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Introduction: Surveillance, Crime and Controversy

OVERVIEW

Chapter 1 provides:

- An introductory discussion of surveillance as a social issue and the kinds of problems this gives rise to for students of surveillance

KEY TERMS

- Surveillance society
- Tax fraud / social security fraud
- The social construction of crime
- Visibility

Crime is, above all, a function of the resources available to know it. (Manning, 1972: 234)

Criminality is born [...] by means of ever more closely placed insertions, under ever more insistent surveillance. (Foucault, 1979: 301)

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How do we come to recognise crime? Clearly our own experiences are important in forming our perceptions, which in turn rely upon a whole range of activities that 'watch', monitor and report on the crime problem. Official statistics, victim surveys, media narratives and official pronouncements all combine to produce and socially authorise knowledge about crime. All these areas overlap with, and in themselves constitute, forms of surveillance defined in dictionary terms as 'vigilant supervision, superintendence'; as 'a watch kept over someone or something, especially over a criminal (and his or her activities)' (*Chambers Dictionary*, 1993). This watching aspect is aligned fundamentally to a process of categorisation towards the collation of knowledge about crime over time and space. It has technical aspects (the creation of records, databases, tables and maps) as well as normative features (rules, values and standards pertaining to correct behaviour). In this sense, the knowledge of the crime problem is accrued and forms the basis from which to intervene, control and correct 'crime'.

Surveillance and crime, then, are intimately connected. By this we mean that knowledge about crime would be impossible without surveillance, along with any attempt to manage crime and criminality. On a common sense level this relationship may appear straightforward: crime exists as an incontrovertible and self-evident 'fact' requiring little debate because it is outlawed, 'socially harmful', 'bad' and 'immoral'. Surveillance, then, merely responds to crime – it is a key aspect of crime fighting: it prevents, detects, categorises, controls and corrects the criminal and the wayward. We glimpse this view in official pronouncements calling for ever greater vigilance over the 'unruly', the 'anti-social', the 'potential terrorist', the 'hardened criminal' or the mere 'nuisance'. Indeed, knowledge surrounding these categories seems boundless and from this 'crime' is very much seen as a problem of the streets and surveillance as the guardian. Establishing parent and child classes for the 'anti-social', calls for 'respect', child curfews and spy cameras in neighbourhoods and urban spaces, calls for more police powers, more prisons and ways to collate information about the criminal – all attest to the idea that surveillance *responds* to crime and disorder; to both know and control it. In some respects surveillance may serve to make some of us feel better – 'something is being done', the law abiding are protected and society is kept 'in the know' about criminality. Developments in surveillance are often couched in terms of the 'public interest' along with the common refrain that those 'who have nothing to hide, have nothing to fear' from surveillance.

Moreover, supporters of surveillance point to its 'successes' in identifying and prosecuting criminals (for example, in the use of surveillance evidence in courtrooms or on TV shows such as the BBC's *Crimewatch*). This official perspective tenders the view that extending surveillance (more police stops, community patrols, street cameras, nationality and credit checks and the like)

makes for a more secure society and encourages feelings of safety. This view of the intersection between surveillance and crime appears uncontroversial and, for many, even incontrovertible. It is just common sense.

But does surveillance merely respond to crime, trapping wrongdoers and aiding their prosecution, as well as reducing anxiety? Is the knowledge accrued from surveillance an accurate reflection of the spatial and temporal distribution of crime, harm and injury in society? If we were to answer in the affirmative, then any controversies concerning surveillance would be nullified and we could confidently proclaim that surveillance is useful and necessary because it targets society's most harmful activities, which we usually label as 'criminal'. In this book, the assumptions buried in common-sense views will be deconstructed and subject to critical scrutiny. This is because both surveillance and crime are more controversial than first appearances suggest. Indeed, the growth of surveillance has always been accompanied by contentious questions. These include whether surveillance 'works'; to what extent it invades 'privacy'; how surveillance relates to justice (both criminal and social); and how it operates within unequal and divided social landscapes characterised in terms of class, 'race', gender, age and sexuality. There is a need, then, to place surveillance practice within actually existing social relations, political priorities and prevailing cultural practices (McCahill, 2002; Coleman, 2004), which is the main goal of this book.

