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## Transforming Piecemeal Social Engineering into "Grand" Crime Prevention Policy: Toward a New Criminology of Social Control

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# CRIMINOLOGY

## TRANSFORMING PIECEMEAL SOCIAL ENGINEERING INTO “GRAND” CRIME PREVENTION POLICY: TOWARD A NEW CRIMINOLOGY OF SOCIAL CONTROL

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*This Article focuses on the Situational Crime Prevention (SCP) approach in criminology, which expands the crime reduction role well beyond the justice system. SCP sees criminal law in a more restrictive sense, as only part of the anticrime effort in governance. We examine the “general” and “specific” responses to crime problems in the SCP approach. Our review demonstrates that the most serious barrier to converting SCP techniques into policy remains the gap that exists between problem identification and problem response. We discuss past large-scale SCP interventions and explore the complex links between them and SCP’s better known specificity and piecemeal approach. We develop a graded framework for selecting responses that acknowledge the local, political, and organizational issues involved in identifying and choosing them. This framework determines when SCP interventions and policies can be crafted on the macro level to eliminate or greatly reduce the problem everywhere, and when interventions should be limited to a piecemeal, local approach to eliminate only the specific problem. Finally, we situate this analysis within the general context of the relationship between science and policy, noting the challenges in converting scientific observations into broad social policy*

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*and the expansion of crime control beyond criminal justice into the realm of government regulation and partnerships with nongovernmental agencies.*

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INTRODUCTION

The criminal justice system normally focuses on two extremes of public action—large-scale legislation of what is considered a crime, and individual arrests and prosecutions. Situational Crime Prevention (SCP), a leading action-oriented approach in criminology, emphasizes an approach between these two extremes.<sup>1</sup> It focuses on particular crime problems, which may include noncriminal problems,<sup>2</sup> usually on a local level, that generate several different individual criminal cases. Thus, a “problem” drinking establishment may generate a number of alcohol-related offenses in its vicinity. Like its sister field problem-oriented policing, SCP’s approach begins by defining a problem as beyond any single criminal act or any particular legal case. Yet a problem is also smaller than the overall disorganization or injustice in a community, society, or the criminal law process itself.

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<sup>1</sup> For an overview of the SCP approach, see Ronald V. Clarke, *Seven Misconceptions of Situational Crime Prevention*, in HANDBOOK OF CRIME PREVENTION AND COMMUNITY SAFETY 39 (Nick Tilley ed., 2005).

<sup>2</sup> In addition to reducing crime, SCP has also long been used to prevent or reduce legal noncriminal problems that are said to harm individuals or society.

SCP calls for minutely analyzing this specific crime type (or problem) to uncover what situational factors facilitate a crime's commission. Intervention techniques are then devised to manipulate the situational factors. In theory, this approach reduces crime by making it impossible for the crime to be committed or by reducing cues that increase a person's motivation to commit a crime during specific types of events.<sup>3</sup> SCP is more likely to employ civil and administrative law to regulate establishments or individual behavior than to seek to arrest offenders one by one. This strategy has given rise to a retinue of methods that have been found to reduce crime at a local and sometimes national or international level.<sup>4</sup> SCP's focus is thus on reducing crime opportunities rather than punishing or rehabilitating offenders as individuals. In sum, SCP expands the role of crime reduction well beyond the justice system. It sees criminal law in a much more restrictive sense, as only part of the anticrime effort in governance. We come back to this point and expand upon it below.

In this Article, we describe the "general" and "specific" responses to crimes and harmful noncriminal problems that are typical of the SCP approach. We demonstrate that there may be inconsistencies, or at least some ambivalence, regarding when or how the general or specific responses should be applied. We propose a graded framework for selecting responses that acknowledge the local, political, and organizational issues involved in identifying and choosing them. The framework helps determine when interventions and policies can be crafted on the macro level to eliminate or greatly reduce the problem everywhere and when interventions should be limited to a piecemeal, local approach to only eliminate the specific problem. This framework also can determine if a mixed response is needed,

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<sup>3</sup> For discussions of soft SCP that seeks to reduce cues that increase an individual's motivation to commit a crime during specific situations, see Derek B. Cornish & Ronald V. Clarke, *Opportunities, Precipitators, and Criminal Decisions: A Reply to Wortley's Critique of Situational Crime Prevention*, in *THEORY FOR PRACTICE IN SITUATIONAL CRIME PREVENTION* 41, 45–48 (Martha J. Smith & Derek B. Cornish eds., 16 Crime Prevention Studies, 2003); Richard Wortley, *Situational Precipitators of Crime*, in *ENVIRONMENTAL CRIMINOLOGY AND CRIME ANALYSIS* 48 (Richard Wortley & Lorraine Mazerolle eds., 2008) [hereinafter Wortley, *Situational Precipitators*]; Richard Wortley, *A Classification of Techniques for Controlling Situational Precipitators of Crime*, 14 *SECURITY J.* 63 (2001).

<sup>4</sup> For discussions on the effectiveness of SCP techniques in reducing crime, see Ronald V. Clarke, *Introduction* to *SITUATIONAL CRIME PREVENTION: SUCCESSFUL CASE STUDIES* 1 (Ronald V. Clarke ed., 2d ed. 1997). For a discussion of the common critique against SCP that interventions to reduce crime will simply displace crime to other areas that did not receive the intervention, as well as a systematic review of studies that tested this critique and instead found that most SCP interventions resulted in an overall crime reduction, see Rob T. Guerette & Kate J. Bowers, *Assessing the Extent of Crime Displacement and Diffusion of Benefits: A Review of Situational Crime Prevention Evaluations*, 47 *CRIMINOLOGY* 1331 (2009).

since some situationally bound responses require intervention from a distant source.

In what follows, subparts I(A), (B), and (C) outline different types of policies. Subpart I(D) reviews one of SCP's "seminal themes," the need to focus on specific crimes (and legal problems) to identify effective prevention policies.<sup>5</sup> In subpart II(A), we discuss SCP's twenty-five techniques, and in subpart II(B) we highlight the difficulties in analyzing specific problems that must be overcome to develop large-scale social policies. We also outline the importance of resolving this issue. We discuss past large-scale SCP interventions and explore any contradictions between them and SCP's better-known piecemeal, local approach. Subpart II(C) sets forth our preliminary framework, encompassing three levels of interventions—piecemeal or local; macro; and mixed—and provides a set of guidelines indicating when and where interventions should be attempted on each level. Next, Part III discusses the significant role SCP has played, and will continue to play, as an action-oriented, policy-driven approach in criminology. Subpart III(A) focuses on the issue of problem ownership while subpart III(B) discusses the role of government. Finally, Part IV places SCP within the current debates concerning the relationship between science and policy in other areas such as environmental pollution, public health and climate change. We demonstrate that whether the SCP approach *should* be used to prevent or reduce certain types of behaviors related to these issues or problems is a difficult question. The answer to this question cannot easily be found in the SCP approach. The decision to use SCP strategies to reduce or prevent certain behaviors is often value-driven and based upon politics as opposed to science.<sup>6</sup>

## I. SCP'S SPECIFICITY REQUIREMENT AND EFFECTIVE PREVENTION POLICIES

### A. LEVELS (TYPES) OF CRIME PREVENTION POLICIES

Crime prevention policies could be categorized as supersized, medium-sized, or little. National governments and multinational corporations create supersized general policies. Multinational corporate

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<sup>5</sup> For discussions on the importance of focusing on specific crime types or problems, see Derek B. Cornish & Martha J. Smith, *On Being Crime Specific: Observations on the Career of R.V.G. Clarke*, in *THE REASONING CRIMINOLOGIST: ESSAYS IN HONOUR OF RONALD V. CLARKE* 30 (Nick Tilley & Graham Farrell eds., 2012).

<sup>6</sup> This is assuming that science is, or ought to be, value free. For a discussion of evidence-based research, values, and policy goals, see Todd R. Clear, *Policy and Evidence: The Challenge to the American Society of Criminology: 2009 Presidential Address to the American Society of Criminology*, 48 *CRIMINOLOGY* 1 (2010).

policies are mostly hidden from the public, except on issues that become a matter of public concern and may directly affect corporate interests. National governments, however, are forced to publicly state their positions or policies. Often, government statements convey an intention to translate their positions into laws and regulations of various kinds, or express laws already written.<sup>7</sup> These government policies are typically divided into two substantive kinds: domestic and foreign. Domestic policies state a government's position on crime, health, the economy, education, technology, and so on. Foreign policies focus on strategic relations with other nations, and include defense, the military, trade, policing of borders, international crime, international health, relations with international bodies, and regulation of international zones such as fishing areas.<sup>8</sup>

Policies of large corporations and nongovernmental organizations may range from foreign policy (where to locate a new factory) to internal labor relations (sexual harassment guidelines), depending on the size and location of the corporation's operations.

Policies of state governments and medium-sized businesses fall somewhere between large and small. In the United States, much of the above is repeated at the state level. Although the right of states to conduct foreign relations is limited, there is still considerable activity in that area, especially in enticing foreign investment.

