

A BRIEFING ON TRENDS, IDEAS, VISIONS AND POSSIBLE FUTURES

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While the nature of crime changes and our society evolves, our prisons remain the same. They have walls and other barriers, to confine inmates and restrict movement; they have wardens and guards to monitor and punish — but studies regularly show that imprisonment does not reduce future offences.

So what should we replace it with?

POPULAR CULTURE AND PUNISHMENT

By Sohail Inayatullah

One way to understand the futures of crime is through popular movies. In the 1976 American movie *Logan's Run*, for example, living past the age of 30 was in effect a crime. Population and the consumption of resources were maintained at a steady state through policing. Demography was the primary issue. And as we rapidly age throughout the world, criminal activity toward the ageing is likely to increase and new crime categories, unthinkable today, will be created.

In the 1982 *Blade Runner*, the criminals were replicants — biogenetically engineered individuals who performed tasks that humans did not want. They were banned from Earth, and if they secretly returned, they were hunted down and “retired” (permanently turned off) by “Blade Runners” (police specialists). Crime was associated with the undesirability of co-existing with a new species (one that, ironically, we created).

As the science and technology revolution continues to explode in the real world, certain new crimes associated with out-of-control robots and vicious digital viruses are likely to increase and become far more serious threats than they are today.¹

Not only are the dangers greater, but the science and technology revolution is providing new tools to address crime. For example, new forms of lie detection, based not on anxiety but on brain scanning, are likely to enhance the likelihood of apprehending

criminals. A woman in India has already been found guilty of murder as a result of brain scan evidence in 2008.² The 2002 movie *Minority Report* takes this much further when a number of psychics gain the ability to predict crime. Police appear at a crime scene just before the criminal act is actually committed. However, and not surprisingly, mistakes *are* made. Eventually the programme has to be abandoned, but not before considerable harm has been done. In the real world, we must increasingly expect very varied attempts to intervene *earlier* in the crime cycle. These will likely be in the form of enhanced surveillance technologies: from cameras in the sky to bio-monitoring cameras in the body.

As climate change continues to disrupt the planet — creating droughts, floods, tidal waves and typhoons, to begin with — the move toward sustainability will no longer be merely a feel-good green option; rather, it will become mandatory and need to be policed. Environmental crime — crimes that make an ecosystem more vulnerable, at national, corporate and personal levels — will grow. As regulation thickens and expands, police and others branches of law enforcement will be called in to ensure compliance. Unfortunately, given that policing tends to be reactive — waiting for legislatures and judiciaries at the nation-state jurisdictional level — they are unlikely to have the necessary skill sets to proactively and transparently police new

fields — ageing, environment, cyberspace, global, genomics, and more later on.

SCENARIOS FOR FUTURE PRISONS

What of the future? Will prisons remain stable? Even though we may know the drivers of the future — globalisation of law, dramatic revolutions through genomics and digitalisation, climate change and the quest for sustainability, an ageing population in the developed world and a youth quake in Southwest Asia and Africa — their trajectories remain uncertain. Many unforeseen variables may also impact the actual future that emerges, and the future is uncertain, created by complex dynamic and adaptive conditions, including the agency of humans desiring to create a better world — thus the need for alternative scenarios of prisons and criminal justice.