Surveillance, crime and social context

Surveillance relates to questions of visibility – *what* can be seen, *how* it is seen and what are the consequences of enhanced or decreased visibility? Surveillance does not exist in a social vacuum. Exploring the ways in which surveillance and visibility are practised needs to take into account social, political and cultural factors. Questions concerning what 'surveillance' is, and how it is practised, also engender questions surrounding what 'crime' is and how it is rendered 'visible'. Both categories are rarely straightforward and only become socially meaningful when explored in social relations (and their imbalances of power, hierarchical forms of organisation and contentious debates around what constitutes a 'social problem').

Let us take the example of surveillance and fraud, both in the form of corporate tax fraud and social security benefit fraud. In 2009, corporate tax dodging in the UK was estimated to cost the British state up to £13.7 billion a year in lost tax revenue. This information was garnered through a Freedom of Information request in 2005 and led to a series of debates on the issue in the *Guardian* newspaper from early in 2009. Tax 'evasion' is practised in at

least two ways. First, there is *avoidance*, through which companies exploit loopholes or lack of clarity in the law to reduce their tax bill or shift a company's location off-shore as a means of avoidance. In the UK this is not illegal. Secondly, there is tax *evasion*, practised through illegal means to conceal company income (*The Guardian*, 14 February 2009). This vast area of hidden and illegal practices is policed by prosecutors in the Revenue and Customs Prosecutions Office (RCPO). Tax fraud is acknowledged to be a widespread problem but it is difficult to see or accrue knowledge about it because of the legal ambiguities, corporate obfuscation and secrecy surrounding the practice (*The Guardian*, 14 February 2009).

On the other hand, social security benefit fraud in the UK is estimated by the Department of Work and Pensions (DWP). This Department produced figures for 2007–08 to state that 'benefit thieves stole an estimated £800 million from public funds' (http://research.dwp.gov.uk/campaigns/benefit-thieves/index.asp). This problem provides a press and broadcast diet of 'scam' stories, although figures regarding its seriousness and extent are contested (Cook, 2006: 55–56). Typical frauds here are in the hundreds of pounds scale, occasionally going into much higher figures.

These two instances of fraud have quite different social impacts measured in terms of their respective 'costs', the former example of fraud far out-weighing the latter in terms of financial costs. In terms of corporate tax evasion and the ability of companies to move to off-shore locations, there is a socially harmful knock-on effect upon public taxation policies reformu-lated to make up for tax losses and in how states compete with one another to attract businesses with tax exemptions. One may think, then, that surveil-lance resources, legal controls and cultural censure would accumulate around tax evasion in that this represents a more serious form of social harm, at least as it is measured in financial and human terms. However, making this assumption would be to ignore how surveillance is located in social relations and reflects and reinforces asymmetries of power and social capital within them.

In the mid-1980s the ratio of prosecutions for tax fraud and benefit fraud was 1:30. By 2004 the ratio was up to 1 tax fraud prosecution for 250 relating to benefit fraud (Cook, 2006). The RCPO has just over 300 staff to monitor and investigate tax fraud whereas the DWP has over 3,000 fraud surveillance officers in its team of investigators. Like the RCPO, the DWP favours a selective prosecution policy and uses cautions and benefit withdrawal as penalties. In 2006/07 the DWP's surveillance of benefit fraudsters resulted in sanctions (including prosecutions, cautions and other penalties) that totalled 51,000. In 2009/10, RCPO's surveillance activities resulted in 23 prosecutions for tax fraud (RCPO, 2009). In the UK since the early 1980s, there has been a general trend in the increase of surveillance and targeting of benefit fraud while scrutiny

over the tax fraud has declined. Welfare claimants and benefit fraudsters in particular are surrounded by a range of surveillance technologies and programmes that intimately oversee their eligibility for work, leisure patterns and family status (Gilliom, 2006).