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<sup>7</sup> For a review of the role of government in creating crime prevention policies and their implications for multinational corporations with respect to the design of consumer products, see Ronald V. Clarke & Graeme R. Newman, *Modifying Criminogenic Products: What Role for Government?*, in *DESIGNING OUT CRIME FROM PRODUCTS AND SYSTEMS 7* (Ronald V. Clarke & Graeme R. Newman eds., 18 Crime Prevention Studies, 2005). For more recent work by Clarke and his associates on trafficking in endangered species that addresses the national and international levels of policy derived from a situational approach, as well as discussions of SCP strategies that have been successfully applied to reduce poaching and other crimes against endangered species, see JACQUELINE L. SCHNEIDER, *SOLD INTO EXTINCTION: THE GLOBAL TRADE IN ENDANGERED SPECIES* (2012); Stephen Pires & Ronald V. Clarke, *Are Parrots CRAVED? An Analysis of Parrot Poaching in Mexico*, 49 *J. RES. CRIME & DELINQ.* 122 (2012); Stephen F. Pires & Ronald V. Clarke, *Sequential Foraging, Itinerant Fences and Parrot Poaching in Bolivia*, 51 *BRIT. J. CRIMINOLOGY* 314 (2011).

<sup>8</sup> It is also worth noting that some national policies are specifically implemented to reduce crime or other harmful acts. Examples include national policies that address the design of cars or cell phones. On the other hand, certain government actions simply build the capacity for local action by providing resources to local entities to respond to the problem or crime. For example, both the U.S. and British governments have financially supported the development of Problem Oriented Policing centers that seek to solve problems locally, in accord with local priorities. However, the problem-solving capacity is established centrally. See, e.g., Peter Homel, *Joining up the Pieces: What Central Agencies Need to Do to Support Effective Local Crime Prevention*, in *PUTTING THEORY TO WORK: IMPLEMENTING SITUATIONAL PREVENTION AND PROBLEM-ORIENTED POLICING 111* (Johannes Knutsson & Ronald V. Clarke eds., 20 Crime Prevention Studies, 2006).

Little policies are those of local governments, counties, cities and towns. While these are confined mostly to domestic issues, some cities have ranged into the foreign. The New York Police Department, for example, has developed its own antiterrorism organization with operatives placed abroad.<sup>9</sup> But by and large, it is at this level that policies are translated into specific ordinances or regulations. For example, the hour at which a builder may begin his work in the morning in a residential suburb is regulated by many local ordinances.

#### B. SCP AND THE LOCAL LEVEL

It is at this little or local level that, when possible, SCP's responses are usually directed. Tilley explains why this is so by drawing parallels between Clarke's SCP<sup>10</sup> and various strains of Popperian thought.<sup>11</sup> Both perspectives reject schemes to solve large and abstract problems (e.g. "inequality") through grand social engineering initiatives.<sup>12</sup> Popper<sup>13</sup> and Clarke<sup>14</sup> reject revolutions and endeavors, such as the Mobilization for

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<sup>9</sup> See generally MITCHELL D. SILBER, *THE AL QAEDA FACTOR* (2012) (discussing Al Qaeda plots against the United States and other Western nations that were foiled and analyzing the factors that may have played a role in thwarting these planned strikes); MITCHELL D. SILBER & ARVIN BHATT, *CITY OF NEW YORK POLICE DEP'T, RADICALIZATION IN THE WEST: THE HOMEGROWN THREAT* (2007), available at [http://www.nypdshield.org/public/SiteFiles/documents/NYPD\\_Report-Radicalization\\_in\\_the\\_West.pdf](http://www.nypdshield.org/public/SiteFiles/documents/NYPD_Report-Radicalization_in_the_West.pdf), archived at <http://perma.cc/R7ZT-A5TG> (reviewing generally the New York Police Department's counterterrorism efforts).

<sup>10</sup> For an overview of Clarke's SCP claims, see Clarke, *supra* note 1; P. Mayhew et al., *Crime as Opportunity*, in *HOME OFFICE RESEARCH STUDIES* (Home Office Research Study No. 34, 1976); R.V.G. Clarke, "Situational" *Crime Prevention: Theory and Practice*, 20 *BRIT. J. CRIMINOLOGY* 136 (1980).

<sup>11</sup> See generally Nick Tilley, *Karl Popper: A Philosopher for Ronald Clarke's Situational Crime Prevention?*, in *TRADITION AND INNOVATION IN CRIME AND CRIMINAL JUSTICE* 39 (Shlomo G. Shoham & Paul Knepper eds., 8 *Israel Studies in Criminology*, 2004) (discussing the relationship between Popperian philosophy and SCP).

<sup>12</sup> John W. N. Watkins, *Social Knowledge and the Public Interest*, in *MAN AND THE SOCIAL SCIENCES* 173, 178–79 (William A. Robson ed., 1972); Paul Knepper, *Situational Logic in Social Science Inquiry: From Economics to Criminology*, 20 *REV. AUSTRIAN ECON.* 25, 35–39 (2007).

<sup>13</sup> For an overview of Popper's arguments in favor of small-scale piecemeal interventions and a general wariness of large-scale schemes to remake society (due to the danger of unintended consequences), see KARL POPPER, *THE OPEN SOCIETY AND ITS ENEMIES: THE SPELL OF PLATO* (1945) [hereinafter POPPER, *SPELL OF PLATO*]; 2 KARL POPPER, *THE OPEN SOCIETY AND ITS ENEMIES: THE HIGH TIDE OF PROPHECY: HEGEL, MARX, AND THE AFTERMATH* (1945) [hereinafter POPPER, *HIGH TIDE OF PROPHECY*]; KARL R. POPPER, *CONJECTURES AND REFUTATIONS* (1963).

<sup>14</sup> For a discussion of SCP's rejection of large-scale social engineering initiatives, see Clarke, *supra* note 1; Ronald V. Clarke, *Situational Crime Prevention*, in *BUILDING A SAFER SOCIETY: STRATEGIC APPROACHES TO CRIME PREVENTION* 136 (Michael Tonry & David P.

Youth implemented by President Johnson in the 1960s, based on grand ideas of eradicating juvenile delinquency by eliminating poverty.<sup>15</sup> A corollary is SCP's distinctive concern with proximal causes of specific problems in both analysis and practice. This emphasis separates SCP from other criminological theories that often focus on distal causes of relatively wide problems. SCP is also based upon a different view of science and of governance than other criminological frameworks, which usually rely on the justice system to address crime problems. SCP sees an important role for crime reduction for many other governmental departments than the legal system, as well as for quasi-governmental actions by private entities.<sup>16</sup>

Popper advocated that governments and social scientists tackle small problems one at a time.<sup>17</sup> The central focus of Clarke's approach has similarly been to use situational analyses of when, where, and how specific crimes occur.<sup>18</sup> Cornish's 'script' method, which examines the specific problem or crime in detail, is usually used to identify possible intervention points.<sup>19</sup> As Cornish and Clarke explain, crime "[scripts] . . . involve such chains of decisions and actions, separable into interdependent stages, involving the attainment of sub-goals that serve to further the overall goals of the crime."<sup>20</sup> These analyses identify the opportunities that allow crime to occur. Analysts are encouraged to review the empirical literature to identify similar problems and interventions that were used successfully to eliminate or reduce them.<sup>21</sup> If no successful interventions in similar settings are identified, analysts are trained to apply SCP's techniques and principles from related frameworks, like routine activities theory, to generate innovative solutions.<sup>22</sup> Typically, many possible solutions emerge from the literature or are devised through innovation.

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Farrington eds., 19 Crime & Justice, 1995).

<sup>15</sup> See generally U.S. DEP'T OF HEALTH, EDUC., & WELFARE, SOC. & REHAB. SERV., A SITUATIONAL APPROACH TO DELINQUENCY PREVENTION (1970) (calling for large-scale social change to eradicate juvenile delinquency); Tilley, *supra* note 11, at 40–41.

<sup>16</sup> See Clarke, *supra* note 10.

<sup>17</sup> See POPPER, SPELL OF Plato, *supra* note 13; POPPER, HIGH TIDE OF PROPHECY, *supra* note 13.

<sup>18</sup> See Clarke, *supra* note 10.

<sup>19</sup> See generally Derek Cornish, *The Procedural Analysis of Offending and Its Relevance for Situational Prevention*, in 3 CRIME PREVENTION STUDIES 151 (Ronald V. Clarke ed., 1994) (introducing the script approach to criminology for the first time).

<sup>20</sup> Derek B. Cornish & Ronald V. Clarke, *Analyzing Organized Crimes*, in RATIONAL CHOICE AND CRIMINAL BEHAVIOR 41, 47 (Alex R. Piquero & Stephen G. Tibbetts eds., 2002).

