Crime and Precaution

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CRIME & PRECAUTION

IMPORTANT THEMES:

3 IDENTITIES TO CONSIDER:

(a) Criminal - product of adverbial system (McCulloch & Pickering, 2009)
(b) Terrorist- precautionary logic and preemption (McCulloch & Pickering, 2009)
(c) Pathological- genetic determinants (biologicalization of crime) (Rose, 2000)

Shifts:

(a) Professional policing/ reactive policing to Order- Maintenance Approach/ proactive (Harcourt, 2003; Rose, 2000; McCulloch & Pickering, 2009; Heberton & Seddon, 2009)
(b) Rehabilitative model to incapacitation model - Managerial (Harcourt, 2003)
(c) Post Crime Criminal Justice to Pre Crime Criminal Justice (McCulloch & Pickering, 2009)

Profiling: Many different nodes

(a) Precautionary logic ? (McCulloch & Pickering, 2009; Heberton & Seddon, 2009)
(b) Biological/ genetic profiling (Rose, 2000)
(c) Racial Profiling (implicit and explicit) (Harcourt, 2003)
Q: The science of prediction is seen as both an INSTRUMENT & OBJECT of suspicion (Pg 345). What does this mean? Explain.

Q: In terms of actuarial risk assessment, governance through science is the claim. But governance can’t be separated from the political, and as a result science becomes political. Explain. Agree/ disagree? (Under the context of sexual or violent offending)
POTENTIAL VIOLENT OFFENDING
CRIMINAL CASE: (Decision Making)

- As local level police investigator:
  There isn’t any evidence to support the assertion that a violent threat exists or existed.
  But based on precautionary logic/ anticipatory suspicion, a threat may potential exist.

Q: After watching this clip: Do you anticipate a threat or not? What did you prioritize: Evidence or Precautionary logic? Explain?

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HEBENTON & SEDDON (2009)

COUNTER LAW I & II

- Counter Law I: Laws against Law:
  -- Dangerous Prisoners Act 2003 (Australia)
  -- Criminal Justice Act sec. 225 & 227 (U.K)
  -- Adam Walsh Child Protection & Safety Act 2006 (U.S)

- Counter Law II: Surveillance Assembles:
  -- Data surveillance such as sex offender registrations
  -- Community notification

Q: Rationality: “Laws must be broken to save social order”! Agree/ Disagree? Why?

Q: Why is unprecedented surveillance a negative (Counter law II)? (Other than privacy issues) Won’t it not identify suspicious behaviours and prevent sexual and violent offending?
Q: Can security under the neo liberal securitizing culture become civilized? How So? Isn’t it already civilized under democratic governments that are pluralistic? Agree/ Disagree?

CIVILIZATION OF SECURITY: 4 R’s
- Recognition
- Resources
- Rights
- Reason
Q: Chose a serial killer you are familiar with and classify them? Explain?
CRIME IN AN INSECURE WORLD:
By Richard Ericson (2007)
CRIME IN AN INSECURE WORLD:
By: Richard Ericson (2007)

Risk assessment:
- Rational future oriented thinking (pre criminalization)
- Risk as management
- Risk as probability
- Risk as forensic language

Counter Laws: Framed as an adaptational response to insecurity:
(Exceptionalism is key)

- Counter Law I: Laws against Law: (U.S Patriot Act) (U.S Patriot Act II)
  (Ontario Safe Streets Act)

- Counter Law II: Surveillance Assembles: (U.S VISIT Program)
  (Schengen System)
- After the Madrid train bombings, the British Home Secretary, David Blunkett, stated that ‘the norms of prosecution and punishment no longer apply’ (quoted in Wolfendale 2007: 75) (McCulloch & Pickering, 2009).

Q: Is this statement a mere product of securitization? Or is this statement point out that the state (due to classified intelligence) can see the bigger picture/real existential threat?

LEVELS OF PRE-EMPTION:

- National Level = Counter terrorism (Patriot Act) (U.S VISIT Program)
- Domestic Level = Criminalization (Ontario Safe Streets Act)
- Corporate Level = Tracking (ID cards, panoptic surveillance of work & internet activity.
- Social Level = Unemployment benefits, welfare, disability insurances

- Aside: Individual Level?
McCULLOCH & PICKERING (2009)

Two Main Frameworks:

(a) National Security Framework - associated with pre crime:
   - In this article it is discussed under the concept of Counter Terrorism.

