

3

Crime and Security

In the spring of 2005, Canadians were bombarded once again with news about one of Canada's most notorious convicted killers, Karla Homolka.¹ After she had served her 12-year sentence and on the eve of her mandatory release, attention turned to the conditions of her release, as well as her future plans including, especially, the question of where she would live. The presiding judge weighed a number of factors, including her behavior in prison, circumstances surrounding her original crime, and the sentence she had served. In the eyes of the public, the Crown, and the Judge, however, the most significant factor was whether Homolka still posed a threat to the Canadian public. By all accounts, Homolka was a model prisoner, yet doubt remained as to whether a person involved in such heinous crimes could ever be trusted not to "return to the dark side." Section 810 of the Canadian Criminal Code allows for the courts to impose various behavioral restrictions on a released convict if there are reasonable grounds to believe a person may commit a criminal offense again.

Judge Allan Beaulieu appears to have agreed that there were, in fact, reasonable grounds to believe she would commit another offense, and ruled that Section 810 would be imposed in Homolka's case, despite objections from her defense attorney (ctv.ca, 2005). This ruling paved the way for the Crown to require Homolka to inform the police of her whereabouts; supply the police with her address, occupation, and contact information for any roommates; report to police on a monthly basis; inform

police if she leaves her home for more than 48 hours; have no association with individuals who have a criminal record; maintain no contact with Bernardo (her former husband and co-offender), his family, or the families of their victims; take no drugs other than those prescribed to her; use none of the intoxicants applied in the murders; undergo therapy for one year; provide a DNA sample to authorities; and assume no position of authority with young people under the age of 16. Although criticized as toothless, these conditions were meant to reduce the likelihood that Homolka would reoffend, as well as to quell public fears about her return to society.

The curiosity with Homolka's case has been accentuated by the role of the police in the early stages of the criminal event. The approach taken by the criminal justice system also elicited further public scrutiny with respect to how this case was handled by the courts. Tales of botched police investigations and courtroom plea bargains ("deals with the devil") highlight the importance of the police and courts in determinations of public and individual security, as well as the importance of transparency, accountability, and responsibility. The approach to this event by both the police and the Crown also serves to demarcate the distinctions between public perceptions of security against crime, which focus primarily, although not exclusively, on personal safety; and institutional considerations, which focus more on case management and on closing or clearing cases. The Homolka case also illustrates the importance of data and the means by which perceptions of security or insecurity might be manipulated by the provision of, or lack of, certain information. Once a list of conditions was attached to Homolka's release, did knowing this make the average citizen more or less secure? Did it enhance security to know where she resides or when she reports to police? We must consider both the meaning and relevance of various types of information in the quest to establish security. In Homolka's case, not only was the substance of particular types of information crucial, but, more specifically, the timing of particular pieces of evidence was central to the outcome of her case.²

This chapter begins to untangle some of the issues that arise with respect to establishing security in the realm of crime. We consider the role of the police and other agencies in protecting the public against crime. We then examine the distinctions between individual and institutional definitions of security with respect to crime and how this relates to the types of information that counts for individual versus institutional assessments of security. To illustrate some of these distinctions, we draw on the notions of profiling offenders and profiling victims.

How Much Crime and How Can It Be Addressed?

Crime is a political hotbed, with most politicians studiously avoiding the appearance of being soft on crime. But has the nature and rate of crime actually changed over the past few decades? Because policing statistics are a product of mandates and orientations, as well as the practicalities of numbers of police on the street and recording practices, the use of statistics provides only partial insights into the true story of crime. Official data are further called into question by victimization studies suggesting that the so-called dark figure of crime looms far larger than revealed by official statistics. Because of the official crime picture provided by policing and criminal justice statistics, or the dark figure of crime revealed by victimization data, crime remains a concern. As Reiner, Livingstone, and Allen (2001) note, “the conventional popular and political understanding . . . is that we have—for disputed reasons—become beset by ever more numerous and ever more serious crimes” (p. 175).

Part of the perception of rising numbers of crimes and criminals may be due to the increasingly blurred boundaries between criminal and untoward behavior. As Bauman (2002) notes, the actions that were once “placidly and meekly suffered without resistance are being recast as illegitimate,” and are increasingly seen as needing to be dealt with. While the relationship between media reports and fear of crime also remains unclear, there is little disputing the increasing frequency with which violence and crime are presented by the media. Furthermore, perceptions of increasing frequency and severity of crime may also be simply the result of heightened insecurities that individuals feel more generally: “anxiety generated in ever larger quantities by existential insecurity and fears of an uncertain future seeks more tangible, close-to-hand estuaries” (Bauman, p. 54). Becoming wary of and vigilant against crime may be one such estuary: it is one possible way of reducing anxiety through the implementation of protective measures.

The blurred boundaries between criminal and noncriminal behavior, and right and wrong, are characteristic of the risk society. While clearly not all actors feel a sense of foreboding about environmental damage, for example, a large proportion of the population has tangible worries about crime. Although police are officially mandated to address crime and criminal behavior, the emphasis on community involvement and its attendant message that crime is everyone’s business may be reflected in the trend toward private policing and the hiring of security professionals. Embedded in the notion of responsibility for crime is the more obscure emphasis on blameworthiness. Those who take responsibility may begin to feel that

others, who either undermine their own security or who have failed to take responsibility for security, are blameworthy. In other words, there may be a sense of entitlement among law-abiding citizens and those who take measures to protect themselves against crime: certain people deserve protection, while others do not. Zero tolerance, involving strict interpretations of behavior and an unwillingness to allow for the benefit of doubt, may be a manifestation of these notions of entitlement and blameworthiness.

Policing and Crime Risk

In a recent keynote address, David Bayley (2005) describes the pressures that face public policing in the 21st century. He explains how public policing has morphed into an institution markedly different from the 20th century images of the uniformed officer in a patrol car. Policing, Bayley suggests, now faces demands from above, from the side, and from below. For example, he notes that public police now face demands from national (and international) organizations and government sectors keen to access local data, hence the pressure from above. In terms of pressure from the side, municipal police forces and private police or security institutions compete for contracts that were once the purview of the public police alone. Private policing has now usurped many public policing functions. At the same time, private companies often hire off-duty police officers. Finally, in terms of pressures from below, citizens have come to expect far more of public police than simply catching criminals, and now expect that police will prevent the occurrence of crime in the first place.