<sup>21</sup> See generally U.S. DEP'T OF JUSTICE, OFFICE OF CMTY. ORIENTED POLICING SERVS., CRIME ANALYSIS FOR PROBLEM SOLVERS IN 60 SMALL STEPS (2005) (discussing how particular interventions are identified).

<sup>22</sup> For discussions of this point, see John E. Eck, *Learning from Experience in Problem-*

In spite of this demonstrated success in crime prevention, SCP has been criticized by Michael Benson as “leading to piecemeal, finger-in-a-dike-type responses to general problems”<sup>23</sup> because each crime problem is specific to time, place, and opportunity.

### C. SCP AND THE MACRO LEVEL

Yet some effective interventions are large-scale and general, such as the impact of the removal of carbon monoxide from the public gas supply in Great Britain on the number of suicides. Clarke and Mayhew exploited that change to demonstrate the potential power of SCP interventions.<sup>24</sup> Taking into account population change and other extraneous variables, the number of British suicides fell from about 5,700 people in 1963 to almost 3,700 people in 1975.<sup>25</sup> In the early 1960s, gas suicides accounted for over 40% of suicides each year.<sup>26</sup> Clarke and Mayhew explained that when the gas was available in people’s homes, it was easy to use, deadly, and painless. Other forms of suicide, however, lacked these benefits and most motivated gas suicide seekers did not turn to other methods when the easy opportunity—the poisonous public gas supply—was removed.<sup>27</sup> The removal of carbon monoxide from the public gas supply in Great Britain, in other words, led to the almost complete elimination of suicide by gas inhalation. On its face, this evidence refutes Benson’s criticism.<sup>28</sup>

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*Oriented Policing and Situational Prevention: The Positive Functions of Weak Evaluations and the Negative Functions of Strong Ones*, in EVALUATION FOR CRIME PREVENTION 93 (Nick Tilley ed., 14 Crime Prevention Studies, 2002); Paul Ekblom, *Ideas Brought back from Situational Crime Prevention’s Exploration of Design Against Crime*, in THE REASONING CRIMINOLOGIST: ESSAYS IN HONOUR OF RONALD V. CLARKE, *supra* note 5, at 52, 54–55, 58–60. Eck also argues that the SCP approach is akin to generative theory. He explains that SCP does “not dictate specific actions, but provide[s] a framework for the creation of context relevant interventions . . . . These are tools that might work in some circumstances but probably do not work in every circumstance.” Eck, *supra* at 105.

<sup>23</sup> Michael L. Benson, *Offenders or Opportunities: Approaches to Controlling Identity Theft*, 8 CRIMINOLOGY AND PUB. POL’Y 231, 235 (2009).

<sup>24</sup> See generally Ronald V. Clarke & Pat Mayhew, *The British Gas Suicide Story and Its Criminological Implications*, 10 CRIME & JUST. 79 (1988) (discussing the large-scale reduction in suicide, with limited displacement, that occurred as a result of Great Britain’s move away from carbon monoxide in the public gas supply). As our colleague noted, it could be that large-scale dramatic examples receive more publicity than local, prosaic, case-by-case, piecemeal SCP interventions. This makes the lack of attention given to this contradiction even more puzzling.

<sup>25</sup> See Clarke & Mayhew, *supra* note 24, at 79.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> This change to natural gas was not designed to reduce suicide. The large-scale reduction in suicide was a positive unintended byproduct. Interestingly, SCP has benefited from a number of interventions that were implemented for other reasons, but also reduced

A public health expert might argue that other methods or types of suicide should have been addressed in designing responses, which seems to be the basis of Benson's finger-in-the-dyke criticism. They were addressed, but only in respect to displacement of gas suicide to other methods of suicide. There was no such displacement. There was no attempt to reduce other types of suicide. Thus, while removing coal gas almost entirely eliminated gas suicide and reduced the number of suicides overall, it did not solve the general problem of suicide in society. In other words, suicide was not eliminated.

#### D. SCP AND SPECIFIC SOLUTIONS

How, precisely, specific solutions for the particular problem at issue are decided upon remains a bit of a mystery.<sup>29</sup> The process appears similar to how a doctor diagnoses a range of puzzling symptoms and develops a treatment plan, which gives rise to the popular view of medicine as an "art" as well as a science. Clarke also offers us diagnostic tools, the famous twenty-five techniques of SCP.<sup>30</sup> The twenty-five techniques are outlined below in Table 1. Clarke explains that the techniques "assist systemization of knowledge about situational prevention and . . . provide practical help to practitioners."<sup>31</sup> Yet the techniques are not so much diagnostic of the situations as they are intervention techniques that *might* be applied after the situation has been analyzed. These techniques have evolved in response to critiques that some situations also provoke offenders to act<sup>32</sup> and led Cornish and Clarke to increase the number of techniques from sixteen to twenty-five.

The techniques help identify appropriate interventions. But if they are also used to analyze the problem, it raises the danger that one may find only

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crime or other harmful problems. Sometimes these interventions are subsequently used elsewhere to intentionally reduce crime and other problems.

<sup>29</sup> For discussions about how specific SCP intervention techniques are identified, see Paul Ekblom, *Designing Products Against Crime*, in HANDBOOK OF CRIME PREVENTION AND COMMUNITY SAFETY, *supra* note 1, at 203; Michael S. Scott, *Shifting and Sharing Police Responsibility to Address Public Safety Problems*, in HANDBOOK OF CRIME PREVENTION AND COMMUNITY SAFETY, *supra* note 1, at 385.

<sup>30</sup> See Cornish & Clarke, *supra* note 3, at 90 for the famous twenty-five techniques.

<sup>31</sup> Ronald V. Clarke, *Affect and the Reasoning Criminal: Past and Future*, in AFFECT AND COGNITION IN CRIMINAL DECISION MAKING 35 (2014).

<sup>32</sup> For discussions of Wortley's important critique, see RICHARD WORTLEY, SITUATIONAL PRISON CONTROL: CRIME PREVENTION IN CORRECTIONAL INSTITUTIONS (2002) [hereinafter WORTLEY, SITUATIONAL PRISON]; Wortley, *Situational Precipitators*, *supra* note 3. For a discussion of Cornish and Clarke's subsequent (partial) acceptance of Wortley's critique—that motivated offenders do not simply enter into situations that provide opportunities to offend, but that certain situations can also create or increase offender motivation to offend—see Cornish & Clarke, *supra* note 3.

what one is looking for. This is an old problem of empirical science: the difficulty in separating theory from observation<sup>33</sup> (called the “Oedipus effect” by some).<sup>34</sup> It is similar to the medical-field phenomenon in which physicians may approach an illness with a finite range of treatment plans. The diagnosis in many cases is irrelevant to the treatment plan eventually chosen to alleviate or remove the symptoms. In the latter case, perhaps, there is agreement between SCP and medical diagnosis: there is no need to find the “root cause” of the problem if the available treatment plan works. Often, different treatments are used until one does work. In sum, it is the intervention plan that matters most in diagnosing a problem and responding to it. Do the twenty-five techniques do the job?

## II. THE TWENTY-FIVE TECHNIQUES: WHAT ARE THEY, *REALLY*?

### A. SCP’S TECHNIQUES AS GUIDING PRINCIPLES

Table 1 reproduces the basic framework of SCP’s twenty-five techniques. Presented in this way, one can see that they are not techniques at all. They say *what* to do, but they do not say *how* to do it. They do, however, clearly *urge* one to do something. The general headings are listed in Column 1 and are based upon five areas that originate from various social psychological theories related to rational choice and behavior modification. Those theories all presume that certain environmental and psychological factors *cause* a specific crime. But because these headings are written in the language of advocacy rather than science,<sup>35</sup> they are a curious mixture of policy and causation. All social policies are written in such language: they presume particular causes and advocate action.

The five headings might best be construed as a set of guiding principles, each of which contains a list of measures that might reduce the probability of a crime event. The principles reflect differing assumptions about the psychology of offending, but are all intended to lead to responses that affect the decisionmaking processes of offenders and thereby reduce offenses. Consider, for example, gun violence. Accepting the SCP scientific observation that the easy availability of guns is one cause of gun violence

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<sup>33</sup> See Ekblom, *supra* note 22, who similarly notes that prevention policies also implicate verbal issues. One intervention can be explained in a variety of ways. For instance, a burglary initiative could be portrayed as aiding the homeowner (purposive), or thwarting the perpetrator (reverse-purposive). Crime prevention proponents often are unclear in their description of these interventions. Ekblom concludes that “the important thing is for practitioners and researchers to be *self-aware* of which discourse they are using.” *Id.* at 58.

<sup>34</sup> Knepper, *supra* note 12, at 28.

<sup>35</sup> That science is, or ought to be, “value free” is of course a separate issue that would take us beyond this Article.

leads to the conclusion that we should increase the effort needed to acquire a gun. It seems obvious. But it is not.<sup>36</sup> It is a leap from “increasing the effort” to, for example, forbidding the sale of guns, requiring background checks, requiring that guns be manufactured so that they do not work except in the hands of the registered owner, or requiring substantial gun-use training. We are not advocating these policies, but rather simply highlighting how difficult it is to proceed from the initial scientific observation to a social policy that is actually linked to the science.

