

Chapter Five

This is Not Minority Report

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“I’m tired. I’m tired of the future.”

—Agatha, from *Minority Report* (2002)

In November 2015, writer and antiracist activist Shaun King penned a widely circulated op-ed in the *New York Daily News* titled “Predictive Policing is ‘technological racism.’” In it, King raises a version of what data scientists call the “garbage in, garbage out” problem. In so many words: Any automated system will only ever be as good as the data it is based on. The racist history of American policing means that any predictive system’s data is garbage. Therefore, predictive policing programs will be racist garbage (King 2015). This is true, but the framing raises an inevitable counterpoint. If it were possible to account for that history and code it out – in effect to unskew the data – wouldn’t predictive policing be an improvement over the status quo? Isn’t relying on the insights afforded by an impartial equation interpreting hard math preferable to the possible prejudices of a “bad apple” beat cop?

This is the problematic that, in the last decade, has dominated debates around predictive policing technologies. Skeptics point to the fact that a predictive policing system based on past police practice will reproduce the racial, sexual and classed structures that organize state violence (Selbst 2017). This is as obvious to developers as it is to their critics, and they have

increasingly cast their surveillance net across an ever-widening spectrum of daily practices and affects in order to code their way out of “bias” (Ferguson 2017).

But the terms of this debate are wrong. They revolve around an essentially liberal, reformist concept of policing that obscures the broader and more fundamental violence enacted by digitizing the decision-making capacities of the carceral state (Beckett and Murakawa 2012). This depends on assumptions that I hope to dispel in this chapter. First, that people do something that is called “crime” outside of a relation with something called “the police.” Crime does not exist prior to policing. Policing produces crime (Hall et al 2013, Muñiz 2015). Second, that policing can, has, or will exist separate from the active production of racial difference. Policing does not have a “racist history.” Policing *makes* race, and is inextricable from it (James 2007, Hernandez 2010, Amar 2010). Algorithms cannot “code out” race from American policing because race is an originary policing technology, just as policing is a bedrock racializing technology (Browne 2015, Moncada 2009). Third, that policing has limits – that there is some sort of ontological red line beyond which policing cannot traverse. That has never been true, but criminal justice agencies’ adoption of digital computers and data mining technologies has triggered a sort of generalized carceral unheimlich (Harcourt 2011, 2015). Who knows what the computer knows about us (Cheney-Lippold 2017, Bratton 2015, boyd and Crawford 2012)?

And it is that sensation – that affective prime – that Predictive Policing troubles the most (Massumi 2002, Thacker 2005, Puar 2007). It is what inevitably points discussion of the technology back to its magnetic north: *Minority Report*.

There are two *Minority Reports* worth mentioning. The original is a typically paranoid Philip K Dick Story from 1956. Steven Spielberg adapted it for Twentieth Century Fox in 2002, and cast Tom Cruise as the leading man. They’re normally framed as futural, dystopian warnings

against concentrating technological power in the hands of the state. But presenting them in this way misses a more fundamental point. The future is already here, and it always has been (Fouché 2012). Both *Minority Reports* are stories about American racial capitalism's intrinsic entanglement with eugenics, carcerality, and enslavement (Bliss 2012, Duster 2012, Nelson 2016).

In Dick's version, the national state abducts children born with hydrocephaly and transforms them into living computers. They're interred for life in the basements of government bureaus and financial houses where machines extract short-term prophecies. Police have eliminated crime by preemptively placing people that the "precogs" envision breaking the law in detention camps indefinitely without trial.

Spielberg re-sets the story in near-future Washington DC in the wake of an epidemic of a drug he calls "neuroin" (a thinly veiled stand-in for heroin and crack). In the story, the impure form of the drug to which the poor have access causes neonatal brain damage in children. It turns out that some of these children can "see" future murders in their dreams. The police take advantage of this by enslaving the children, permanently sedating them, and arresting the people that they dream about. Rather than the mass camps of 1956, the condemned of 2002 are rendered forever unconscious and interred in individuated cubby cells where they remain on life support until they die.