These examples show us that 'crime', 'misdemeanour' and 'deviance' are categories which do not speak for themselves. The levels of 'harm' they each generate does not correspond in any simple sense to what one may consider 'appropriate' and proportionate levels of surveillance, control and censure. Here we glimpse controversy in surveillance practice, not only in terms of *what* is targeted, but *how* and *why* it is targeted. The discrepancies in the targeting and pursuing of these types of fraud can only be explained by placing the 'problem of fraud' within its wider social context, out of which 'surveillance' and 'crime' emerge as meaningful social categories. In each of these examples, the decision to enact particular surveillance strategies towards the particular 'problem' highlight how surveillance takes place within, and acts to reinforce, a wider communicative process that encompasses particular values and interests that shape, define and respond to social problems and social groups in specific ways.

There are three aspects to this process. First, as Dee Cook (2006) has shown, there is a wider historical and ideological context at work here. Historically, the idea of the taxpayer has been positively represented as a productive, orderly and useful citizen: taxpayers *give* revenue for state services. On the other hand, the unproductive benefit claimant has been represented as someone who *uses* or *takes* from the state. These two contrasting representations continue to 'serve to shape very different social, political, judicial and public responses to the relatively rich and the poor when they breach citizenship "rules" and/or the law' (Cook, 2006: 47). Secondly, various surveys have shown that only a minority of the population in the UK think that tax evasion is 'wrong' at the same time as reports have appeared stating that a majority of the population believe benefit fraud to be a major problem and deserving of harsh responses (see Cook, 2006: 49). Thirdly, a wider social focus on the problem of benefit fraudsters has been encouraged through negative media portrayals representing them as 'spongers', 'cheats', 'scroungers' and 'criminals': the £800 million in benefits stolen 'from the public' by 'thieves' in 2008, it is argued, could have been spent on public services. Such people are construed as an 'enemy within' (Cook, 2006: 54).

These interlinked contextual factors highlight issues in the politics of surveillance and how the latter cannot simply be understood as a 'natural' outcome or response to the level of harm found in society. Surveillance takes place within, and is the result of, these wider discourses which help frame surveillant responses. Surveillance, then, does not simply respond to 'crime' as such, but responds to socially constructed forms of public anxiety about particular social

problems which may come to be defined as 'crime', without any necessary relationship to objective measurements relating to 'harms', 'costs', 'injuries' or 'damages'. Indeed, 'the word "crime" is rarely associated with tax evasion', which is instead understood as compliance with the law (Cook, 2006: 48). So in saturating TV and newspaper space, government campaigns against benefit fraudsters are explicit in this respect. In 2009 the campaign against benefit fraud went under the title: '*We're closing in* with every means at our disposal' against 'those who steal benefits and are picking the pockets of law-abiding taxpayers'. The campaign trumpeted its '3,000 fraud investigators, carrying out over 2,000 investigations every week, cross-checking the bank accounts of benefit thieves using hidden cameras and mobile surveillance' (http://research. dwp.gov.uk/campaigns/benefit-thieves/index.asp). 'Hotlines' and online reporting services also invite the 'honest' public into this surveillance web by encouraging them to report 'cheaters'. By 2008, 25 housing benefit offices in England and Wales had installed 'voice risk analysis technology' (lie detectors) to test welfare claimants' 'honesty' in providing information about their living and working circumstances (*The Guardian*, 3 December 2008).

Through these processes, benefit fraud is transformed into a visible 'social problem' and this is reinforced by the surveillance capabilities that have been marshalled to police it. The same cannot be said of tax evasion, where no comparable sustained and negative/deterrent publicity campaigns or public reporting of offenders exists, despite the more costly and prevalent nature of this activity (Cook, 2006: 54).

What impacts do these kinds of surveillance have upon those subject to it? What 'public interest' is being served? Again, the answers challenge one-dimensional views of surveillance. Poverty campaigners and civil liberties groups have argued that the panoply of surveillance and penalties imposed on welfare claimants prosecuted for fraud has a detrimental impact on their lives, in disrupting family relationships and increasing hardships, along with little or no understanding of the causes that underlie benefit fraud. On the other hand, this punitiveness, in making poor families pay back welfare cheques, for example, can be contrasted to the vast tax write-offs that occur in cases of corporate fraud where the recovery of assets is deemed impossible (Cook, 2006: 58). Furthermore, the dearth of surveillance and prosecution of tax fraud leads to significant cash losses that could be accrued through recovery (and these losses need to be placed alongside significant tax increases elsewhere). Investigatory surveillance in the case of benefit fraudsters is uncontrovertibly punitive and justice is seen to be publically done. The process is more permissive in cases of tax fraud, where forms of 'private justice' and negotiated financial settlements with suspects are common (Cook, 2006: 51).