As first responders to many criminal events, all of these pressures play into perceptions of security and the role that police and others play in insulating society from crime. These obligations are not necessarily new to public police forces, but have acquired new intensity over the past decade. In terms of pressures from above, the events of September 11, 2001, for example, have transformed the need for information, or intelligence, at an international level. Although the collection of this information is often motivated by national and international requests for and considerations of security, local policing agents are often presumed best able to provide this information. Because members of Al-Qaeda presumably lived everyday lives in the United States for some years prior to committing any terrorist activity, security against terrorism is argued to best start at the local level. At the same time, these terrorists did not commit local crimes and therefore were not on the radar of local police forces. Despite the increasing interest in the idea that terrorists can be detected at the local level, it seems increasingly likely that

terrorists would take great pains to avoid bringing themselves to the attention of local authorities. Furthermore, local police forces often suggest that they have few resources to police the local level, let alone become watchdogs for national and international security threats. Not only do we begin to identify a change in the expectations of police—with an increasing emphasis on prevention—but we also see a focus on control via suspicion of wrongdoing, and the increasing permeability of the boundaries between state, institutional, and individual expectations of social control.

Protecting the Public: Community Policing and Intelligence-Led Policing

In policing today, much has been made of appeals to community, partnership, and intelligence as key metaphors for service delivery. The prevailing idea is that the service the police are able to deliver hinges increasingly on the involvement of the community (for example, Karp, Bazemore, & Chesire, 2004), despite the difficulties in defining exactly who or what that community consists of, or what the expectations are with respect to community participation. Ericson (1994) suggests that rather than attempting to maintain responsibility for crime and its occurrence, police are better off embracing the community policing philosophy, whereby problems of crime and disorder become joint property. In this scenario, responsibility for criminal activity shifts from the police to other institutions. In essence, the boundaries are blurred, and we all become responsible for crime. Police must admit the impossible mandate—that they can actually provide complete protection from crime (Manning, 1977, in Ericson)—and allow other institutions and individuals to become more responsible for their own security. Under a community-policing regime, police shift their attention to the provision of information and away from the provision of security.

The motivation for the police to become knowledge brokers is in part the recognition that relevant information with regard to reducing crime comes from a number of sources, including the community. In their efforts to *rationalize* (enhance the cost-effectiveness of) the information they collect, police organizations “should be structured to collect, analyze and interpret information from a *range of sources* [italics added], construct it as intelligence and use this to inform how, when, why and against whom they take action” (Innes, Fielding, & Cope, 2005, p. 42). The idea behind intelligence-led policing and the increasing rationality of the investigative process is that, rather than policing being an ad hoc and intuitive enterprise,

it is an enterprise that requires greater objectivity and rationality to counter these difficulties.

One of the means by which these goals have been tackled is through the program COMPSTAT (COMPuterized STATistics), which is a computerized mapping system coupled with state-of-the-art management principles (Willis, Mastrofski, & Weisburd, 2004). COMPSTAT has enabled police executives' easy access to crime data, at the same time ensuring accountability at a more local level. Studies of the COMPSTAT approach indicate that key elements of the program, however, may not be evenly applied across policing departments, with the result that some applications of this approach have actually "reinforced the traditional control elements of the military model of police organizations" (Willis et al., p. 467).

Despite the difficulties regarding its implementation, COMPSTAT retains at least the possibility of public accountability and community participation. The emphasis on transparency, for example, involves the community being informed of policing activity and the police providing information to the public and press about how crime problems are being addressed (Willis et al., 2004, p. 467). The other component of transparency consists of mechanisms to ensure that the public has a means of providing its input on policing issues. As Willis and colleagues (p. 488) explain, however, this is one of the more difficult elements of the COMPSTAT program, as well as in community policing programs generally: policing agencies are often loath to share information with the public. Some police officers maintain that the knowledge they have is a product of experience and expertise and are hesitant to reveal what they know. In other words, knowledge is a form of power (Willis et al., p. 487).

As Innes and colleagues (2005) explain, there is a dual emphasis within policing, one of which is low policing issues and the other high policing issues; this echoes Bayley's observations presented above (see also Brodeur, 1983). Low policing issues revolve around the recognition that there are particular groups who commit a disproportionate amount of crime, with policing efforts therefore most efficiently directed toward these groups. If police direct their investigations toward these groups, they increase the efficiency of their efforts at controlling crime. High policing, on the other hand, refers to the increasing pressures on the police to participate in national and international security efforts such as those directed toward reducing threats posed by terrorists, drug cartels, and organized crime networks. Both community policing and intelligence-led policing fit in different ways to these low and high policing orientations.

Community policing and intelligence-led policing work hand in hand. Those who become involved in community policing are held accountable for

their decisions, and professional standards are encouraged. Furthermore, community policing facilitates a change in focus from offenders to victims: many victims have complained that their perspective on their victimization is simply not acknowledged in more traditional approaches to policing. The focus of policing changes from a concern over crime rates to problem solving. Innes and colleagues (2005) define intelligence as a mode of information that “has been interpreted and analyzed in order to inform future actions of social control against an identified target” (p. 42). With various sources involved in the identification of crime, and the exchange of some information regarding crime, we next consider how these parties and associated philosophies may or may not work together to enhance security.

As we pointed out earlier, risk society theorizing recognizes that there is an array of potential hazards in the environment, including crime hazards. These hazards require sorting and different priority levels. In response, we see the application of actuarial thinking, whereby threats are determined in part by their allocation into specific groups or groupings. For example, individuals become more or less threatening depending on the characteristics associated with the groups to which they belong. Law-abiding young minority males, for example, may find themselves unfairly lumped together with other young minority males who have been identified as criminogenic, thereby increasing the likelihood of their being found guilty by association, or guilty by virtue of shared characteristics. *Actuarial placement* (placement into various groupings based on shared characteristics) governs the amount and type of policing to which one may be subject, just as actuarial placement governs insurance rates depending on the risk group into which one has been placed. (We consider insurance in detail in Chapter 6, this volume.)