   **Mentality:** Future oriented thinking, presumption of guilt

   **Governance:** Pre-emptive actions, intelligence gathering

Intelligence Gathering: (E.g. Fusion centre, U.S VISIT & Data Surveillance)

   - Information gathering is key, as this enables patterns to be identified, and dots identifying risks and harm to be connected.

Q: What gets blurred under the National Security/ Pre crime mentality?

(b) Criminal Justice Framework - associated with post crime

   **Mentality:** Presumption of innocence,

   **Governance:** Courts and corrects, due process
COUNTER TERRORISM as PRE-Crime:
- Coercive state behaviours
- Based on suspicion (Anticipatory suspicion) a.k.a Precautionary logic
- Targets invisible crime - crime before it happens- future crime can’t be seen (Preemptive)
- Identifies threats and risk through anticipatory suspicion

Coercive state behaviours:
- Criminalization based on association
- Prolonged detention
- Freezing assets
- Preemptive strikes
- Legalized through counter laws (Patriot Act)

Reconfiguration of the PANOPTICON:

Q: What are some problems with the use of precautionary logic/anticipatory knowledge? Do the benefits out way the negatives? What are the potential benefits? What about the “better safe than sorry” defense?

Q: Is the pre crime paradigm really a “new paradigm”? Explain.
2 Forms of CRIME PREVENTION:

(1) **Tradition Notion:** Non-punitive proaction, target hardening, opportunity reduction, routine activities theory approach, target root causes such as social or environmental plights.

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(2) **Pre Crime style:** Act first using **FORCE** for nation security purposes & answer questions pertaining to prosecution later.
- Presumption of guilt.
- Targets the sources of harm (terrorists) (not causes)

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THE LABEL/ THE IDENTITY: CRIMINAL Vs. TERRORIST:

Criminal Identity: Acquisition is determined by the courts.

Terrorist Identity: Acquisition is determined anticipatory suspicion and politics. (Preemptive identity)

Q: How would you label/What identity would you attribute to these individuals? Is it difficult make a distinction? Why or why not?

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Q: What would Precautionary logic tell you? Would you classify these persons as a threat, and therefore should be panoptically watched? Is your decision based on Evidence or Suspicion? What's more attractive?

Q: What criminological theories or concepts discussed in class or other classes could potential make sense of this depicted criminal mentality?
ARGUMENT & DISCUSSION:

In light of the pending closure of Guantanamo Bay, it is plausible to assume/suspect based on precautionary logic and risk assessments, that those released may have formed hatred and hostility toward the Western worlds, and as a result they may contemplate revenge. Under the current security issues linked to middle eastern instability, rising tensions between Israel and pro-Palestinians, North Korea’s nuclear potential, Iran’s secret agenda to build nuclear weapons, China’s cyber spying projects, non state and state sponsored terrorist groups, and the uncertainty surrounding other rogue states such as Syria, Gaza, and Russia, it is in the best interest for the Western worlds to invest in a surveillance and pre- cautionary logic counter- terrorism mentality.

Q: Agree/ Disagree? Explain. What would you say as a counter argument? (E.g. False securitization, insecurity duped, riskophobe, etc).
There is no gene for the human spirit (Movie: Gattaca 1997)
**Nietzsche: The fable of intelligible freedom**

Q: Do you think freedom of will exists despite past & present influences? Do you agree that individuals cannot be truly held responsible for their:
(a) Nature (?)
(b) Motives
(c) Actions
(d) Consequences of actions

**Contrast or Connect to:**
- State crime (can States be held responsible? - macro level)
- Experience with crime (Garland)
- Will to power concept
- Merton
- seductions of crime (Katz)
- cultural criminology

**Nurture Vs. Nature Debate**

Q: What is essentialism? Is crime biologically determined or a result of socialization (or both)? Does the type of crime being discussed matter? Explain?
Kleptomania: Biologically or Psychological?