The five guiding principles are each matched with five specific examples or techniques in Column 2. Each technique advocates action and is more specific than the general principle from which it is derived. Yet the specific examples, from SCP’s perspective, remain general statements. They are not specific enough for any particular situation. It is up to the practitioner to apply these techniques to specific situations or problems. They must be applied after an analysis of the situation that includes not only the specific circumstances of the crime, but also the specific circumstances of possible responders, especially the *ownership* and *competency* of those responders.

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<sup>36</sup> Though as one reviewer pointed out, it could also be that these difficulties are simply illustrative of the creativity that is needed to reduce crime!

**Table 1***Twenty-Five Techniques of Situational Crime Prevention (Abbreviated)*

INCREASE THE EFFORT	Harden targets Control access to facilities Screen exits Deflect offenders Control tools/weapons
INCREASE THE RISKS	Extend guardianship Assist natural surveillance Reduce anonymity Utilize place managers Strengthen formal surveillance
REDUCE THE REWARDS	Conceal targets Remove targets Identify property Disrupt markets Deny benefits
REDUCE PROVOCATIONS	Reduce frustrations and stress Avoid disputes Reduce emotional arousal Neutralize peer pressure Discourage imitation
REMOVE EXCUSES	Set rules Post instructions Alert conscience Assist compliance Control drugs and alcohol

**B. THE CHALLENGES OF APPLYING THE TWENTY-FIVE TECHNIQUES**

If SCP demands that crimes be analyzed with as much specificity as possible, how is it that these twenty-five techniques have been so easily applied to a wide range of crimes,<sup>37</sup> such as identity theft, cybercrime,

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<sup>37</sup> For discussions of SCP's applications to these wide range of crimes, see SCHNEIDER, *supra* note 7 (applying SCP strategies to protecting endangered species); Clarke, *supra* note 4 (discussing SCP strategies applied to prevent a variety of crimes such as prostitution, check forgeries, repeat burglary and subway graffiti); REDUCING TERRORISM THROUGH SITUATIONAL CRIME PREVENTION (Joshua D. Freilich & Graeme R. Newman eds., 25 Crime Prevention Studies, 2009) (collecting articles by various authors analyzing a variety of strategies that could be used to prevent different types of terrorism); Graeme R. Newman & Joshua D. Freilich, *Extending the Reach of Situational Crime Prevention*, in THE REASONING

trafficking in endangered species, terrorism, and many more whose specific situations have yet to be analyzed?

Further reflection on the generality of each of the twenty-five techniques shows that they are *examples* of ways in which the guiding principles can be operationalized, but they do not tell us what to do. For instance, examining the well-known technique of “target harden” without looking at the examples would not tell us *how* specifically to analyze a target to determine how to harden it, or even how to figure out what is the likely target in the first place.<sup>38</sup> The usual answer is that one must analyze the situation, and, once this is achieved, it will be obvious how to harden the target.

But will it? Take the case of the 1982 Tylenol murders, in which seven people died as a result of taking Tylenol laced with cyanide by unknown persons.<sup>39</sup> Was it obvious that the solution to hardening the target, in this case bottles of Tylenol (not the potential murder victims who were the actual targets—a significant insight in itself), lay *not* in changing the specific situational arrangements of the bottles in the drug store? Was it obvious that, similar to the British suicide drop, a response far removed from the crime location was needed? Was it clear that the solution was to change the bottles’ packaging, a decision that could be made only far away in the Johnson & Johnson corporate office and implemented at the place of manufacture?

After all, in this case, the specific drug store that sold the Tylenol was located, and an analysis of the situation revealed that the tampering had occurred not at the factory level but in the store.<sup>40</sup> A typical piecemeal, local SCP response might have called for installing cameras to keep the shelves under surveillance, or for moving all merchandise behind the counter to prevent its handling by customers. Instead, public outcry caused the response that occurred far away from the situation. The Federal Trade Commission entered the fray, and Johnson & Johnson introduced tamper-evident packaging. Today, almost every company that markets consumable products, from lipstick to iced tea, uses tamper-proof or tamper-evident

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CRIMINOLOGIST: ESSAYS IN HONOUR OF RONALD V. CLARKE, *supra* note 5, at 212 (discussing the application of SCP to a variety of crimes such as suicide, auto theft, cybercrime, child sex abuse migration and border control, organized crime, and tax evasion).

<sup>38</sup> See RONALD V. CLARKE & GRAEME R. NEWMAN, *OUTSMARTING THE TERRORISTS* 87–107 (2006) (discussing a central problem in using target hardening principles to protect potential targets from terrorist attacks).

<sup>39</sup> Ben Kesling, *Tylenol Killings Remain Unsolved and Unforgotten After 30 Years: FBI Hands off Inquiry to Chicago-Area Police; Victims' Kin Want Documents Unsealed*, WALL ST. J., (Oct. 11, 2013), <http://online.wsj.com/news/articles/SB10001424052702303492504579115573613137300>, archived at <http://perma.cc/95N2-3V24>.

<sup>40</sup> *Id.*

packaging. It may have been the most successful crime prevention response ever introduced. It prevented murders in specific locations from occurring everywhere. Of course, we do not know how many murders were prevented. And presumably, the widespread introduction of tamper-evident and tamper-proof packaging resulted from corporate and government policies.

Laycock's approach<sup>41</sup> argues that of course attention was directed to Johnson & Johnson because they were the only ones capable of changing the packaging.<sup>42</sup> But the prior step of identifying the packaging as the problem was required before the competency of the responder could be determined. This identification of the problem resulted in its "ownership" being transferred from the police to Johnson & Johnson. In other words, in terms of ownership of the big problem, prevention shifted to the multinational corporation. Meanwhile, the police were still stuck with the smaller problem of finding the murderer or murderers, who were never found. The Johnson & Johnson Tylenol example shows that, as one moves further away from the situation in search of a response, the nature of the problem changes, and the competency or ownership of the problem changes with it.<sup>43</sup> This is an important point. Distal and proximate causes of crime and noncriminal problems are usually distinguished temporally.<sup>44</sup> Thus, suffering from prenatal trauma is more distal than being bullied at school. In the Tylenol case, though, we are referring to distal in a multidimensional way to include not only actions that occurred much earlier, but also macro-level as opposed to micro-level or piecemeal, local planning. In other words, our focus is on the proximity of the agent or agency with the

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<sup>41</sup> Gloria Laycock, *Deciding What to Do*, in HANDBOOK OF CRIME PREVENTION AND COMMUNITY SAFETY, *supra* note 1, at 687, 690–92 (discussing local versus national level crime prevention responses to crimes).

<sup>42</sup> If a target for crime is a "hot product," such as a smart phone, it may be preferable to focus on the product itself and to work on the national level to make it more resistant. For discussions on designing against crime (DAC), see Ekblom, *supra* note 22, at 53–56. Similarly, in a few cases, environmental design could be used on the national level to implement crime resistant building plans. Meanwhile, Lulham et al. note that SCP's techniques are useful for identifying problems, qualities of products, and potential intervention points, but "were of little utility in the actual design process. We believe this paradox is common. Many products that effectively design out crime are developed using design processes that have little connection to established environmental criminology frameworks." Rohan Lulham et al., *Designing a Counterterrorism Trash Bin*, in DESIGN AGAINST CRIME: CRIME PROOFING EVERYDAY PRODUCTS 131, 142 (Paul Ekblom ed., 27 Crime Prevention Studies, 2012).

<sup>43</sup> For discussions about problem ownership, see Laycock, *supra* note 41, at 690–92. For a discussion on how competency may not necessarily mean that the person or organization owns the problem and vice versa (though this conundrum needs further elaboration), see Laycock, *supra* note 41, at 691.

<sup>44</sup> See Ekblom, *supra* note 29, at 204–05.

competency to address the situation. Importantly, the temptation to apply general responses to specific problems has lurked in the SCP literature for decades.<sup>45</sup> One of Clarke's initial introductions of SCP over thirty years ago noted that "a [general] 'theory of crime' would be almost as crude as a 'general theory of disease'"<sup>46</sup> and called for focusing on "separate" and specific crimes. Interestingly though, a few pages later, Clarke noted that

in some cases . . . it may be possible to protect a whole class of property, as the [British] Post Office did when they virtually eliminated theft from telephone kiosks by replacing the vulnerable aluminum coin-boxes with much stronger steel ones . . . a further example is provided by the recent law . . . which requires all motor-cyclists to wear crash helmets.<sup>47</sup>

Since SCP's main concern is crime prevention or reduction,<sup>48</sup> its conceptual underpinnings and its policy implications (the interventions to reduce crime that flow from it) are intricately linked.<sup>49</sup> Few SCP scholars have focused on this linkage.<sup>50</sup>

### C. DEVELOPING A GRADED FRAMEWORK FOR SELECTING LOCAL AND MACRO-LEVEL SCP RESPONSES

The twenty-five techniques should thus be further elaborated to acknowledge that responses that are distant from the situation be taken into

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<sup>45</sup> It would be wrong to assume that SCP has not acknowledged this difficulty. Clarke, *supra* note 4, at 12–15. Clarke and Newman clearly note the relevance of macro-level factors to specific problems with their elaborate diagrams of the opportunity structure for particular crimes (drug crime and terrorism respectively), but the linkage of macro or background factors to specific problems remains ephemeral. CLARKE & NEWMAN, *supra* note 38, at 7–9.

