

"Pre-Crime "and the Danger of "Risk Assessments"

Monday, September 12, 2016

By Paul J. Hetznecker

“Pre-crime” derived from the science fiction novel and movie [“Minority Report,”](#) describes the efforts of a futuristic police agency to identify and eliminate “the criminal” before the crime is committed. This enhanced method of law enforcement is no longer just a dystopian nightmare, but an important feature of the emergent police state.

The science fictional “Pre-crime,” has been re-defined as a [“risk assessment,”](#) a present day data driven, computer based form of profiling. As far back as the 1920’s “risk assessments” have been used to create “scientifically” based methods of predicting future criminal behavior.

Unfortunately, there has been little attention given to the dangerous consequences of law enforcement’s efforts to seek out those groups/individuals that are “statistically” more likely to commit future crimes. As noted by Columbia Law Professor Bernard C. Harcourt, risk assessments serve as a proxy for race. Hidden by program names such as “risk assessments,” and “targeted deterrence,” predicting future criminal conduct has been incorporated into present day criminology and policing. Despite different labels, the function is the same, developing a system designed to identify and then have law enforcement and the courts target those groups before any crime occurs.

How are “risk assessments,” developed? The risk assessment is based upon value laden social data. Information taken from police and court records about the “suspect,” including his/her neighborhood, the criminal history of family members, income and educational levels. This information reveals a one-sided narrative that does not account for the injustice of an institutionally racist and class based system that subjected communities to police brutality, overcharging, false arrests and wrongful convictions. Risk assessments reinforce the symptoms of an unjust political and economic system without any recognition of the root causes of crime; poverty, lack of education, lack of economic opportunities, and racism.

The purpose of this “para-military war is to satisfy the public’s need to feel safe. What I refer to broadly as “pre-designation,” using the police power of the state to target individuals identified within a group for profiling. Pre-designation shifts the criminal justice apparatus from punishing, rehabilitating and re-integrating the offender, to identifying and then targeting the” future offender” for punishment without the fundamental pre-requisite, the commission of a crime. This re-labeled system of profiling eviscerates all of our constitutional protections.

[Pennsylvania](#) is one of only a few states utilizing “risk assessments” for sentencing purposes. Implemented with almost no public comment, judges impose sentences without any public discussion about these inherent dangers. More recently, the [City of Philadelphia](#) announced that risk assessments will be used to make bail determinations.

Pre-crime is here. Disguised as social science, this model of pre-designation discards forty years of sociological research that uncovered the root causes of street crime; social and economic inequality. Risk assessments are ideologically driven tools used to undermine the presumption of innocence, equal protection and due process. This does not represent criminal justice reform, but a re-packaged model based on the same old racist, and classist assumptions. Simply put, this is profiling formulated by computer models destined to reinforce all of these same features that create an unjust system.

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