Technological sophistication associated with the information era allows for the previously impossible development of models of crime, and predictors of crime. While actuarial placement reinforces categorical inclusions and exclusions, globalization reinforces the permeability of national boundaries and pushes police to begin to think about how their efforts to address local crime may have an impact at the national or international level. Local police agents are being asked to consider crime on a scale that was once considered well out of their jurisdiction; at the same time, citizens are being forced into providing their own security.

Who Polices Whom?

This July, when the squad cars, the foot patrols and German shepherds rolled in, vandals and thieves seemed to disappear. But this was no victory

of cops over robbers. In fact, it didn't involve any police at all. Instead, the nearly 200 residents had begun pitching in \$45 apiece each month to hire guards. ("The rise of the rent-a-cop," 2004)

Murphy (1998) suggests that a central accomplishment of the modern state in the United States is the "appropriation and monopolization of the policing function from citizens, communities and private industry" (p. 14). Yet, traditional policing has been criticized for being inefficient and expensive, and for failing to prevent crime. The challenge for the state, Murphy suggests, is to rethink how costs can be reduced, and simultaneously to avoid diminishing the overall security of the state. Another challenge has been to reconceptualize expectations of public police and shift responsibility away from government with a view to redefining security as a marketable commodity (Murphy, p. 14).

Perhaps what must first be considered is the extent to which the government has off-loaded some of its policing responsibilities to private agencies. Private security measures have advanced well beyond locks on doors and bars on windows, to the more recent wave of hiring private security guards. Data from the 2001 Canadian Census (Taylor-Butts, 2004) indicate that the appeal of private security companies is not a minor phenomenon: security guards outnumber police officers by about 10,000 (approximately 73,000 to 63,000), with other estimates suggesting that the number of private security guards may actually be double that of police officers. As Rigakos (2002) points out, early attempts to distinguish between private and public policing functions were dichotomized along the lines of corporate versus state security, as private security emerged along with the "mass private property" of corporate holdings (p. 15). Associated with this dichotomy was the suggestion that private police were concerned more with property issues, while public police concerned themselves with controlling crime and personal harm. The attempt to differentiate between the functions of private and public police, however, affirms the blurry line between what it is that each actually does. While the power of private police to arrest is limited, other differences between private and public police are often less discernible. Concerns with the division of duties, however, may obscure a more important question such as "What functions should the public police service provide?" Clearly, the neighborhood that is able to pay \$45 per month per person for heightened security places the issue of equitable distribution of security on the table. Is the power to pay a legitimate basis for differences in security within a society? Are potentially large differences in personal security simply a by-product of the manifestation of individualism, which is typically encouraged?

In addition to the off-loading of various services to private policing agencies, the move to reduce the responsibilities of public police is facilitated by emphasizing community involvement in security issues. Murphy (1998) notes, the “new community policing rhetoric admonishes the community for its reliance on the police and declares the need for communities and individuals to accept their responsibilities and actively participate in policing their own communities” (p. 16). Communities are expected to shoulder increasingly greater responsibility for their own security needs than ever before, but all of this depends on being able to legitimate the commodification of security in the public perception. Rather than being viewed by the public as within the realm of public service and a right of citizenship, security against crime tends to be sold as a commodity on the market. Once sold as a commodity, marketplace principles apply, whether security is provided by private or public police. Murphy suggests that community policing and crime prevention rhetoric have reduced public expectations of policing to the point where the community is directed toward policing alternatives, or a do-it-yourself kind of policing. O’Malley (1992) argues that “privatization of security practices and costs—to be seen in the trend toward private security agencies, security devices, domestic security practices, neighborhood watch schemes (with attendant insurance underwriting)—generate the rudiments of a user pays system of policing security” (p. 266). Variation in income means that some are obviously more secure (that is, better able to pay) than others.

At the same time that the line between public and private policing is increasingly blurred, the line between public and private affairs is also increasingly blurred. What was previously considered private behavior has now become fodder for suspicion and investigation in a post-9/11 world. The USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001), instituted 45 days after September 11, 2001, expanded the definition of terrorism to include domestic terrorism, which opened the doors to the surveillance of behavior once considered private. For example, the PATRIOT Act allows law enforcement to conduct secret investigations, including phone and Internet surveillance, and also gives the state access to personal records such as medical and employment records, documentation previously considered private. Furthermore, the PATRIOT Act allows police to conduct investigations in the absence of evidence of crime, in the name of intelligence gathering. Noncitizens fare much worse: the Act allows for them to be detained indefinitely on suspicion of wrongdoing alone, without benefit of judicial review for 6 months.

The concern over the intelligence-gathering associated with the PATRIOT Act has registered beyond U.S. borders. Rather than allowing U.S. authorities to be able to scrutinize the topics of interest to Canadian academics, a number of Canadian universities have recently chosen to remove their on-line accounts with a popular U.S.-based Internet research tool. The fear is that research conducted by Canadian professors and students will be subject to the same scrutiny as their American peers (Alphonso, 2006).

The PATRIOT Act could be viewed as a means of ensuring that the signs of disorder and crime itself are not left unchecked, with the expectation that the use of this Act will maximize security and safety. The PATRIOT Act redefines the signs of crime, such that certain characteristics and behaviors once considered benign are now seen as indicative of involvement in terrorism. The fear is that failing to deal with disorder and various transgressions increases the likelihood that communities will become disenchanting with both their neighborhoods and the police, and will let disorder slide unchecked. In the case of the PATRIOT Act, police and other social control agents are seen to be doing something about terrorism, even though the method is not of citizens' choosing.