<sup>46</sup> Clarke, *supra* note 10, at 137.

<sup>47</sup> *Id.* at 141.

<sup>48</sup> *See id.* at 139 (discussing SCP's main focus on crime reduction).

<sup>49</sup> A deeper discussion of this issue would take us beyond the purview of this paper. It harks back to the old debate between pure and applied theory implying an element of snobbery that somehow pure theory is superior to applied theory. Basically, what this means in the history of criminology is that theorizing about the causes of crime is a superior academic enterprise than theorizing about how to reduce it. It is worth noting that the essential elements of SCP were established *before* the theory of rational choice was incorporated into the theory, thus making it seem more respectable as a theory. Rational choice is not a necessary condition for the situational analysis of crime reduction. In fact, the aspect of "hard" situational crime requires simply the analysis of behavior, not cognition (i.e., rational choice). *See* Newman & Freilich, *supra* note 37, at 213–17.

<sup>50</sup> For example, Ekblom's summary of his important work on SCP's Designing Against Crime (DAC) framework notes that it can "act at any of the ecological levels of intervention," and that a variety of observers have noted difficulty in moving "from problem to cause to intervention." Ekblom, *supra* note 29, at 206, 214. He does not, however, discuss the possible inconsistency that might exist between a macro-level intervention and SCP's specificity requirement, nor does he go into great detail on when one level is preferred over the other.

account and the subsequent ownership/competency of the problem likewise identified.<sup>51</sup> It would take half a book to do this for each of the twenty-five techniques. Instead, we outline what these crime prevention schemes might look like just for the first technique, *harden targets*.

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<sup>51</sup> This approach would lead to a classification of crime prevention schemes that is different from that of Bowers and Johnson. See Kate J. Bowers & Shane D. Johnson, *Implementation Failure and Success: Some Lessons from England*, in PUTTING THEORY TO WORK: IMPLEMENTING SITUATIONAL PREVENTION AND PROBLEM-ORIENTED POLICING, *supra* note 8, at 163. This is because it remains tied to the general theory of rational choice (the five categories in Column 1, Table 1) and stays within the twenty-five specific policies. On the other hand, Bowers and Johnson include whether the prevention scheme is based on a dispositional view of the offender, though they do include other aspects of SCP, such as the agencies involved and the identification of the targets. *Id.*

**Table 2**  
*Levels of Intervention for Hardening Targets*

<i>Situation</i>	<i>Typical situationally bound response</i>	<i>Redefinition of problem<sup>52</sup></i>	<i>Macro response (distant from situation)</i>
Theft of cars in residential street	<ul style="list-style-type: none"> <li>• Improve street lighting</li> <li>• Owners lock cars</li> <li>• Owners move cars into garage</li> </ul>	Design of cars makes them too easy to steal	Manufacturers redesign cars, install immobilizers
Use of slugs in New York City parking meters	<ul style="list-style-type: none"> <li>• Do not use parking meters</li> <li>• Install surveillance cameras</li> </ul>	Parking meters are too easy to foil	Install slug rejecter devices in meters; build more parking garages
Bank robbery	<ul style="list-style-type: none"> <li>• Install shields for tellers</li> <li>• Guards at bank entrance</li> <li>• Install alarms, surveillance cameras</li> </ul>	Bank tellers are too obvious and inviting a target	Install ATMs and do away with tellers completely; shift to online banking.
Robbery of bus drivers	<ul style="list-style-type: none"> <li>• Install shields for drivers</li> </ul>	Money is the target, so remove it	Introduce smart cards bought elsewhere
Credit card fraud	<ul style="list-style-type: none"> <li>• Train clerks to check signature and identification</li> </ul>	Plastic cards are too easy to counterfeit	Make cards tamper proof; require PIN at point of sale.
Robbery at ATMs	<ul style="list-style-type: none"> <li>• Install better lighting</li> <li>• Surveil place</li> <li>• Relocate ATM</li> </ul>	Money is the problem	Online commerce and banking
Theft from pay phones	<ul style="list-style-type: none"> <li>• Make coin boxes impregnable</li> <li>• Natural surveillance</li> </ul>	Money is the problem	Phone cards bought elsewhere, ownership of problem moved to corporate from government.
Street corner drug dealing	<ul style="list-style-type: none"> <li>• Formal surveillance</li> <li>• Natural surveillance</li> <li>• Police stings</li> </ul>	Street corner is the problem	Redesign streets, traffic movement

<sup>52</sup> Ekblom similarly notes that designers sometimes *reframe* how the product is viewed. Ekblom, *supra* note 29, at 216.

Illegal immigration	<ul style="list-style-type: none"> <li>• Build a fence</li> </ul>	Cheap labor is the problem	Guest worker program; international agreements
Shoplifting	<ul style="list-style-type: none"> <li>• Change display of goods</li> <li>• Surveillance</li> </ul>	Products are easy to steal	Redesign products; put small products in large packages
Soliciting prostitution (“carding”)	<ul style="list-style-type: none"> <li>• Remove notices daily from phone booth</li> </ul>	Phone numbers, not the notices, are the problem	Telephone company blocks specific phone numbers

Table 2 illustrates that the response that is distant from the situation applies not only to its specific situation (theft of cars in residential streets) but to the theft of cars *in other situations as well*. Thus, if one can locate the macro level of intervention for a problem, why not go straight to the “root cause” of the security flaw? It is also apparent that there are many situationally-bound responses that require intervention from a distant source. Building a fence along a national border, for example, while the need may be situationally determined, may require massive input from national governments. Making coin boxes impregnable may require that the original manufacturers agree to redesign or retrofit the product.

The responses therefore may be classified roughly into three categories: situationally-bound local approaches, mixed, and macro, as outlined in Table 3.<sup>53</sup>

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<sup>53</sup> See generally ENVIRONMENTAL CRIMINOLOGY (Paul J. Brantingham & Patricia L. Brantingham eds., 1981) (discussing the various levels at which SCP interventions could be directed).

**Table 3**  
*Responses Classified According to Distance from the Situation*

Situationally bound	Mixed	Macro
ATM lighting	National border control, fence design	Product design
Risk assessment of facilities	Video surveillance of roads, public (common) space	Urban/rural design/planning
Product layout in stores	Local ordinances (risky facilities, etc.)	Packaging-tamper proof and tamper evident
Video surveillance in stores	Credit card authentication (retailers associations)	Legislation
Lock car and house and hide PIN	Border control (fence patrols, etc.)	Regulation
Shred bills	Protect personal information (doctors' offices, retail stores)	Law suits
Money belt		Information systems design (credit card security design, authentication—banks, card issuers, etc.), software, internet
Credit card authentication at point of sale		International agreements, interstate agreements
Hide social security number		National border control – smart passports
		Protect personal information (banks, governments)

As the listings in Table 3 indicate, some problems, perhaps even most problems, require a multilevel approach to responding. Take the example of credit card fraud. At the macro level, even the best-designed tamper-proof credit or smart cards will not prevent fraud if the middle organizations, such as retailers, do not install equipment necessary to eliminate human error at the point of sale.<sup>54</sup> Consider also the introduction of steering column locks to prevent car theft. The first form of steering column locks was the steel bar, which users locked onto the steering wheel. But the effectiveness of these tools in preventing car theft obviously depends, at the situationally-

<sup>54</sup> Graeme R. Newman, *Check and Card Fraud: Guide No. 21*, CENTER FOR PROBLEM-ORIENTED POLICING 3 available at [http://www.popcenter.org/problems/credit\\_card\\_fraud/print/](http://www.popcenter.org/problems/credit_card_fraud/print/), archived at <http://perma.cc/93F5-XAP5>.

bound local level, on an individual user buying and installing the lock. Eventually, manufacturers began installing steering column locks in cars which were effective for some time in preventing theft.<sup>55</sup> However, thieves figured out ways around the locks, so new technologies were needed. The locks have now been replaced with immobilizers and other electronic security systems installed by manufacturers. While these technologies have been found to be very effective,<sup>56</sup> they do not prevent the theft of a car in which the owner has left the keys.

Given this complexity in analyzing specific problems and, some might even say, the unanticipated consequences that may result from responding to specific local problems, how are we able to develop social policies that advocate action by individuals and organizations to prevent specific crimes? Is it logical for SCP advocates to make policy statements directed to individuals or organizations, such as, “do not publish social security numbers,” to prevent identity theft? Does this policy statement differ from the policy statement made by the medical profession that “smoking is damaging to your health,” and the subsequent requirement that this statement be placed on the packaging of cigarettes?

