

ROUTLEDGE FRONTIERS OF CRIMINAL JUSTICE

# Pre-crime

Pre-emption, precaution and the future

Jude McCulloch and Dean Wilson



‘Welcome to the terrifying universe of pre-crime – the world of today, the past and the future all rolled up into one fantastical display of pre-emptive state power. This book provides the first ever systematic examination of the nature, dynamics and interventions of pre-crime. The line between fiction and reality has never been more tenuous or disturbing, as threats of insecurity and terror are mobilised in ways directly undermining individual and collective rights, freedom and justice. This is an essential book for interpreting the exercise of unbridled coercive force in uncertain times.’

**Rob White**, *Professor of Criminology, School of Social Sciences, University of Tasmania, Australia*

‘In this exceptionally original book on the dangers of “a pre-crime society that jumps at shadows”, McCulloch and Wilson brilliantly examine how the speculative fiction of pre-crime utilizes logics of security, risk, and pre-emption to justify coercive and secretive state interventions against groups and identities viewed as threats. Absolutely essential reading for criminologists, legal scholars, social scientists, policy experts, and, indeed, anyone committed to the future of justice.’

**Nancy A. Wonders**, *Professor of Criminology and Criminal Justice, Northern Arizona University, Arizona, USA*

‘Officials are re-calibrating their understanding of the relationship between the past and the future as it pertains to policing, security, and punishment. This volume offers cutting-edge insights into this important development, and cautions us about the ethical dilemmas presented by a brave new world of “pre-crime.”’

**Kevin D. Haggerty**, *Killam Laureate, University of Alberta, Canada*

‘This is an authoritative, critical and wide-ranging account of the emergence of pre-crime. It is elegantly written, accessible and historically nuanced, taking the reader through a fascinating journey from the past, to the present and, thereafter, into the future.

The central concepts associated with pre-crime – such as risk, pre-emption, precaution and futurity – are deftly unpacked and scrutinized with rigor. The book makes both a substantial theoretical contribution to debates about the utility and the morals underpinning pre-crime, whilst simultaneously offering a commanding overview of key debates in the area for social science students and researchers. The definitive work on pre-crime.’

**Gabe Mythen**, *Professor of Criminology, University of Liverpool, UK*

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# Pre-crime

Pre-crime aims to pre-empt ‘would-be criminals’ and predict future crime. Although the term is borrowed from science fiction, the drive to predict and pre-empt crime is a present-day reality. This book critically explores this major twenty-first-century development in crime and justice.

This first in-depth study of pre-crime defines and describes different types of pre-crime and compares it to traditional post-crime and crime risk approaches. It analyses the rationales that underpin pre-crime as a response to threats, particularly terrorism, and shows how it is spreading to other areas. It also underlines the historical continuities that prefigure the emergence of pre-crime, as well as explores the new technologies and forms of surveillance that claim the ability to predict crime and identify future criminals. Through the use of examples and case studies, it provides insights into how pre-crime generates the crimes it purports to counter, providing compelling evidence of the problems that arise when we act as if we know the future and aim to control it through punishing, disrupting or incapacitating those we predict might commit future crimes.

Drawing on literature from criminology, law, international relations, security and globalization studies, this book sets out a coherent framework for the continued study of pre-crime and addresses key issues such as terminology, its links to past practices, its likely future trajectories and its impact on security, crime and justice. It is essential reading for academics and students in security studies, criminology, counterterrorism, surveillance, policing and law, as well as practitioners and professionals in these fields.

**Jude McCulloch** is Professor of Criminology at Monash University. Her research focuses on the growing integration of crime and war and the impacts of this on justice, politics and society. Jude is on the editorial and advisory boards of leading national and international criminology and interdisciplinary journals. Her research spans counterterrorism laws and policing, police use of force and (in)security politics. She has published widely in scholarly journals as well as in the media and magazines. Jude’s books include *Blue Army: Paramilitary Policing in Australia*, *State Crime and Resistance* (eds. Elizabeth Stanley and Jude McCulloch) and *Borders and Crime* (eds. Jude McCulloch and Sharon Pickering).

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**Jude McCulloch and Dean Wilson**

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**For Otis McCulloch, who inspires hope for the future every day.**

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# Abbreviations

ADVISE	Analysis, Dissemination, Visualization, Insight and Semantic Enhancement
AFP	Australian Federal Police
AFPA	Australian Federal Police Association
ASBO	Anti-Social Behaviour Order
ASIO	Australian Security Intelligence Organisation
CAPS II	Computer Assisted Passenger Prescreening System
CCTV	closed-circuit television
CIA	Central Intelligence Agency
CT	computed tomography
DARPA	Defense Advanced Research Projects Agency
EU	European Union
FACS	Facial Action Coding System
FAST	Future Attribute Screening Technology
FBI	Federal Bureau of Investigation
fMRI	functional Magnetic Resonance Imaging
GAO	US Government Accountability Office
HMIC	Her Majesty's Inspectorate of Constabulary
IRA	Irish Republican Army
ISIS	Islamic State of Iraq and Syria
KARNAC	Knowledge Aided Retrieval in Activity Context
MATRIX	Multistate Anti-Terrorism Information Exchange
PET	positron emission tomography
PNR	Passenger Name Record
RFID	radio frequency identification
RIOT	Rapid Information Overlay Technology
SAR	Suspicious Activity Report
SDS	Suspect Detection Systems
SPOT	Screening of Passengers by Observation Techniques
TIA	Total Information Awareness
TIPS	Terrorism Information and Prevention System

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# 1 Introduction: pre-crime

## Pre-emption, precaution and the future

Pre-crime stands at the temporal frontline of a criminal justice system increasingly preoccupied with anticipating threats. Pre-crime intervenes to punish, disrupt, incapacitate or restrict those deemed to embody future crime threats. Pre-crime's anticipatory logic is the antithesis of the traditional post-crime system that commences with the commission of a crime. Pre-crime is also distinct from more recent risk-based approaches to criminal justice. It moves beyond risk-based crime prevention by pre-empting incipient threats. By targeting anticipated crimes, and proceeding as if they had already happened, pre-crime transforms the relationship between crime and punishment, with profound implications for security, justice and society.

The term "pre-crime" is taken from Philip K. Dick's 1956 science fiction short story *The Minority Report* (Dick [1956] 2004). The story, typical of the genre, is future focused, but doubly so because it imagines how a future society might deal with crime that it predicts will take place in the future. The story's philosophical heart highlights the interplay between human agency and fate, questioning whether the future is multiple and contingent or predetermined and predictable. In Dick's fantasy world a police pre-crime unit stops murders before they happen. Human mutants called "precogs" see into the future so that would-be criminals are identified and incapacitated before they have an opportunity to commit the foretold crime. The pre-crime program is brought into question when the head of the unit is branded a future murderer, becomes a fugitive and attempts to prove his innocence and save pre-crime's reputation. In the end, it is unclear whether pre-crime has been vindicated or repudiated. The head of the pre-crime unit commits the foretold murder, but whether he would have, but for the prediction, which is revealed to be the product of a corrupt and ambitious military rival, is ambiguous.

In *The Minority Report* pre-crime succeeds in its crime control mission: murders are practically eliminated. But pre-crime's crime-free promise is intertwined with threats to liberty and security – false prophecy, political manipulation, detention centers full of would-be criminals, the logical impossibility of refuting an accusation of future crime and the danger of self-fulfilling prophecy – which all unfold as the story progresses.

Dick's fiction has popular currency, and a number of his stories, including *The Minority Report*, have become Hollywood blockbusters (Friedman 2003).