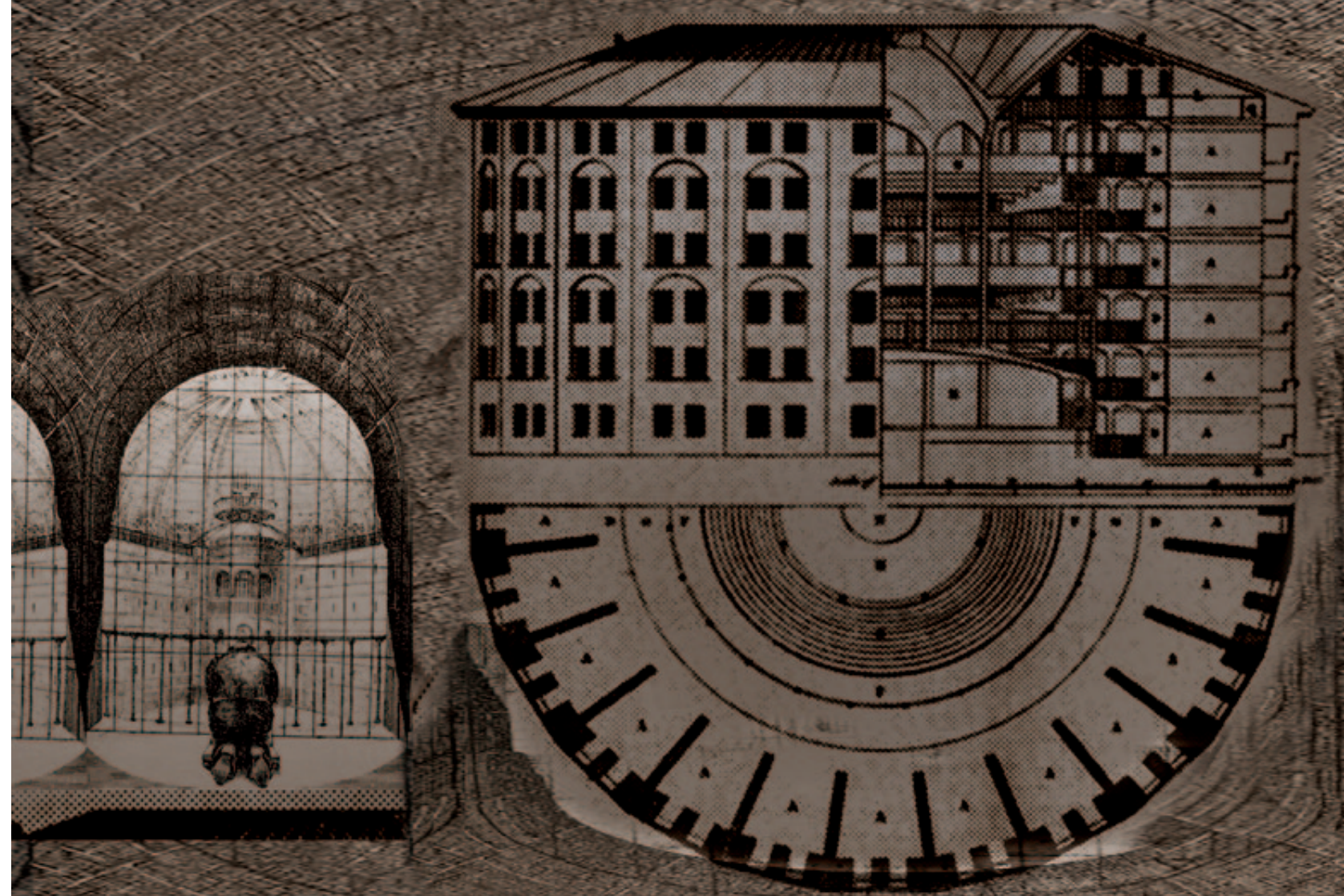
Prisons Forever: This scenario forecasts still more prisons, more overcrowding, more law and order, with only minor and occasional swings to rehabilitation. Generally the focus is on the victim, crime prevention through increased policing and incarceration.

Police are expected to mediate less and use more force. Judiciaries are expected to increase the length of sentences. Legislatures are expected to pass tough laws and reduce the flexibility of both police and courts. The end result is possibly increased crime, as offenders are not effectively rehabilitated.

The drivers creating this future are the “Law and Order” paradigm, the needs of the prison-industrial complex, and media and political rhetoric. Winning political power (at least in the short term) tends to require a peace-through-strength approach with a promise for more funding for security forces and a tougher stance on offenders.

Prisons Transformed: In this future, the intention is to achieve better outcomes within prisons (as well as after release) through (a) better prison design (for different types of offences, better lighting, paint, environmentally sensitive), (b) cognitive and yoga therapy for inmates (c), a concern for the long term health, education and human rights of prisoners, and (d) other positive interventions. Prisons are considered correctional facilities. The goal is to reintegrate, as much as possible, offenders

“Prisons and correctional facilities thus transform into learning organisations instead of being walled-off cities for the least desirable.”



into society. All stakeholders are consulted in this process from citizen groups, the judiciary, the police, non-governmental organisations and victim groups.