- It is evident that the biological is separate from the psychological. However, in terms of biological determinism, DNA (biological) would be seen to influence the formation of psychological components. Since the formation of neurotransmitters are linked to DNA blueprints. **Q: What do you think? Explain. Is it tautological?**

Pre-emptive Crime Control as Public Health:

- The new Biology of Control and the new Positivism
- The new Biology of Control vs. the old Biology of Control

**Q: Are you satisfied with the new Biology of Control? Would you support pre-emptive crime control through identification and treatment for the benefit of public health?**
PROFILING: What is it? How is it done:


Racism Vs. Racial Profiling: ?

Predicts an offender/ a suspected offenders:

- characteristics
- cognitive processes
- social habits
- potential personality

Two General Methods:

1. Clinically Oriented Techniques
   - intuition based

2. Statistically Oriented Techniques
   - used of data bases
   - (E.g. RCMP- VICLAS (Violent Crime Linkage System))
5 Dimensions of Personality: OCEAN

- Openness
- Conscientiousness
- Extraversion
- Neuroticism

Criticism:

- Cross cultural differences in personality dimensions
- Too narrow
- However used to predict personality type:
  (E.g. Anti Social Personality disorder, Border Line Personality Disorder)
Decoding Social Cues

1. Decode Social Cue
2. Interpret Social Cue
3. Search for Appropriate Response
4. Select Best Response for Social Setting
5. Enactment

**PROFILING:**


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<thead>
<tr>
<th>PSYCHOPATH</th>
<th>SOCIOPATH</th>
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<tbody>
<tr>
<td>- Personality Disorder</td>
<td>- Antisocial Behaviour</td>
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<tr>
<td>- Seen as a predisposition triggered by negative environment</td>
<td>- impulsive</td>
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<tr>
<td>- Lack of coping</td>
<td>- low level of empathy</td>
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<tr>
<td>- Over exaggerates Threats (Paranoia)</td>
<td>- Social withdrawal</td>
</tr>
<tr>
<td>- Low perceived control</td>
<td>- Triggered by environment</td>
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<tr>
<td>- Social withdrawal</td>
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- There are overlapping factors. - Profiling is NOT easy.
- Certain trigger environment are: **Risk generating** (Rose, 2000)
HARCOURT (2003)
Durkheim:

- Increased individual responsibility = increased punishment directed at individual
- With great power (E.g. liberties) comes great responsibility (E.g. Self Control) (Spider-Man Movie)

Q: Thoughts? Western individualistic culture vs. Collectivist culture? Criminology of the other or self? Experiences with crime (Garland)?

Racial Profiling:

http://www.cnn.com/search/?query=racial profiling&primaryType=mixed&sortBy=date&intl=false

Q: What are the effects in relation to the New Penology (Incapacitation as a form of crime level regulation rather than deterrence or panoptic rehabilitation)?
Fictional Case:

- In terms of counter-terrorism: In Country X

An imminent domestic terrorist attack is said to occur at a Philippine Restaurant run by a racial minority of Filipino decent. Two other attacks on Philippine Restaurants run by a minority of Filipino decent, occurred within the year by a suicide bomber, and was carried out by racial group B, which has animosity between Filipino’s. Intelligence asserts that the bomber is inside the Restaurant, and the Restaurant owner is 2 minutes from entering into the building. The last two times the bombers targeted the owners. The restaurant is holding 850 people. Evacuation is not an option, as the suicide bomber will inevitable detonate due to suspicion.

Q: How would you identify the bomber? Would you pan-optically surveillance all the individuals within the Restaurant? Or would you only focus on those of racial group B? Is a Preemptive strike a given? Explain your reasoning.
Fictional Case:

Q: If I had stated that the last two bombers were male, overweight, had a silver watch, mid 40’s, etc. What would you do different?

- It is very important to verify the intelligence gathered, as information can easily be omitted consciously or unconsciously, willingly or unwillingly. Verification will provide actionable knowledge that is significant, meaningful, accurate, rational, truly prevention enabling, and lawful.

- Don’t fall prey to seductive precautionary logic: verify it! Go beyond race!