The most serious barrier to converting SCP techniques into policy remains the gap between problem identification and problem response. As we have noted, SCP insists on the minute analysis of the problem to be solved, making the employment of intervention techniques highly specific to the situation’s time, place, and type of opportunity present. As Tilley explains, “the story of SCP is one of repeated small achievements.”<sup>57</sup> Furthermore, some SCP proponents like Popper argue that grand schemes and policies are doomed to failure because they are too abstract and unrealistic. Indeed, Knepper claims SCP is only applicable to problems that are “suitable for piecemeal experiments to alleviate them,”<sup>58</sup> and Eck and Madensen note that SCP’s interventions are “at the meso-level . . . below large-scale social institutions.”<sup>59</sup> In sum, many SCP proponents claim that grand initiatives are outside its purview. Yet it is clear from Table 3 that

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<sup>55</sup> Barry Webb, *Steering Column Locks and Motor Vehicle Theft: Evaluations from Three Countries*, in 2 *CRIME PREVENTION STUDIES* 71, 71–72 (Ronald V. Clarke ed., 1994).

<sup>56</sup> See Rick Brown, *The Effectiveness of Electronic Immobilization: Changing Patterns of Temporary and Permanent Vehicle Theft*, in *UNDERSTANDING AND PREVENTING CAR THEFT* 101 (Michael G. Maxfield & Ronald V. Clarke eds., 17 *Crime Prevention Studies*, 2004).

<sup>57</sup> Tilley, *supra* note 11, at 51.

<sup>58</sup> Knepper, *supra* note 12, at 35.

<sup>59</sup> John E. Eck & Tamara D. Madensen, *Situational Crime Prevention Makes Problem-Oriented Policing Work: The Importance of Interdependent Theories for Effective Policing*, in *THE REASONING CRIMINOLOGIST: ESSAYS IN HONOUR OF RONALD V. CLARKE*, *supra* note 5, at 80, 83.

many, if not all, situationally-bound local problems cannot be effectively or permanently solved without interventions at the meso or macro levels. Thus, how can SCP more consistently develop general social policy applicable to many situations—perhaps all situations—for a class of crimes, or even targeting a range of products and services, when it appears to view general responses as secondary?

As we have noted throughout this Article, SCP has mostly eschewed ideal and abstract policies. However, policies that are evidence-driven surely should not be rejected out of hand by SCP, so long as their evidentiary link to the specific problem can be demonstrated. Criminal and other types of law develop and implement such policies. There are professionals—judges, lawyers, administrators and organizations like courts—whose role it is to apply these general statements of law to specific, even unique, cases. Indeed, proponents of SCP have researched the effects of particular legislation on specific crimes.<sup>60</sup>

### III. DISCUSSION

SCP's twenty-five techniques are more accurately classified as mechanisms for implementing a set of guiding principles that advocate a range of possible responses to potentially specific situations. However, depending on how the responder closest to the situation analyzes, or redefines, the specific problem, the response may be transferred to the person or organization most competent to respond to the problem. Again though, this outcome will depend on what kind of problem it is. Clearly, the ownership of the problem could be transferred in both directions, from the macro- to the local-level, and from the local- to the macro-level at various times. An example of the former relates to the protection of potential terrorist targets. Clarke and Newman argue that the “responsibility for protecting targets must ‘cascade’ down from the highest level of government to progressively lower levels (and to corporations and businesses).”<sup>61</sup> These “top-down” government initiatives to protect targets involve the sticky issue of the government’s role in implementing policies. At the same time, these government initiatives must acknowledge that many, if not all, of the situations described above are the domain of private businesses, local, national and multinational. Suffice it to say that, in many situations, it may be difficult for government to obtain businesses’ (and individuals’) consent to do what they want them to do to solve a particular

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<sup>60</sup> See generally Johannes Knutsson & Eckart Kuhlhorn, *Macro-measures Against Crime: The Example of Check Forgeries*, in SITUATIONAL CRIME PREVENTION: SUCCESSFUL CASE STUDIES, *supra* note 4, at 113 (discussing legislation that requires banks to verify identification before cashing a check).

<sup>61</sup> Clarke & Newman, *supra* note 38, at 218.

problem. The enormous increase in government regulation in the past few decades<sup>62</sup> attests to the acknowledgment that governments are increasingly assuming the ownership of problems (e.g. global warming). And governments at the same time must rely on businesses and individuals to implement their policies. However, in the face of the doubtful effectiveness of government regulation<sup>63</sup> in changing behavior (with some notable exceptions, such as car seat belt use) the question remains whether it makes practical sense to define the ownership of problems away from the situations in which they occur.

The process also works in the other direction. For example, the first use of fences as a situational response to thwart suicide bombers and other terrorist infiltrators in both Israel and the West Bank was not implemented on the national level.<sup>64</sup> Initially, local police and community leaders, who were trying to stop terrorists from making incursions into their communities, constructed these fences in a piecemeal fashion. It was only at a much later date that the use of physical barriers became national policy. Thus, if analyses of specific problems identify a consistently successful policy implemented in various locales, that policy could be considered for a supersized intervention.<sup>65</sup> Similarly, heeding Tilley's admonitions discussed above, perhaps national-level interventions should only be undertaken after analyses of local problems identify a consistently successful policy implemented piecemeal in various locales. This approach would help insure that if a policy failed to reduce crime or had unintended results, these negative consequences would only affect the specific locales that implemented the strategy.

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<sup>62</sup> For a discussion in favor of using government regulations to reduce crime, see generally John E. Eck & Emily B. Eck, *Crime Place and Pollution: Expanding Crime Reduction Options Through a Regulatory Approach*, 11 *CRIMINOLOGY & PUB. POL'Y* 281 (2012). The authors note that because crime is concentrated spatially and at specific locations, government regulatory options could be used to compel owners and others to take the necessary steps to reduce crime at their establishments and locations.

<sup>63</sup> Graeme R. Newman, *A Market Approach to Crime Prevention*, in *DESIGN AGAINST CRIME: CRIME PROOFING EVERYDAY PRODUCTS*, *supra* note 42, at 87, 87–91.

<sup>64</sup> Simon Perry et al., *Using Physical Barriers to Prevent Terrorist Attacks: An Evaluation and Test of Crime Displacement Theory* (2013) (unpublished manuscript) (on file with authors).

<sup>65</sup> See Assaf Moghadam, *How Al Qaeda Innovates*, 22 *SECURITY STUD.* 466, 472–74 (2013) (including a discussion on “bottom up” terrorist innovation that highlights the key roles terrorist “middle managers” and other subordinates play in devising innovative ideas and strategies).

#### A. PROBLEM OWNERSHIP

In some cases, ownership may be “shared” by several potential responders.<sup>66</sup> These responders usually include governmental agencies outside the legal system and private sector entities. Whether ownership is shared depends upon “the ways of thinking and working of whichever groups of applied social scientists or practitioners are [involved].”<sup>67</sup> However, the actual technique or action that should be implemented to respond to the problem remains a challenge to those given the task to solve. Presumably, finding a solution requires heavy input by designers, engineers, technicians, and others with technical and detailed knowledge of the problem at both the macro and micro levels. Again, SCP’s focus on agencies, organizations, and individuals beyond the criminal justice system to reduce crime distinguishes it from other criminological frameworks.

At the macro level, corporate individuals may have to face such questions as:

What are the implications of repackaging an entire line of products to prevent theft?

How can we obtain cooperation from retailers to install new devices for authenticating credit card ownership?

How can we design or redesign a product, its marketing, or its packaging to make it less attractive to steal but still attractive to buy?

How can we convert theft-reduction techniques into profit centers, for example, marketing of virus protection software, converting retail store identification cards into special membership cards offering extra privileges.

And at the local level:

To what extent is this problem solvable at the micro level?

Is this problem mostly situationally determined (in that local influences are interacting with the proximal causes) or is it mostly determined by factors distant from it?

How can, or should, the problem be redefined and its ownership shifted to those distant from the situation?

What policies are needed to make such shifts in ownership possible?

Drawing from the CLAIMED<sup>68</sup> framework, how can individuals or organizations—whether within or distant from the situation—that are identified as competent to

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<sup>66</sup> See Scott, *supra* note 29, at 392–405 (discussing how the police in responding to crime problems must at times cooperate with others, such as private citizens, other government agencies, or nongovernmental organizations—and share in the responsibility—to effectively reduce or eliminate the problem).

<sup>67</sup> Cornish & Smith, *supra* note 5, at 32.

<sup>68</sup> CLAIMED stands for: **C**larify the task/role to be undertaken; **L**ocate the appropriate agencies and individuals most suited for the requirement; **A**lert these agencies or individuals; **I**nform them; **M**otivate them; **E**mpower them; **D**irect them. See Paul Ekblom, CRIME

address the problem, or parts of it, be mobilized to undertake particular prevention tasks and roles?

