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A Genealogy of Bentham's Preventive Policing

Pat O'Malley

If Bentham's writings on indirect legislation are viewed as 'a sort of manual of preventive police', we could broadly break down his array of preventive initiatives into three forms. The first is situational crime prevention, broadly conceived as proactive measures such as the installation of street lighting and the provision of information to the public so they can avoid being victims of crime. The second encompasses what is now referred to as 'intelligence-led' policing and 'predictive policing', where police gather and process information to be used in proactive interventions. Third and arguably the most important to Bentham was the deterrent effect of successful reactive policing (i.e. the detection and capture of offenders). Each of these, in turn, Bentham wanted to be subjected to a kind of monetized cost-benefit analysis in order to determine their relative utility, ideally with respect to specific kinds of offence. All three forms of crime prevention were to be informed and assessed by the crime data provided regularly in the *Calendar of Delinquency*. But what legacy was left behind from these writings? How did preventive policing develop over the following two centuries?

Certainly, Robert Peel's (1788–1850) legislation establishing the Metropolitan Police envisioned proactive policing – especially in the form of gathering intelligence from the community. Moreover, Victorian governments developed situational crime prevention in such forms as street lighting and the demolition of criminal 'warrens'. But as Hudson has pointed out, in Britain from 'the mid-nineteenth century to about 1960 the trend in police activity was away from organized preventative activity' (Hudson 1974, 293). Instead, reactive policing was overwhelmingly to become the model for the police from the time of Bentham's death until quite recently, and the deterrent effect

of successful arrest and prosecution became the vigorously defended police representation of their role in crime prevention.

Since the mid-1970s, however, proactive policing – policing that seeks to intervene before the commission of offences and on the basis of predictive evidence – has been promoted under such banners as ‘intelligence-led policing’, ‘community crime prevention’ and more recently ‘predictive policing’ (Chan and Bennett Moses 2019). This represented a considerable sea change in policing across the Anglo-phone world and elsewhere. In the view of some influential works, such as Ericson and Haggerty’s (1997) *Policing the Risk Society*, by the late twentieth century, the police were being transformed into a risk-based crime-information brokerage, led in considerable measure by the demands of the insurance industry. In place of reactive work, such as pursuit, detection and apprehension, the police were to be redirected into gathering and mobilizing security-based data that enabled the formation of preventive interventions. Indeed, the vision of a shift towards forms of information-led predictive or pre-emptive prevention – under the rubric of ‘risk’-based policing – became almost an obsession among criminologists. As this indicates, while the development of reactive policing proceeded much as Bentham might have desired, the development of a *proactive* preventive focus on crime prevention would have to wait until almost a century and a half after his death. Why was this?

Part of the problem was foreseen by Bentham: the existence of a deep suspicion in Britain of anything that smacked of ‘continental’ practices of spying on the populace. However, this had rather diminished by the time police legislation emerged in the 1840s. Indeed, Peel’s successful initiatives included a substantial place for ‘embedded’ police gathering intelligence from the community – albeit carefully shrouded in directions about detecting and preventing crimes. So perhaps the principal reason for the turn away from proactive prevention lay elsewhere, arguably in much more mundane realities. After 1856, when the Metropolitan Police model became the standard required by the British state, funding was to be made available relative to efficiency. This clearly was something of which Bentham would have approved. However, Hudson (1974), later supported by Emsley (1983), has argued that it was the difficulties of demonstrating the effectiveness of crime prevention that led to the nineteenth-century shift away from prevention. Despite Bentham’s rather optimistic assumptions, it proved hard to demonstrate when a crime had been prevented. Instead, the objectively measurable numbers of arrests, convictions and

clearance rates – measures of the effectiveness specifically of reactive policing – came to be the accepted criteria of effectiveness. Accordingly, the emphasis on proactive prevention in Peel's project quickly gave ground to reactive measures backed up by a Benthamite faith in general deterrence. It is a framework that remained dominant for many years, still echoed in the 1960s by the influential Chief Constable of the Lancashire Constabulary who claimed (on the basis of no evidence, it should be said) that 'the most effective crime prevention measure yet devised is certainty of detection'.