The view that these are times of danger substantially affects policing, both how it is done and exactly what and who are policed. Lianos and Douglas (2000) discuss the process of dangerization, and how it is that security seeking has placed the possibility of victimization at the center of what we do and how we understand and evaluate what is done to others. While Lianos and Douglas do not directly refer to zero tolerance, the kinds of policies that they discuss help to sharpen public perception of danger. They note, "instead of helping us to overcome primitive fears of otherness, contemporary trends encourage us to redefine and dread the 'Other'" (p. 262). Policies such as zero tolerance and the PATRIOT Act imply that danger and disorder are all around us, encompassing a greater range of behaviors than in the past. In such a context, opportunities for crime and suspicion expand as the range of questionable behavior increases: everything counts as potentially threatening. Rather than having the effect of making danger normal and therefore less threatening, fear and anxiety are heightened with the continuous search for threats resulting in ever-greater demands for control and compliance (Mueller, 2006).

Lianos and Douglas (2000) argue that security has become synonymous with access, and that access to controlled spaces is a predominant marker of acceptance and acceptability or, in the case of failed access, a marker of danger. Institutionally managed spaces stratify access, allowing certain people in while keeping others out. Spaces that appear unmanaged—characterized

by open access—are viewed as potentially threatening. Institutional processes work to exclude or include, and “the more actors are subjected to institutional processes of ‘clearance,’ the more such processes become identified as the new coordinates of social belonging and, by the same token, social stratification” (Lianos & Douglas, p. 272).³ The presence of items such as candy wrappers and broken bottles in abandoned lots no longer “signify the lack of education and the weakening of local community bonds: they indicate non-managed—therefore dangerous and lawless—territories” (Lianos & Douglas, p. 273). It is not behavior as such that is of interest in conditions of danger, but the “connotations assigned to behavior in terms of social belonging” (Lianos & Douglas, p. 273). How behavior is labeled determines whether one belongs or not.

Securing Against Crime

In the sections that follow, we examine security threats as these apply to crime, particularly with respect to possible offending or possible victimization. We begin by briefly examining individuals as security threats and consider attempts to profile potential offenders. From the perspective of those targeting criminals, the idea behind profiling is to thwart crime before it occurs and to increase security for others. These measures, of course, are seen quite differently from the perspective of those being targeted, who would view profiling as threatening their own personal security. We then closely examine the story of Jane Doe, a woman who was raped and subsequently filed suit against a police agency for failing to provide her with information that could have been used in her assessment of her personal risk of victimization. The Jane Doe story is significant for a number of reasons, but clearly indicates the difficulties that can result due to differences in the ways in which harms are defined between individuals and institutions. Finally, we turn to the notion of profiling places, and look at the ways physical and social geographies are studied as a means to reduce harm and bolster security.

Profiling Offenders

It is common in criminological literature to see references to risk factors, as well as to levels of risk (i.e., high risk or low risk), but the fact that risk is about possibility, and not certainty, often appears to be forgotten. (This

usage differs from risk position or vulnerability, as we explain in Chapter 2, this volume.) Risk factors identify what experts believe to be indicators of likely behavior, predictors that attract attention and action. Various state police, for example, have in the past based their policing of drivers according to the risk that particular demographic groups have been presumed to pose in terms of traffic enforcement and participation in other types of crime. Minorities have been overrepresented in official (policing) crime statistics, with targeting (or harassment) based on assumptions about the increased likelihood that these members of society might offend. Race is often used, wrongly, as an indicator of a possible future event. Reichmann (1986) explains this shift:

When regulation shifts from individual offenders to the probability that some offence might occur, traditional presumptions of innocence are transformed into assumptions of guilt. When guilt is inferred from how closely your behavior matches some profile of likely offences—a form of “statistical justice”—constitutional premises based on reasonable doubt may be undermined. (p. 165)

As Levidow (1994) further indicates, the tendency within criminology and policing has been to reify risk—to treat possibilities as though they have meaning today beyond a theoretical future (p. 440).

Bradley and Morss (2002) comment on the notion of “statistical justice” and how it is that a “risk factor becomes synonymous with ‘independent variable’ or causal variable in such a way that the vocabulary of risk simply re-glosses a long-standing . . . approach to research on vulnerable populations” (p. 520). Risk factors as synonymous to causal variables are problematic for a number of reasons. First, this would suggest that the determination of cause can be improved with the inclusion or substitution of independent variables. In prediction (regression) analysis, attempts are sometimes made to improve models’ predictions (increase variance explained) by adding more explanatory variables to models, with the expectation that more variables will get us that much closer to explaining particular phenomena. Adding more variables, however, does not necessarily improve the explanatory power of a model. Second, these procedures cannot be used for the purposes of forecasting; the identification of risk factors is typically post hoc or after the fact, at best. In other words, regression models only apply to what has taken place—they cannot be used to predict what could happen. Furthermore, Shannon (1985) reminds us that we cannot claim to be able to predict the future behavior of particular individuals based on

aggregate probability analysis. We cannot tell what any specific individual will do simply by considering the characteristics of the group to which he or she belongs. Finally, these procedures often compare the risks of one particular vulnerable group to a less-vulnerable group, or the rest of the population. In risk society, and as actuarial practices underscore, there is no group that can be a comparison in the traditional sense of being vulnerable or dangerous (Bradley & Morss, pp. 522–23). The problems with these forms of prediction have not deterred the Transportation Security Administration, which provides airport security in the United States, from developing a terrorist prediction model that attaches a score to each traveler based on, among other things, past travel patterns, seat selection, and food choices.

Profiling can also be understood as a form of statistical justice. A number of previous events are considered in order to ascertain common characteristics of offenders, or of crime victims or situations. These characteristics are then used to identify those individuals who are predicted to be most likely to commit future actions. These characteristics are then used to mark or identify a theoretical future with the expectation that there is an identifiable relationship between the past and the future. In other words, characteristics associated with past behaviors positively predict future behaviors. Those who happen to have similar characteristics as past offenders are deemed more likely to commit future offenses and may be targeted regardless of any past wrongdoing on the basis of shared characteristics with those who have committed particular actions.