Finally, specialists must also consider whether resistance from retailers or any other key constituent will be greater on either of the levels. And for crime prevention specialists, what are the overall advantages of a particular macro intervention that may have been derived from analysis of a specific local problem but may apply to many diverse situations? Macro interventions appear to be an effective way to prevent many crimes with one significant intervention. But is there any way to measure the preventive effect of such macro interventions, since the measure of their success is the number of crimes that did not happen? This challenge must be overcome if we want those distant from the specific situations of crime to acknowledge their responsibility for incorporating crime prevention techniques into their products, services, and marketing. Without a general solution to this measurement problem, the way forward to regulate the negative externalities of crime produced by corporations and other large organizations is severely hampered and will only ever be achieved on a piecemeal basis.<sup>69</sup>

#### B. THE GOVERNMENT'S ROLE

What is the role for government? Do SCP attempts to implement national level prevention efforts inevitably lead to social engineering (long feared by SCP proponents)<sup>70</sup> or excessive social control (also long feared by SCP critics)?<sup>71</sup> On one hand, as noted, efforts to change people have mostly been shunned by SCP as too grand. Unlike the rest of criminology, which is offender-focused, SCP focuses on events, targets, and opportunities. Similarly, interventions aimed at redesigning products, like the changes to the British gas supply and Tylenol's packaging, raise fewer social engineering worries.<sup>72</sup> These are not utopian schemes designed to remake people: they are product-focused prevention efforts. Unlike grand initiatives to eliminate poverty, inequality, or crime, for that matter, SCP's national

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PREVENTION, SECURITY AND COMMUNITY SAFETY USING THE 5IS FRAMEWORK 233–38 (2011).

<sup>69</sup> For in-depth overviews of this measurement plan, see Clarke & Newman, *supra* note 7, at 7–83; Newman, *supra* note 63.

<sup>70</sup> See generally Knepper, *supra* note 12, for a discussion of this issue.

<sup>71</sup> See DAVID GARLAND, *THE CULTURE OF CONTROL: CRIME AND SOCIAL ORDER IN CONTEMPORARY SOCIETY* 170–71 (2001).

<sup>72</sup> While raising fewer concerns, attention still must be paid to legal and ethical issues. Ekblom reminds us that designers “must also consider whether their design violates privacy or unacceptably constrains freedom in some way—for example, a mobile phone which reports on someone's movements, whether tracking him or her for his or her own good or for other people's, without his or her awareness or free consent.” Ekblom, *supra* note 29, at 216.

prevention efforts are not focused on abstract causes. SCP's Tylenol solution, for instance, addressed general but concrete solutions: tamper-proof packaging of all consumer products, not the causes of random murder.<sup>73</sup> In other words, product redesign is accomplished by companies or organizations that have a vested interest in the product's success and safety.<sup>74</sup>

On the other hand, a more complex issue is *not* the redesign of products, but the national-level regulation of the use, or non-use, of products, goods, and substances by people. Some products, goods, or substances have been linked to many crimes (either as physical tools or as chemical disinhibitors) and are called crime facilitators. The most common examples are alcohol, drugs, and firearms. Laycock explains that these products or substances "facilitate or are variously involved in crimes locally. The rules governing these facilitators, and the ease with which they can be accessed, are [and should be] controlled by central government."<sup>75</sup> Indeed, Van Dijk, in his address accepting the prestigious Stockholm Award, extolled the virtues of SCP and called for regulating access to crime facilitators. Van Dijk argued that "[t]he restriction of access to alcohol for young people would take a serious bite out of violent crime . . . . And . . . governments . . . should make every effort to reduce gun ownership among their population."<sup>76</sup>

While nationally restricting access to crime facilitators could reduce crime, it also raises the danger of a slippery slope toward social engineering. In addition to endorsing strict gun control laws,<sup>77</sup> former New York City Mayor Bloomberg also favors regulating the intake of sugar through soft drinks and other similar foods and drinks.<sup>78</sup> These sorts of initiatives affect everyone, and companies cannot simply implement them, unlike product redesign. With American society's focus on individual

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<sup>73</sup> Again, such actions might raise social control issues, if surveillance was also involved. But, these are not new criticisms. We elaborate on this point below in the Conclusion.

<sup>74</sup> Often, this is accomplished through (national or local) governments pressuring these companies. See Newman, *supra* notes 54 and 63. However, as one reviewer of this article noted in the peer review, local campaigners (as with road safety) could also attempt such influence if they were not so focused on offender-oriented interventions.

<sup>75</sup> Laycock, *supra* note 41, at 694.

<sup>76</sup> Jan Van Dijk, Closing the Doors: Stockholm Prizewinners Lecture 34 (2012), available at [https://pure.uvt.nl/portal/files/1519203/120665\\_afsch\\_rede\\_van\\_Dijk\\_final.pdf](https://pure.uvt.nl/portal/files/1519203/120665_afsch_rede_van_Dijk_final.pdf), archived at <https://perma.cc/6NV5-CT42>.

<sup>77</sup> *Mayor Bloomberg Teams Up with Boston Mayor for Gun Control Super Bowl Ad*, HUFFINGTON POST (Feb. 3, 2012, 2:15 PM), [http://www.huffingtonpost.com/2012/02/03/mayor-bloomberg-teams-up-menino-super-bowl-gun-control\\_n\\_1253093.html](http://www.huffingtonpost.com/2012/02/03/mayor-bloomberg-teams-up-menino-super-bowl-gun-control_n_1253093.html), archived at <http://perma.cc/4Y3M-VF8Q>.

<sup>78</sup> See Michael M. Grynbaum, *Mayor Planning a Ban on Big Sizes of Sugary Drinks*, N.Y. TIMES, May 31, 2012, at A1.

rights, it seems that implementing initiatives that require individuals to act in a certain way or that restrict them from acting in another way will be more controversial and difficult to achieve.<sup>79</sup> Severely regulating or restricting access to products like alcohol, drugs, firearms, or, for that matter, sugar, could also paradoxically create crime if black markets emerge. After all, SCP has long noted that “opportunity makes the thief.”<sup>80</sup> The history of prohibition, and some could argue, the long war on drugs, provide some support for this notion. Further, SCP has consistently supported a “market” approach (a general, not specific, response) to achieve reductions in drug crimes and trafficking in stolen goods and in endangered species.<sup>81</sup>

In sum, SCP proponents may first want to focus on product redesign, like guns that will fire only when held by registered owners, before considering regulation of crime facilitators. Importantly, though, any regulation that does occur would by definition be more limited and raise fewer concerns if implemented locally and piecemeal as opposed to through national policies.

It remains to be seen just how far these kinds of controls will reach, given the resourcefulness of individuals and businesses in working their ways around such regulations. As Ekblom<sup>82</sup> and others have shown, criminals who are dedicated to getting what they want are very resourceful at adapting their techniques in the face of preventive responses such as target hardening. The history of car theft, for example, clearly shows that each time new ways of thwarting car theft are introduced, thieves find a way around them.<sup>83</sup>

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<sup>79</sup> A related observation is that many grand macro-level interventions have occurred in Europe, and not in the United States. This raises the interesting issue of the established divide that exists between the United States and Europe in embracing the role of SCP in reducing crime. It could be that the greater enthusiasm for SCP in Europe partially explains why grand macro-level interventions are more likely to occur there. Conversely, the arguably greater emphasis on individual liberty and personal autonomy (on both the libertarian right and the civil liberty left) in the United States may explain why grand interventions are less likely and the piecemeal approach is more favored there.

<sup>80</sup> See generally Marcus Felson & Ronald V. Clarke, *Opportunity Makes the Thief: Practical Theory for Crime Prevention*, in POLICE RESEARCH SERIES 1 (Police Research Series No. 98, 1998) (noting the important role opportunity plays in crime causation).

<sup>81</sup> For discussions of SCP and the market approach, see Newman, *supra* note 63, at 87–105; Andrew M. Lemieux & Ronald V. Clarke, *The International Ban on Ivory Sales and Its Effects on Elephant Poaching in Africa*, 49 BRIT. J. CRIMINOLOGY 451 (2009).

<sup>82</sup> See Paul Ekblom, *Making Offenders Richer*, in IMAGINATION FOR CRIME PREVENTION: ESSAYS IN HONOUR OF KEN PEASE 41 (Graham Farrell, et al. eds., 21 Crime Prevention Studies, 2007); Paul Ekblom & Nick Tilley, *Going Equipped: Criminology, Situational Crime Prevention and the Resourceful Offender*, 40 BRIT. J. CRIMINOLOGY 376 (2000).