While this shift away from proactive preventive policing may be attributable to direction from senior police and their political administrators, it was well supported by the police rank and file. Proactive preventive work of the sort outlined by Peel still has a low public profile, is bureaucratic and tedious to perform. In contrast, crime-fighting and reactive detection 'must have looked like a glamorous and more productive alternative to an occupational culture geared primarily to the removal of sources of trouble from the streets' (Gilling 1997, 111). Equally to the point, as the plethora of studies on police 'working culture' reveal, this specific 'cops and robbers' orientation became embedded in the informal organization of policing. So much so that while (masculine) crime fighting appears as 'real' police work, crime prevention and its sibling 'community policing' have not proved popular with rank-and-file police even into the present century (Chan 2001). Certainly, this police working culture is bolstered by the imagery of the masculine-heroic police officer culturally valorized in the mass media. Even recent technologically minded police television shows – such as *CSI* and the mass of forensic police serial dramas – focus overwhelmingly on reactive rather than preventive work. Exceptions, such as the movie *Sixth Sense*, depicting humans who could envisage crimes about to occur, are firmly in the realm of science fiction.

Winds of change

As late as the mid-1960s in Britain, it was still possible for the British Home Office Working Party on Crime Prevention to believe that 'crime prevention was the responsibility of every member of the service and that it would be a retrograde step to set up crime prevention departments'. As the contemporary *Report of the Royal Commission on Police (1962)* stated succinctly, the prevailing view was that 'the uniform man on the beat ... provides the most effective deterrent to crime'

(quoted in Rawlings 2002, 203). While throughout much of the 1960s crime prevention thus occupied 'a position of relative obscurity and unpopularity' (Gilling 1997, 69), some police forces began to introduce designated crime prevention officers. The development, however, was largely symbolic. Usually one-officer concerns, these crime prevention units were very small in scale and marginal in the organization. As Muir (1962, 190) indicates, prevention was primitive: 'CPOs (crime prevention officers) did little more than fill in forms and provide advice to those who had suffered property loss'.

The story of how and why a preventive (pre-emptive) police eventually emerged after the 1960s is a tangled and disputed one that can be outlined only briefly here (for more details, see O'Malley and Hutchinson 2007). One development certainly involved the concerns of the increasingly influential insurance industry about the rising levels and costs of property offences made possible by the emergence of the consumer society. During the 1960s, while this concern resulted only in largely token change, as noted, insurers began to respond to increasing losses in retail settings by imposing more stringent crime prevention requirements on businesses (Pugh 1976). Under such pressure from insurers, but also driven by their own concerns about losses to theft, businesses joined the demand for crime prevention measures. However, frustrated by the lack of police mobilization in preventive work, industry increasingly turned to private security. This triggered a massive growth in private policing and investment in preventive technologies, while unintentionally taking pressure off the public police. In a sense, reactive public policing was given a lease of life by industry's privatization of prevention.

At least in the view of the insurers ('Companyman' 1977, 2094), this had a roll-on impact, for so effective were commercial crime prevention interventions that insurers pressured householders to take greater precautions (Litton 1982, 129). The consumer revolution had meant that opportunities for high-yield burglary and theft were growing exponentially as households accumulated valuable movable commodities such as televisions, hi-fi sets and cameras. As early as the mid-1960s, the British *Security Gazette* estimated that for the first time crime losses had reached half the level of fire losses and bemoaned the fact that police resistance meant 'the CPO is left to fight a lonely battle'.

Ultimately, increasing pressure from the insurance industry was to find a supportive political environment during the 1970s with the rise of neoliberal governments focused on more economic and enterprise approaches to crime control. The successful preventive

model of industrial security, together with the data mobilized in insurance lobbying, now provided evidence in cost–benefit terms for the superiority of crime prevention over reactive policing. In Britain, the police were increasingly directed to develop or become involved in information-based crime prevention programmes – most notably Neighbourhood Watch, the ‘Safer Cities’ movement and instruments such as Police Community Crime Prevention Committees and audits of consumer satisfaction with policing. Citizens were mobilized not only through such channels, but also through ‘empowering’ strategies. These included the provision of crime data particular to the area and police-led training in domestic crime prevention techniques that supposedly enabled citizens to be proactive in their own right, but that also made them responsible for their own security. Such features of this emerging period of crime prevention were often seen to link preventive policing changes directly to neoliberal modes of governance with its themes of increasing individual responsibility and decreasing reliance on state apparatuses (O’Malley 1992; O’Malley and Palmer 1995).