Drawing upon these examples, we highlight a key concern of this book: that is, to raise questions about surveillance and the manner in which it relates to

activities and meanings associated with 'crime'. We are concerned to show how surveillance and its relationship to crime are contested and social constructed.

A 'surveillance society'?

Many academics and political commentators have referred to the term 'surveillance society'. Contemporary apprehension over the growth of surveillance has been raised by campaign groups such as Liberty and Privacy International. These concerns relate to the growth of monitoring *without* democratic oversight and debate. In the early twenty-first century disquiet has been expressed that the citizens in the UK were 'sleepwalking into a surveillance society'. This claim was made by Richard Thomas, the UK's first Information Commissioner, who went on to state that 'more information is [being] collected about people' and is 'accessible to far more people [and] shared across many more boundaries than British society would feel comfortable with' (cited in *The Guardian*, 20 January 2006). The idea of a 'surveillance society' highlights what, for many, are alarming developments in the growth of surveillance – it 'invades' privacy and lacks democratic oversight or constraint, and leaves little or no room for political debate as to the consequences. These are valid concerns that point to key questions about the nature of democracies, the enactment of justice and the management and control of citizens. These concerns have also led to questions about surveillance expansion and intensification into hitherto unobserved areas of social life (including the home, telephonic and web communications, education, health and travel).

However, what we shall develop in this book is a series of critiques that question the notion of a 'surveillance society'. The term 'surveillance society' presents a number of problems as a descriptor for what is going on in practice. The term encourages a view of surveillance as ubiquitous; as something that has unfolded in an even manner and rendered all kinds of people, social situations, organisations and institutions more 'visible'. Given our examples discussed earlier, how accurate is this view when trying to understand the relationship between surveillance and crime? Is, for example, 'privacy' intruded upon in a uniform manner when we consider the surveillance of crime across different groups? As our introductory example illustrates, some forms of privacy may be relatively sheltered while others are dramatically exposed by surveillance practice. Does surveillance categorise what appear to be very similar activities in the same way – supporting and producing even-handed and consistent sanctions? Does surveillance operate in an equal, even handed manner in judging behaviours found in distinctive aspects of the social world? In

short, as the book progresses, we shall critically explore the extent to which surveillance can be characterised as a homogeneous exercise and illustrate the extent to which it is uneven both in its reach into society and in its consequences. And these consequences will be shown not only to have significance for those under surveillance, but also for our understanding of the social meanings and social responses to crime.

We shall provide a focus upon surveillance as a controversial and contested practice and we shall illustrate this practice in relation to a range of criminal justice and social control settings. Indeed, 'crime' itself is a contested concept. It has multiple meanings that were intimated in our earlier discussion relating to 'fraud'. These meanings become energised in a range of contexts – politics, law, media, criminal justice proceedings, 'public' debates and in victim campaigns and so on. Crime is also an historically evolving category that is never static and is subject to change. Crime 'remains a site of political, legal and moral contestation' (Muncie, 2001: 64) and is surrounded by a variety of competing voices and interests, some of which are more powerful than others.

Questioning surveillance and the plan of the book

This chapter has set the scene for the kinds of questions the rest of the book will raise. These include:

How does surveillance respond to crime?

How does surveillance constitute crime and render it meaningful?

How has surveillance and the 'surveillance society' been understood by scholars from a range of disciplines, including sociology, criminology, political science and cultural studies?

How has surveillance developed historically? How does it intersect with landscapes, institutional priorities and cultural frameworks inherited from the past?

How has surveillance aided the development of policing particular groups?

What are the social impacts of surveillance?

How is surveillance contested and how does this contestation reflect back on surveillance practices?

What are the implications of the surveillance of crime upon broader processes of social ordering?

