact and fiction.

The idea of pre-crime is increasingly becoming part of the crime prevention landscape – encouraged no less by cultural reference points in social science fiction (such as the above) and promoted by the less reflective members of the crime science lobby, and by the need for economic efficiency. Consequently, the 'pre-crime' theme of this special issue is intended to be a stimulating organising motif that provokes a visceral response from writers to inspire them to briefly explore the extremities of the increasingly popular belief that science can be used to predict and eradicate criminal and social problems before they happen.

Sometimes this belief might be expressed intentionally through policy or sometimes unintentionally as the result of mission creep or knock on effect. Alternatively, it may be simply a technique for managing the micro-politics of public expectations of law enforcement. In either of these cases, the result is usually a situation that potentially infringes basic human rights, freedoms of action and expression. Whilst the optimist can see the positive impacts of identifying problems before they arise, there are many negatives which the pessimists, or even realists, identify.

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crime situations in order to develop rules that will enable us to predict risk factors that will then inform crime prevention strategies. At the more mundane level this philosophy is increasingly bedding in to our social structure. Most notably, we are already witnessing the increasing reversal of the

burden of proof from the accuser to the accused in a number of modern offences that rely upon digital evidence and range from speed cameras to possession of obscene images to aspects of the

counterfeiting of intellectual property. Taking this apparent shift from a justice society to a control society one step further, of particular concern is the way that masses of data generated by our everyday use of new technologies can be mined by others to identify traits about our own social behaviour. Traits that can then be used against us, say in social sorting. Such sorting may be actuarial, say in the way our credit ratings are calculated and inform lending

arrangements with our bank, which we largely have to accept if we want to use banking facilities. Else it may be more insidious in that certain health factors or accidents of birth may be weighted in the calculation of risk factors and unfairly work against us without any actual evidence that they would influence our behaviour.

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At this point we need perhaps a little less conversation and a little more action. In the following set of articles a group of highly respected academics, each explore an aspect of the evocative pre-crime theme. What they collectively illustrate is the ever present and very real tension between the politics of policing danger and the danger of not policing reality. They also show that in this day and age the politics of policing danger is, in fact, itself a sobering reality. Each article's

message is one of the risks associated with the uncritical acceptance of the anticipatory logic.

The first half of this pre-crime issue covers various aspects of the criminal justice processes from which a pre-crime theme is emerging: **Lucia Zedner** writes on the perils of pre-punishment; **Carole McCartney** on the search for the

genetic 'Holy Grail' of using DNA as a way of ridding societies of crime; **Peter Squires** and **Dawn Stephen** on ASBOs and the precautionary criminalisation of youth; and **Ian Paylor** on the politics of risk assessment of youth.

The second half of the issue critically responds to pre-crime type responses to terrorism. **Jude McCulloch** and **Sharon Pickering** look at the ways that pre-emptive strategies linked to counter-terrorism legislation establish a 'pre-crime' criminal justice framework; **Gabe Mythen** and **Sandra Walklate** critique the idea of pre-crime by arguing that 'speculative imaginings' shape future predictions derived from risk assessment procedures. In the final article, **Mike Levi** examines the fight against the financing of terrorism – what he calls the 'preceeds of crime'. ■

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