By the 1980s, therefore, proactive elements of Bentham’s vision of preventive policing were finally being mobilized within a neoliberal framework. In the twenty-first century, advances in preventive policing have focused more on predictive police work. Current predictive work focuses on such matters as crime mapping in order to forecast where crime outbreaks are likely to occur, profiling of high-risk individuals and places and even the use of computer modelling to predict how effective predictive policing strategies will be (Uchida 2014; Perry et al. 2013). As Chan and Bennett Moses (2019, 42–3) argue, a ‘new orthodoxy’ has emerged ‘that technology can make policing smarter and information based rather than subject to human bias and occupational habits’. But the transformation has been far less thoroughgoing than suggested by this new criminological orthodoxy or as predicted by such influential analyses as Ericson and Haggerty’s (1997) *Policing the Risk Society*.

As suggested, the deterrent architecture of reactive policing has retained a strong and probably dominant presence, which is at least partly an effect of police conservatism. As Cote-Bouchere (2019, 233) points out: ‘analytical tools do not readily modify daily policing which remains very much concerned with providing a rapid reactive response to citizens’ calls’ (see also Chan 2001; Manning 2008; Sanders et al. 2015). This is partly because the police resist moves they interpret as undermining their on-the-job expertise and exposing them to greater surveillance (Willis 2014). But in addition, as Chan and Bennett

Moses (2019) map out at length, a host of intervening variables have restricted the practical and effective implementation of these new technologies. These include unforeseen technical and communication problems created by the innovations, a lack of fit between the outputs of predictive technologies and the ability of the police to comprehend them, and problems experienced aligning them with daily police work.

Arguably, therefore, the picture of contemporary police reflects something far more consistent with Bentham's plans for a preventive police than with the insurance-driven preventive image provided by Ericson and Haggerty (1997). Reactive policing has not diminished, despite the rise of proactive prevention: and the rise of predictive policing has been less widespread and effective than sensationalist readings suggest.

Nevertheless, it could be argued that these are teething problems and that issues of resistance to the new are to be expected with any large-scale organizational transformation. If so, then we could say that preventive police is gathering momentum. While Bentham's *Calendar of Delinquency* never took off, policing driven by informatics and 'big data' is advancing rapidly today: reactive policing is increasingly being data driven. And while proactive policing remained virtually dormant until the 1970s, clearly by the early twenty-first century both risk-based crime prevention programmes and the development of information-led preventive policing do embody the ideal of proactive policing based on statistical evidence that clearly was at the core of Bentham's vision of preventive police.

Yet perhaps this does after all understate the extent to which Bentham's visions of preventive police have been realized, precisely because it reflects current criminology's narrow vision of what policing consists of in the twenty-first century. While it is rarely recognized as such, the increasingly ubiquitous network of 'safety cameras' monitoring vehicle speed, red-light and priority-lane traffic laws has become the most extensive and voluminous field of contemporary policing (O'Malley 2010). Developed to an extent far greater – and far more rapidly – than other areas of policing, part of the success of this apparatus is that it has been introduced to one side of orthodox policing. Increasingly unmanned and electronically automated, it has been subject to very little police resistance and is not reliant on police cooperation or comprehension at the ground level. And while doubtless it has replaced police in large numbers, its effect has not been to reduce those numbers but instead to release officers to areas traditionally associated with 'real' police work. In operation terms, these safety cameras are preventive in several ways.

First, of course, is the police- and government-generated ‘jurisprudence of safety’ (O’Malley 2013) that promotes the array of technologies because they are demonstrated to prevent traffic accidents, injuries and death. What is slightly less evident here is that the offences themselves have become risk-based. What is being policed is not – as with assault, robbery or fraud – something that has caused harm. Rather, the focus is on something that carries the risk of harm. Increases in speed are statistically correlated with increases in the risk of death, injury and property damage. Consequently, increases in speed are matched by increases in penalty. Second, while operating preventively through risk reduction, these apparatuses also begin to realize Bentham’s dream of perfect prevention through certainty of capture. While they operate proactively to reduce risks, they also work reactively in that they respond to breaches of the law. More to the point, as networks of safety cameras are rolled out, electronic surveillance – which never tires, is technically capable of registering all infractions in its range, and operates 24/7 – begins to increase the certainty of capture and thus (in principle at least) the certainty of deterrence. Bentham’s dream of perfect prevention may not, after all, be so far away from being realized.

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