Profiling typically operates by using characteristics of one group to identify characteristics of future groups. Studies that have considered reoffending run into similar problems, given the relationship between past and future. It is predicted that those who have offended in the past are those most likely to offend in the future. Such predictions, however, are not necessarily accurate, and may generate both false positives and false negatives along with correct future predictions (Figure 3.1). It is entirely possible that a previous offender, for example, will again offend in the future (Cell A, a positive prediction in which an offender subsequently reoffends). Similarly, it may be the case that previous nonoffenders do not offend in the future (Cell D). But predictions can be wrong: it is also entirely possible that a previous offender will not offend in the future (Cell B). This is referred to as a false positive: on the basis of previous activity, it is wrongly expected that this individual would commit future offenses. Equally troubling is Cell C, which occurs when those who have not committed crimes are expected not to offend in the future, but actually do commit future crime.

Past activity	Future activity	
	Offends	Does not offend
Offends	A – Correct prediction (Positive)	B – Incorrect prediction (False positive)
Does not offend	C – Incorrect prediction (False negative)	D – Correct prediction (Negative)

Figure 3.1 Profiling Future Offending

Profiling provides a false sense of security, as do predictive models of offending that rely on indicators of past activity as a means of determining future behavior. The murky waters of prediction are complicated by the sometimes-tenuous and perhaps nonlinear connections between the past, present, and future, and the role that contingencies (such as opportunity, or lack thereof) may play in informed predictions.

Profiling Victims

Social environments are rife with elements that might be identified as hazardous, neutral, or beneficial. We have also suggested that security may be viewed in a variety of ways depending on the perspectives taken. Individuals vary in terms of what they might identify as dangerous due to their risk positions and previous experiences. Organizations also view the landscape differently depending on their institutional goals and purposes. The case of Jane Doe provides a revealing example of the distinctions between individuals and institutions regarding the security landscape and the implications of these differences.

In the 1980s, Jane Doe was a single, White female living alone in a downtown community in Toronto, Canada. Jane Doe was raped at knife-point by Paul Douglas Callow, and later learned that the Toronto Police Service had had information about the rapist that they had failed to divulge to the community. Doe subsequently sued the police for breach of duty. Doe claimed that had police warned her that a rapist had targeted not only her neighborhood, but also women who looked like her, she would have taken specific measures to provide for and ensure her safety and, ultimately,

to prevent her rape. In other words, information that could have been provided by police would have allowed Doe to make a choice with respect to how to behave. Doe indicated that she would have perceived the presence of the rapist as a threat. Doe was not informed of this danger, and had no way of knowing that her safety was potentially compromised, therefore she did not (and did not realize that she should) take action in response to this threat. Doe governed her behavior unaware of the hazard in her neighborhood and was therefore oblivious to the possible harm associated with this particular threat (Callow). Because Doe was not informed and therefore could not choose how to act in the face of this threat, she could not realize that the actions she was taking or failing to take may have increased the probability of a future negative outcome, which in this case was being raped.

Before the courts, the police framed their argument in terms of a general threat, whereas Doe framed her argument in terms of a specific threat. The extension of the argument offered by police is that the police cannot be seen as liable to any particular individual when the police are charged with responsibility for and to numerous individuals.⁴ Doe charged that the police were statutorily obligated to protect citizens, and that by failing to define and communicate to the public the presence of a threat (the rapist), the police were negligent in their duties. Ultimately, Doe successfully argued that the police must take some responsibility for the rape because of their failure to inform the public. The police were found liable because they withheld knowledge that would have, theoretically, prevented a future negative occurrence. The warning that was never issued represented a failed opportunity for Doe and others like her to choose to protect herself from a danger that was otherwise not identified.

In her assessment of the case (Ontario Court of Justice: *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto*, 1998), Justice J. MacFarland indicates that “it is accepted that one of the consequences of the pervasiveness of male sexual violence in our society is that most women fear sexual assault and in many ways govern their conduct because of that fear.” In their defense against Doe’s claims, the police, in fact, used this exact argument. Specifically, the police argued that if fear of rape is ever present, then issuing a warning with respect to this threat (the rapist) should not have altered the conduct of women who already operate in a state of heightened alert, anticipating the presence of a rapist. The threat, they argued, is pervasive. In other words, women, by virtue of being women, already perceive, and have been socialized to perceive, a general threat, regardless and independent of police warnings that

would have made little difference to women who were already cautious. Police argued that they should not be held responsible for future negative events because of failing to warn women who are already, in effect, warned by their status as women. Again, by viewing women in categorical terms as those who are generally threatened, the threat posed by Callow to specific women (those with dark hair living in second-floor balcony apartments) was not recognized by police. Ultimately, the categorical (actuarial) thinking characteristic of the institutional level undermined security at the individual level.

Assessing Crime Information

The identification of particular elements of the social and physical environment as hazardous or beneficial has implications for behavior within that environment. Response to hazards, for example, is typically geared toward reducing the harm that a hazard presents, whereas reacting to opportunities may be geared toward maximizing the benefits an opportunity presents. It comes as little surprise that, given our earlier discussion of risk positions, the identification of hazards and opportunities varies not only among individuals, but also between organizations and individuals. Among individuals, for example, the elderly might consider certain elements in the environment as hazardous that young people would not identify as such. Similarly, the police might view particular regions of a city as opportune in terms of catching and locating offenders, while city residents might see these regions as hazardous. The differences in the ways in which hazards and opportunities are viewed will affect the ways in which information about these elements is communicated and received.

If individuals and policing organizations view hazards and opportunities differently, what are the implications of these differences for personal safety, as well as for obtaining institutional goals, such as crime management? Different perspectives as to what constitute a hazard and how hazards are interpreted suggest that appropriate and relevant information may not be delivered to respective parties. The recipients of information regarding crime may interpret information in ways that are more or less attuned to particular formats. Providing information to organizations, for example, may be more straightforward than delivering knowledge to individuals. Information offered by police to organizations is often general information and more appropriate to an actuarial model of crime prevention that identifies particular risk categories or groups. The distribution of such knowledge

would likely involve the police identifying groups of people who represent more or less danger—and, hence, more or less harm—to particular organizations and their respective goals. For example, the police might warn businesses of scam artists who use fax machines to set up appointments to defraud unsuspecting businesses. Information packaged in this general format, however, tends to be unsatisfactory when dealing with individuals and does little to enable individuals to calculate their personal risk of harm. Specifically, individuals may or may not recognize themselves as being members of the group to which general information applies.