The drivers creating this future include the failure of the current model (overcrowding in prisons, increased violence in prisons and increased cost of prisons), a rapidly ageing society, the globalisation of human rights and human rights organisations, and the “what works” prison policy approach.

Community Alternatives: A third scenario focuses on community alternatives, including restorative justice and community building. Electronic monitoring and bio-monitoring allow increased mobility and surveillance. Through the use of digital tagging, safe zones are created. Surveillance comes from neighbourhood residents and police. As much as possible, community reintegration is practised. This occurs as the world view has shifted from punishment to correction. A small percentage of highly violent offenders still end up in prison; but generally, the expectation is that the “punishment” model of justice is too costly and ultimately ineffective, especially in an ageing society. The prison ceases to be a physical impound and becomes more and more a digital space.

The drivers here include the impact of pro-rehabilitation criminologists; the rise of East Asian collectivism; the professional ideology of “what works”; the search for “community” in an increasingly fragmented world; the need for cost savings; demographic changes, and new technologies. While the “Prisons transformed” scenario changes the nature of prisons, in this scenario, pre-prison and post-prison are where interventions occur.

Prevention: A fourth scenario ensures that societal conditions are changed so that individuals rarely have to go to prison. Prevention has numerous dimensions, such as keeping families together, counselling for abused adolescents, better policing and digital surveillance (reducing the opportunities for crime), transforming prisons using bioscience intervention by identifying high-risk individuals, and creating a more equitable society.

Finally, the number of individuals in prison is seen a sign of societal maldevelopment. Prevention is rigorously measured in policing and in prisons.

The drivers here include a swing away from punishment, evidence-based criminology, a social welfare state, the human genome project, and other scientific breakthroughs in the life sciences.

Punishment Plus: Along with these four divergent scenarios there are other possibilities such as the integrated “Punishment Plus?” In this future, the correctional system has elements of punishment and strong dimensions of rehabilitation. In this system, instead of being swayed all the time by politicians, scientific policy studies inform prison design and correctional policies. Thus, along with the prison, the system focuses on cognitive skills and a rehabilitative behavioural programme. It is restorative and yet also preventative. It is punishment focused enough so that the rhetoric of political leaders allows professionals in policing and corrections to “get on with their job.”

PRISONS AND THE JUSTICE SYSTEM AS A LEARNING ORGANISATION

While the previous scenarios are based on external conditions, it is important for organisations to consider futures where they have enhanced agency. One could thus imagine a corrections system or policing or an entire justice system that was smart, adaptive and learning based, working to not only ensure that crime was prevented, but also restoring persons and community. In this proactive future, the Department of Justice with extensive stakeholder consultation (citizens, all sub-systems, the clients, media) instead of being the recipient of external change creates its desired future. The challenge would be to ensure that humane and ethical innovation was central to prisons and policing, instead of tolerating a laggard institution stuck in the medieval and industrial era. Prisons and correctional facilities thus transform into learning organisations instead of being walled-off cities for the least desirable. For this to occur, prisons need to adapt to the changing world, instead of confining those who are unable to. ■

ABOUT THE AUTHOR

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NOTES

- 1 James Dator, www.futures.hawaii.edu/dator/courts/crimedontpay.html. Sohail Inayatullah, “Futures Research in the Hawaii Judiciary: An Overview,” *World Future Society Bulletin* (Vol. 17, No. 6, 1983).
Sohail Inayatullah, “The Rights of Robot: Inclusion, Courts and Unexpected Futures”, *Journal of Futures Studies* (Vol. 6, No. 2, November 2001), 93–102.
- 2 www.wired.com/wired/archive/14.01/lying.html. Also see, Elizabeth Robinson, “Brain scan lie detection,” www.policyinnovations.org/ideas/briefings/data/000172.
While the evidence remains mixed, certainly neuroscience information carries with it the allure of certainty. See: Deena Weisberg et al, “The seductive allure of neuroscience explanations,” www.yale.edu/cogdevlab/articles/The%20Seductive%20Allure.pdf.

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EXPLOSIONS

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