Chapter 2 provides an overview of the main theoretical perspectives and key concepts that have been deployed in order to understand the 'surveillance society'. What kinds of issues does surveillance raise? Have we arrived at a 'new' surveillance frontier? How does surveillance become implicated in how the few see the many and in how the many see the few – and what are implications for understanding crime? Chapter 2 explores these and other related questions.

As we have indicated in our opening example, surveillance practice takes place within, and develops out of, social relations and these have an historical lineage. In **Chapter 3**, then, we explore the historical development of surveillance and its relationship to crime: how did the intimate relationship between the two develop and what were the consequences of this for understanding the modern surveillance endeavour? Here we pay particular attention to the development of early attempts to reform state practices along more interventionist lines and within this we trace the trajectory of 'policing' within the broader context of capitalist modernity and its attendant power relations.

As a number of writers have argued, the balance between 'public' and 'private' policing provision has shifted in recent years to the extent that a 'pluralized, fragmented and differentiated patchwork has replaced the idea of the police as the monopolistic guardians of public order' (Crawford, 2003: 136). For some writers, this provides a challenge to the state monopoly of 'policing' and is part of a paradigm shift in policing and social control signified by the move away from a 'punishment' mentality towards a 'risk' mentality. In **Chapter 4** we look critically at the emerging 'risk paradigm' by examining the construction and operation of 'new surveillance' systems by 'public' and 'private' police officers. In line with our focus on *continuity* as well as *change*, we argue, first, that 'risk-based' strategies are mediated by the existing organisational, occupational and individual concerns of front-line operatives; secondly, that there is no easy distinction to be made between 'public' and 'private' actors in moral or ideological terms and that there is often a shared assumption concerning which social groups should be singled out for targeting by 'new surveillance' technologies; and thirdly, that alongside the emergence of the loosely formed 'surveillant assemblage', there are also countervailing trends towards the centralisation of surveillance systems.

Chapter 5 explores the relationship between 'globalisation', the 'war on terror' and 'surveillance' by showing how the rapid increase in the use of 'new surveillance' technologies post September 11 2001, is in fact being driven by wider global trends which pre-date the 'war on terror'. We argue that this 'technological fix' may not have the desired effects in terms of preventing 'global terrorism', before going on to show how the 'globalisation' of surveillance may have serious unintended consequences which threaten civil liberties and community cohesion.

As indicated in our earlier example, surveillance has impacts and these can vary according to the kind of surveillance enacted and upon whom it is exercised. The social impacts of surveillance have many facets that fall differentially upon the

life chances and opportunities of different groups as well as having consequences for how a society comes to understand 'crime' and harm. In **Chapter 6** we critically explore the social impacts of surveillance upon relatively powerless groups as well as more powerful sections of the population.

Chapter 7 continues to unravel the unevenness of surveillance practice by looking at its contested nature. The interface where surveillance meets the surveilled is an important one for shaping the ideological thrust and impact of surveillance. Surveillance shapes but is also shaped by social forces acting within and around it. But again this shaping is by no means an even process. Returning to our example of fraud, tax analysts have, for a long time, argued that 'however good the inspectors [at RCPO] they are no match for the highly paid legions involved in this sophisticated, quite legal, exercise in globalised accounting' (*The Guardian*, 2 February 2009). Millions are spent by individual companies on lawyers and financial experts for the purposes of hiding (sometimes legally, sometimes not) statements of income and potential sources of tax from the inspectors. Such resources aid the negotiation and shaping of the surveillance interface at least, in this example, for rich and powerful business people. What of the benefit fraudster? What resources does he or she have in shaping or negotiating their own surveillance? Along with the ability of all kinds of groups to contest and shape surveillance, Chapter 7 explores the issues, contradictions and discrepancies that groups and individuals bring into surveillance situations.

Chapter 8 concludes the book and revisits the main arguments while considering the implications of what has been discussed in previous chapters. A particular emphasis will be placed upon a reconsideration of what the 'surveillance society' might mean in light of the issues explored. What are the relationships between surveillance, crime and social order, and what forms of 'justice' does this relationship promote? Finally, what are the key processes involved in shaping the 'surveillance society' and is the shape and direction of this society inevitable?