In the case of Jane Doe, policing experts from across North America insisted that although it was important to release information about crimes through the media when appropriate, the contents of the warning must be carefully weighed. On the one hand, a warning that was too general would be ineffective, but on the other hand, one that was too specific may provide a false sense of security. Given the information at their disposal, investigators chose not to issue any warning at all. This was another of the bases of the police argument against Doe's lawsuit—that police did not have enough information at their disposal to provide a warning with any substantive meaning.

What is critical, however, is that the individual (Jane Doe) and the organization (the police) constructed differently the meaning attached to the rapist. In fact, the police probably did have enough information to satisfy the public's desire to have threats communicated. The differing definitions of threat for institutions versus individuals, however, were revealed. Definitional differences as to what constitutes a threat had obvious ramifications for behavior at both the individual and organizational levels, as well as for expectations about what acting or failing to act would mean for the future. This case illustrates how divergent definitions of threats may have laid the groundwork for both a future occurrence and for divergent assessments of liability and responsibility for the respective outcome.

The way in which Doe, as an individual, and the police, as an institution, defined the situation, the rapist, is clearly a product of the level of abstraction within which institutions versus individuals operate. At the level of the individual, concerns are relatively circumscribed in time and space. In any particular situation, we tend to assess elements within the immediate temporal and spatial proximity and make judgments as to our security based on these assessments. At the level of the institution, however, time and space are less circumscribed, with institutional assessments of security going well beyond the immediate situation. The orientation of institutions is such that the immediate temporal and spatial circumstances

become less important relative to that which is temporally and spatially more broad and inclusive. Organizations tend to look at the big picture. While the rapist himself is a threat to the individual, that is, the person who operates within a circumscribed proximity, the arrest and detention and, ultimately, the closing of the case were central to police concerns that go beyond the immediate situation. What each level or party considers to be worthy or useful information varies substantially.

What does this say for security? Doe's lawsuit called into question the type of policing that the Toronto police had used in the summer of 1986. In Doe's case, being categorized as a woman worked to her disadvantage, given the way in which women were viewed by police and the choices police make with respect to releasing certain types of information. The police and Doe viewed the relevance of certain information in different ways. Doe's case revolved around the fact that she did not identify a threat in her immediate vicinity, either through her own access to information or through the police provision of such information, which did not allow her to exercise choice with respect to preventing a future negative outcome. Although Judge MacFarland indicates that Doe would have taken measures to prevent herself from being raped (Ontario Court of Justice: *Jane Doe v. Board of Commissioners of Police for the Municipality of Metropolitan Toronto*, 1998), a seemingly plausible assumption, the central issue revolves around the fact that Doe's ability to choose her course of action with respect to the threat was foreclosed. Doe argued that if she had been properly informed, she would have had a choice: to do nothing or to change her behavior in some way to lower the probability of assault. In reconstructing her case, Doe's argument made use of a retroactive probability model to explain the outcome. In the end, it is impossible to say that the rape could have been prevented had Doe been provided with information and had she taken subsequent action to deal with it. It is equally impossible to argue that the rape occurred because there was no information and hence no choice. Appropriate information allows for choices to be made in the face of danger, but this does not preclude making wrong choices. When information is inappropriate or absent, however, choices are restricted.

Profiling Routines, Spaces, and Places

The increased use of intelligence in policing has encouraged the analysis of crime and related events in the contexts of identifiable patterns of repeat



Figure 3.2 Crime Prevention?

events. In the discussion of these patterns, there have been two trends of analysis: One has been to look at the clustering of crime using density models, identifying hot spots as spaces in which opportunity for crime coincides with the actions of motivated offenders. The second has been to examine how areas change to become places where crime is more likely to occur. In the identification of crime locales we account not only for the crime behavior but also the change in social context that occurs both to stimulate and to encourage crime.

An important part of this equation is the action taken by individuals in managing their own vulnerabilities and contributing, through prevention strategies, to their overall safety or danger in an area. This action is nested within a larger context where agents of social control, whose actions are intended to deter the risk of crime, supervise the environment. In the analysis of crime risk, some interesting aspects of risk balance have emerged. The most significant rests with the realization that crime clusters in certain areas and around certain groups. This observation has led to important work on crime risk aided by crime mapping and is informed by classical work in criminology concerning the development of crime places.

Pattern analysis has encouraged researchers to acknowledge that crime may be matched to the routine activities of victims and offenders. While it does not explicitly reference risk balance, pattern analysis suggests that certain areas have a greater tendency toward the occurrence of crime. In this research, focused primarily on the density of crime or hot spots, there has been a failure to recognize that pattern analysis focusing on hot spots tells us about spaces in which crime occurs, but does not really address the issues related to the formation of crime places. For example, knowing that drugs are sold in a certain location is important for addressing police resources. What do we know about these areas that would lead us and others, specifically offenders, to see them as drug markets, however? The behavior not only repeats itself, but also changes the character of the neighborhood in which it takes place. In other words, as crime victims and offenders manage their environment, it responds to their actions, transforming in a way that creates security or insecurity for its occupants, either facilitating or deterring certain types of behavior.

Preventing Crime?