<sup>83</sup> See Michael G. Maxfield, *Introduction* to UNDERSTANDING AND PREVENTING CAR

We have come a long way since Clarke first introduced SCP.<sup>84</sup> All things considered, the theory has advanced rapidly. Other approaches to crime prevention have yet to even acknowledge that new policies are needed to prevent crime and that the ownership of many crime problems lies way beyond police. Few theories in criminology highlight crime prevention or even reduction as their prime concern. Conversely, SCP is a policy-based approach of prevention and requires rather little tinkering to apply its policies to many situations and to many levels of government and private organizations. Its guiding principles and their techniques apply easily and broadly to many diverse kinds of crimes. Indeed, its policies will become even more widely applied because SCP is so well-adapted to how crimes (methods, techniques, targets, etc.) change along with historical, cultural, and technological conditions.

Yet when we examine the macro level of SCP as we have demonstrated in this Article, it is clear that many specific crimes cannot be successfully prevented or reduced without the cooperation of corporations, businesses, and other organizations in addition to the police. SCP therefore must continue to engage the same problem of social control, the central question addressed by sociologists since the creation of their discipline: How do you get people and organizations to do what you want?<sup>85</sup>

#### IV. CRIMINOLOGY, SCIENCE, AND POLICY

Our final comments relate to a larger issue that has lurked in the background of this Article: the question of the relationship between science and policy. It is obvious that any attempt in SCP to move from scientific observation (e.g., evidence that availability of guns is a cause of gun violence) to a policy (e.g., criminalizing the ownership, use, or manufacture of guns) entails a large leap that leaves science behind and enters the murky fields of values and politics. In this respect, criminology has lagged behind other fields of science such as environmental pollution and climate change whose findings have motivated their advocates to convert their science into public policy, often with political and controversial results. For example, if

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THEFT, *supra* note 56.

<sup>84</sup> For a general overview of the SCP approach, see Clarke, *supra* note 10; Mayhew et al., *supra* note 10.

<sup>85</sup> SCP has addressed this issue in a number of ways, such as the CLAIMED framework discussed above. In addition, Kennedy's innovative work on gun crime and open drug markets highlights the importance of leverage in influencing people's behaviors. See David M. Kennedy, *Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention*, 31 VAL. U. L. REV. 449 (1997). This strategy relies upon cooperation between the police and community organizations and uses specific deterrence to "deter" particular chronic offenders by informing them that continued misbehavior will result in targeted arrest, prosecution, and enhanced sentences.

we take the public health problem of obesity and the presumption that it is the intake of too much sugar that is the cause, we may follow SCP's first guiding principle and increase the effort needed to consume sugar. The final social policy, expressed in regulations as in New York City, may be to forbid the sale of sixteen-ounce containers of soda.

One can see, however, that it is a leap from the scientific observation that individuals become obese because of the intake of too much sugar, to the final policy that forbids the sale of large containers of soda. This response was massive and general, but it was directed at a highly specific target. That this intervention will reduce the sugar intake and presumably solve the public health problems of diabetes and obesity of New Yorkers seems to anticipate the science rather than follow it. The scientific thing to do—evidence-driven public policy—would be to first assess if the proposed intervention is plausible *a priori* in terms of tested theory, and, if so, assess its effectiveness.<sup>86</sup> One possibility would be to run trials to determine whether legislating against the sale of sixteen-ounce sodas actually does reduce sugar intake among New Yorkers. To put it another way, it is one thing to observe that sugar intake is bad for one's health; it is another thing to legislate the reduction of sugar intake even though, from the SCP perspective, making sugar less accessible (increasing the effort needed to obtain sugar) fits nicely into SCP's guiding principles of the Twenty-Five Techniques. SCP has always acknowledged that just because a policy *could* be implemented does not mean it *should* be employed. Those charged with designing the interventions are encouraged to weigh individual privacy and other rights with public safety and community concerns to devise the type of prevention policy society is most comfortable with.<sup>87</sup>

In fact, policy statements directed against specific crimes with the goal of preventing them everywhere<sup>88</sup> are commonly met with cries of overbearing control.<sup>89</sup> These policy statements, after all, seek to prevent crimes before they happen (as in preventing cancer).<sup>90</sup> But preventing

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<sup>86</sup> See generally Mike Maxfield, *Evaluation for Everyday Life*, in THE REASONING CRIMINOLOGIST: ESSAYS IN HONOUR OF RONALD V. CLARKE, *supra* note 5, at 119 (discussing evaluation research).

<sup>87</sup> See Marcus Felson & Ronald V. Clarke, *The Ethics of Situational Crime Prevention*, in SITUATIONAL CRIME PREVENTION 197, 199, 215–16 (Graeme R. Newman, Ronald V. Clarke & Shlomo G. Shoham eds., 1997).

<sup>88</sup> This appears to reflect a contradiction, since if the crime is specific it could not occur everywhere. We return to this difficulty later.

<sup>89</sup> See GARLAND, *supra* note 71, at 170–71.

<sup>90</sup> We recognize, as was pointed out to us, that policy statements are not limited to regulation. Indeed, they often take the form of advice such as publicity campaigns designed to encourage or discourage behavior such as the “Don’t drink and drive” and “Lock it or lose it” campaigns. See Scott, *supra* note 29, at 399–400.

cancer appears to be a more popular justification for issuing blanket policies advocating social control, perhaps because particular corporations with deep pockets have been successfully sued for causing cancer. Social critics like Garland have imagined the onset of the “culture of control” and blamed SCP for it,<sup>91</sup> yet they withhold criticism of the government entities and regulations that now control the tobacco industry.<sup>92</sup>

A more complicated criminology example is the recent interest among some criminologists in “green criminology,” especially crimes against the environment. These criminologists have been joined by climatologists and other natural sciences in claiming that all of this pollution has caused climate change and that immediate action must be taken to address this problem. In the realm of criminology, Newman has observed that “radical criminologists” have taken just one position on this problem: they define environmental pollution as a crime and advocate that it be punished in the traditional manner (i.e., fines, prison, shaming, etc.).<sup>93</sup> This approach is, from the SCP point of view, traditional rather than radical, since it directs its concern against the offenders rather than the situational environments. Newman asks the rhetorical question, what if we were to treat carbon production as a market problem rather than a crime problem?<sup>94</sup> Which would be the most effective in reducing carbon? Even if we had such research, we would only be halfway there in terms of policy. The next step in formulating policy requires an assessment of costs, benefits, and values mixed in with the persuasiveness of the scientific findings. In the field of climate change, this process can take on quite remarkable contortions. The advocates who are scientists use the authority of science to claim that their problem trumps all other problems (e.g., world hunger, economic development). And the scientists who disagree are disparaged as skeptics, even though healthy skepticism is a hallowed principle of the scientific method.

We hasten to add that we do not take sides on this issue. We simply use the climate change controversy to illustrate what may lie ahead for criminology as it moves increasingly into the realm of crime prevention. SCP is at the forefront of this frontier and has much to offer mainstream criminology. It may be argued that the controversies and issues of value are good reason for mainstream criminology to stay away from policy and

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<sup>91</sup> See GARLAND, *supra* note 71, at 103–38, 170–71.

<sup>92</sup> There are many ways in which modern society has become one of control, but this has little to do with SCP’s advocacy of various interventions. Rather, one might argue that technology and historical conditions have been kind to SCP.

<sup>93</sup> Newman, *supra* note 63, at 89.

<sup>94</sup> Newman, *supra* note 63. For the sake of this example, we assume that the science pronouncing carbon as a threat to life on earth is valid.

defend the (presumed) neutrality of scientific criminology. However, modern technologies like social media, communications, and information technologies, bring with them new forms of crime along with the technologies of control designed to prevent them. Such technologies include surveillance and geospatial analysis linked into immense databases of personal information. Furthermore, the criminalization of terrorism will force criminologists to acknowledge the political nature of crime and both the necessity and difficulties in constructing policies to prevent it.<sup>95</sup> These changes in the nature of crime as well as the possibilities to prevent it are already upon us. Like it or not, mainstream criminology will be dragged into the policy challenges of the preventive crime control in the near future. This paper has shown that SCP has already made great strides in this direction, but that the way forward, especially in terms of evidence-based crime prevention, faces many difficult challenges with respect to preserving and carefully defining the important link between science and policy.

#### CONCLUSION

In this Article, we have shown that Situational Crime Prevention, an action-oriented approach in criminology, could be harnessed to develop policies at the macro and local levels of society in the service of crime reduction. The graded approach that we have outlined for linking the macro and local levels of analysis in terms of problem definition and response provides a general framework for moving forward. Our goal in this Article was to outline a new criminology of social control. We view its publication in this particular journal, which deals in parallel fashion with the topics of criminal law and criminology, as highly appropriate and significant. We have shown that Situational Crime Prevention holds the key to spanning the gap between these two fields. This gap is rapidly being filled by an immense array of regulatory activity by governments at various levels and by innovative efforts on the part of corporations to circumvent, exploit, and comply with regulations aimed at the reduction of crime and other social problems. While the traditional response to crime is punishment administered by means of the criminal law and the justice system, SCP demonstrates that there are many alternatives to—including variations of—punishment in solving crime problems.

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<sup>95</sup> For a discussion about the politics surrounding terrorism prevention policies and migration legislation, see CLARKE & NEWMAN, *supra* note 38, at 139–55.