We are led to believe that crime is pervasive, and we are told to secure our windows, lock our doors, and be wary of strangers; the precautions we might take are those that primarily address that which is detectable. We are not advised to protect ourselves from indirect threats posed by

price-fixing and embezzlement, nor are we advised to protest the conditions that may contribute to and motivate criminal activity. These crimes and their solutions are too abstract—and are certainly deemed as less worthy of attention by the public and policymakers—to garner the attention that more personal crimes have received. Having said this, a focus on the proximate threats to security may be one of the few ways that individuals, institutions, and states are able to maintain some sense of control in an insecure world. While the busy work of taping one's windows in the case of bioterrorist threat may do little to actually secure oneself against biochemical harm—a threat where harm may be realized independent of any actions individuals or institutions may take—such behavior may relieve some insecurity by its very action, and, at the least, result in a sense of doing something.⁵

Doing something about crime points to prevention: risk balance involves anticipating future harm and reducing it through deterrence measures today. Prevention strategies and, in particular, situational prevention, targets immediately proximate threats and seeks to neutralize them. The current emphasis on crime prevention differs substantially from the past positivist focus on identifying causes of crime. As O'Malley (1992) explains, the focus of positivist orientations has been, first, to identify or to create a specific norm or standard of behavior through a process of normalization. Second, the focus has been to identify individual uniqueness according to that standard of normalcy, and subject that uniqueness to correction, often under the guise of rehabilitation. O'Malley indicates that this positivistic orientation has been rejected in the late 20th and early 21st centuries for an orientation today that is more in line with the classical school of criminology: "In situational crime prevention, one of the fastest growing techniques of crime control, concern is with the spatial and physical aspects of crime, thought out in terms of the opportunities for crime rather than its causal or biographical origins" (p. 253). Situational crime control models assume that actors are rational and essentially the same (O'Malley) and act according to the logic of maximizing gains and minimizing costs (Cornish & Clarke, 1987).

The management of crime according to a situational crime model does not manage the individual, but rather manages the population through the control of situations and opportunities, in terms of, for example, target hardening (Clarke & Newman, 2006) This model is not unique to managing crime: the health management model, for example, has similar characteristics. Both the crime prevention and health management models emerge as forms of population control rather than a form of

individual disciplinary control. These models are “concerned not with the individual’s deviation from the norm, but with managing populations at an aggregate level” (O’Malley, 1992, p. 253). These actuarial models, according to Simon (1988), increase the efficiency of crime control because attempting to change individuals is difficult and expensive. The universal threat underlying situational crime prevention or health management edifies the notion that we must all take responsibility to prevent even what we are unable to detect. The concept of security becomes a matter of individual conformity, and deviation from the norm is viewed as threatening. By focusing on universality and rational choice rather than on causation, responsibility for outcomes becomes more diffuse—offenders and victims share responsibility for crime outcomes.

The result is that the individual and his or her social context are mined with increasing technical sophistication. Details that might have once gone unnoticed or undetected now become identified as relevant to security. As Reichmann (1986) explains,

By transforming the meaningless (i.e., sound waves) into the meaningful (words), by joining what was heretofore unjoinable (matching previously disparate data), and by making what was hidden (body chemicals) apparent, these new techniques have increased the intensity and scope of what can be exposed and analyzed. (p. 156)

That which can be exposed and analyzed is subsequently named as threatening. Levidow (1994) makes a similar observation:

A measurable thing called objective risk becomes attributed to a particular apparatus or substance [or person or situation], whose properties must be scientifically assessed by experts. In deferring to such expertise, we are complicit in reifying risk, in naturalizing potential harm as a technical property of things [or persons or situations]. (p. 441)

The future, in other words, is not only foreshadowed by particular characteristics, but is realized in the response to them.

Situational approaches rely on an understanding of various factors that are included in making a judgment about risk balance. Reducing the probability of crime, for example, cannot be achieved by focusing only on one particular aspect of the crime event, such as offenders. At an individual level, rational decisions can be made to prevent harm either by choosing not to offend or by protecting oneself. Yet individual choices, as we saw earlier with respect to Jane Doe, may be either undermined or supported at the institutional level. Situational crime prevention includes calculations at

a more aggregate or institutional level that considers risk balance calculations, which do not unfold in the same way at the individual level.

While we may have success in detecting potential dangers in controlled facilities such as airports, detection is much more difficult in more diffuse and uncontrolled environments, such as mass transit systems or city streets. We are left to rely on low technology systems, using techniques such as random checking of backpacks or random road checks as a way of identifying threats. This process, however, introduces new difficulties. Where technology can be used to scrutinize everyone equally, the massive task of checking everyone entering the mass transit system means that decision rules have to be developed to identify hazards. In implementing their bag checking scheme after the London transit bombings, the New York Police Department stated that checks would be random and not subject to any discriminatory or profiling practices. In addition, they indicated that people who chose not to have their bags checked would be free to leave the stations.

As reasonable as this sounds, the practice of random checking creates some dilemmas for police. While customs performs random checking of individuals at border points, they acknowledge that they only catch a certain number of all individuals who are actually smuggling goods into the country. The consequences of smuggling, however, are less dire than the consequences of train bombings. Should the police ignore the characteristics of what appears to constitute a bomber in setting out a strategy for surveillance and search? If the policy is to perform random or nondiscriminatory checks, do suspicious grounds allow for setting aside the policy in favor of these suspicions? If suspicions are a product of both past experience and stereotyping, the decision to engage in checking is far from clear. There is no easy answer, although it could be argued that deterring the bombers at the doors of the subway may be much more difficult than getting the communities where bombers live to give the bombers up to authorities long before the bombs are made. This is a point not lost on community leaders who have joined together to denounce the use of violence and supported action against extremists operating within their communities ("From Muslims in America," 2005).

Crime Events and Risk Balance

Our risk balance model assumes dynamic movement consisting of balancing hazards against resources over time. Hazards vary, emerging and receding on the security radars of individuals, institutions, and the state, due to a number of factors—contingent and long term, political

and otherwise. Similarly, the resources available to deal with identified harms also vary: other harms impinge on the assets available to deal with them, coupled with the reality that resources are often limited at any particular level. The risk balance perspective draws attention to the various parties to security, and the respective means that each party (individuals, institutions, and states) brings to bear regarding particular dangers.

The criminal event also identifies various parties to crime—for example, offenders, victims, and witnesses—each of whom responds to criminal behavior in ways that are often dictated by the respective position that each plays. Prior to a criminal exchange, future victims may be characterized by particular features and experiences that make them more or less vulnerable to a possible criminal exchange. The same can be said for offenders: offenders may have had particular experiences that increase the likelihood of them interpreting certain situations as conducive to taking advantage of others. While background or pre-event factors work to set situations up in particular ways, the actual criminal transaction may be influenced by contingent factors beyond the control of those directly involved. Offenders, for example, may misjudge the physical strength of those they have decided to attack, or witnesses might come on a crime scene causing a criminal transaction to derail. Finally, the aftermath of the event consists of responses to particular transactions, as well as, perhaps, a rethinking of the characteristics that each party may or may have not identified as signs of either weakness or strength in others, or opportunities or hazards within particular situations. The aftermath may also involve institutional actors, such as the police or the courts, determining punishments.

An important element of the criminal event is the context in which various crimes are played out. Certain situations, for example, are simply more likely to result in a criminal transaction than are others. Bars, for example, illustrate this nicely: alcohol, often coupled with young unattached males, increases the probability of criminal transactions. In other situations, the presence of an alarm system or dog in the house may result in an offender moving to a different residence that is less protected. The difference between the criminal event and risk balance revolves around the concept of balance, which takes into consideration more than one hazard at a time, and not simply crime, as well as the recognition and acknowledgment of the integration of particular perspectives (individual, institutional, and state) and the attendant resources brought to bear on identified hazards. Risk balance includes consideration of crime and other hazardous events, but goes farther by recognizing the varying levels of

resources applied to hazards depending on the perspective from which such hazards are viewed.

Conclusion

There are certain things that we know about crime that relate to routine practices: many crimes are committed by a few offenders; many crimes occur in a few locations; proximity to residence of victim and offender correlates with crime occurrence; those who have been victims once are more likely to be victims again than are nonvictims likely to be first-time victims; and social disorder is often accompanied by crime.

In our discussion of community policing, we considered the police as information brokers, retrieving information from a number of sources about crime and crime potential. Community policing assumes a focus on low policing issues—issues with a more local and proximate orientation. The police themselves, however, have also been frustrated by the lack of information that they receive from above, or from the realm of high policing. National and international players who request information often fail to provide local policing agents with a context into which these information requests might be placed. Demands for access to information at the local level are often met, whereas similar demands are often not met at the national level.

Clearly, one of the most important impediments to security as it relates to crime is jurisdiction—which jurisdiction harbors information, what kind of information is held, and who is allowed access to it. The botched police investigation with respect to the murders committed by Paul Bernardo and Karla Homolka was a product of jurisdictional noncooperation. Two years prior to the first murder, police had DNA evidence from Paul Bernardo linking him to rapes committed in Scarborough, an adjacent district. Bernardo was, in fact, the entity known as the Scarborough Rapist. Once the rapes stopped in Scarborough, however, the push to continue the search for the perpetrator fell flat, despite the ready-made links to what was occurring in a nearby jurisdiction.⁶

Although the Bernardo-Homolka story highlights the territorial definition of jurisdiction, with the exercise of authority limited to certain geographic regions, the meaning of jurisdiction also refers to the “power or right to exercise authority,” and “the power, right, or authority to interpret and apply the law” (Merriam-Webster OnLine Dictionary, 2007). Clearly, in the case of Jane Doe, the police perceived that their interpretation of

law was paramount. They exercised authority in a manner, however, that compromised the safety of the citizens for whom they were responsible. The institutional jurisdiction perceived by the police compromised Jane Doe's power to exercise authority on her own behalf. Ownership of information and obligations and responsibilities with respect to such information are paramount considerations in the security arena. In modern society, at every level—individual, institutional, and state—the willingness to share information may require change. On the one hand, the threats that are most potentially harmful may be those that require both collaboration and the breaking down of traditional jurisdictional boundaries. Bayley's (2005) observation regarding pressures on policing may be particularly apt in terms of the pressures applied to jurisdictional boundaries as well. For instance, in order to address organized crime, jurisdictional boundaries between the federal and state levels may have to become more fluid. Similarly, if individuals, institutions and states are becoming increasingly responsible for their own security, the jurisdictional boundaries between these levels—whether perceived or real—may also need to shift. At the same time that there is pressure to break down jurisdictional boundaries, individualism suggests an opposing pressure in the pursuit of self-preservation. If security is seen as a zero-sum game—your security comes only at my expense—the likelihood of jurisdictional reconfiguration is much reduced.

Notes to Chapter 3

1. Karla Homolka, with her partner and eventual husband, Paul Bernardo, was involved in the sex slayings of two teenagers, Kristen French and Leslie Mahaffy, and was implicated in the death of Homolka's younger sister, Tammy.
2. Although Homolka was charged with manslaughter in exchange for information leading to the first-degree murder conviction of Paul Bernardo, videotapes of the murders that were revealed after her plea bargain suggested Homolka played a far more central role in the crimes than she had claimed.
3. What is little known about the color-coded security scheme used by Department of Homeland Security, which will be discussed in Chapter 4, this volume, is that there are clear statements about the freedom of movement that people have under the higher codes. For example, under code red, no one other than authorized law enforcement officials and their designees are allowed to leave the location that they are in when the alert is called. This type of restricted movement would be strictly enforced, with exceptions made only in the cases where key personnel is needed to take care of utilities or to manage an emergency facility.

The imbedded force of the color-coded scheme would be a great surprise to most Americans, yet the program was put into place with little understanding of its implications. Of greater debate, derived from a deep-seated anxiety about the reach of government, was the renewal of the terms of the PATRIOT Act in March, 2006, which renewed the power of law enforcement to identify, pursue, and prosecute terrorists.

4. This fear is echoed by police officers in their commentary following the decision in the Doe case. A representative of the Ontario Chiefs of Police indicates his fear that the ruling against the Metropolitan Toronto Police Force would place police officers in a no-win situation:

If we are not protected from liability with respect to everything we do—even those things that we do in good faith according to the highest standards of the profession—and later on, we're second-guessed and found liable, you can see the dilemma for police. ("Police chief wants appeal of Doe case," 1998)

5. Hollway and Jefferson (1997) refer to such behaviors as "outlets of expression" for more generalized anxiety that has few forms of redress.

6. In his 473-page independent inquiry into the police investigation of Paul Bernardo, Justice Archie Campbell concluded that "there were times during the separate investigations . . . that the different police forces might as well have been operating in different countries." The police basically stopped their investigation into the Scarborough rapes because no new attacks had occurred, without warning police in Bernardo's new location that Bernardo had been a prime suspect in these attacks (Jenish, 1996).