Both stories' plot follow Anderton, the head of the Precrime department, as he tries to clear his name after precogs name him a future murderer. He sort-of succeeds, although in neither case is the Precrime system "wrong." At any rate, more important for our purposes than the travails of a self-pitying white hetero police officer are the ways in which the stories depend on reproducing American matrices of domination (Hill Collins 2000). The "precog mutants" in

Dick's story are "babbling idiots" and "monkeys." Their prisons are "monkey wings." They're presumed not to feel pain, or have emotions, or mind their enslavement. They're tools, and nothing more. They waste away quickly, and die young. The society built on their labor cannot survive without them. They quickly disappear, unmissed, from Anderton's narrative. This American honesty is altogether too real for Spielberg, who recasts socially dead precogs as "oracles" in one unit in one controversial police department. The action centers on a national referendum on whether to expand the program.

We can trace a particular liberal-reparative trajectory of thought across these two narratives. Dick's future is a relentless nightmare in which wealth accumulation, mass incarceration, and state power mutually articulate one another. The cyborg labor of the enslaved, justified by eugenicist ableism, is taken for granted and goes unquestioned. Not so for Spielberg, for whom Precrime is an unfortunate excessive moment, out of character with the nature of American power. The unfortunate ill use of human beings in the service of security is merely a temporary and isolated failure to live up to enduring American egalitarian-democratic norms. Spielberg's movie, in other words, is a fable. It is a warning, rather than a critique. He gives the impression that the carceral state and American racial capitalism are not intrinsic to one another, or that the techno-scientific ratchet of police power is up for popular debate. Dick, more accurately reflecting American history, doesn't bother.

It is little surprise then that Spielberg's spurious liberal humanism animates the debates around Predictive Policing. In posing technoscientific police overreach as a problem that can be addressed, it doubly articulates as a parable whose lessons can be learned. That this deliberately and programmatically elides the racial, sexual, and ableist logics that are the condition of possibility for the neoliberal warfare state's political economic structure is, of course, the point

(Gilmore 1999, Mckittrick 2013, Johnson 2013, James 2007). Prediction is, in fact, supposedly meant to alleviate those very logics of inequity all while denying their centrality to American social organization (Fourcade and Healy 2013, Duster 2012, Gandy and Baruh 2007). And so, the job of social improvement redounds once again to the police who, in our democratic state, can supposedly “learn the lessons” of *Minority Report*.

In 2013, the RAND corporation released a report called *Predictive Policing: The Roles of Crime Forecasting in Law Enforcement Operations*. In a subchapter titled “The Nature of Predictive Policing: This is Not *Minority Report*” the authors note that “‘predictions’ are generated through statistical calculations that produce estimates, at best; like all techniques that extrapolate the future based on the past, they assume that the past is prologue” (Perry et al 2013, 8).

That all past is prologue is what speculative fiction assumes. Dick, writing in the 1950s, imagines detention camps full of people rendered criminal by a paranoid state. Spielberg, fifty years later, barely bothers with implication, when he names the drug that ravages America’s poor “neuroin.” But if in both cases the science fictional points to a real of mass incarceration and organized dispossession, it also enacts a “forgery of memory and meaning” that rewrites the history of American democracy as somehow apart from the history of racial oppression and exploitation that is both the real and the imagined world’s condition of possibility (Robinson 2007, Harvey 2009, Singh 2017). In the original, race is notably absent. Considering how closely the tactics of the police state seem to be patterned on the internments of Japanese Americans in World War II, and how clearly the justifications for enslaving the precogs are based on eugenic ideologies of racial difference, it is telling that Dick never mentions race. But if Dick fails to acknowledge the racial structure of his dystopia, Spielberg’s film actively disavows it.

Choosing, in 2002, to cast the instigators, tools, and victims (not mutually exclusive) of speculative state violence as entirely white is a predictable erasure that underscores what Frank Wilderson (2010) calls “socially engaged feature film’s...bad faith of civic invitation.” *Minority Report* restages the racialized violence of the heroin and crack crises and crackdowns as speculative fiction: What if, in a dystopian future, the government invoked a drug epidemic to justify expansive and preemptive violence against the vulnerable? That Hollywood’s capacity to think abstractly about questions like carceral violence depends on the sanctity of white bodies is not news. But it is telling that imagining an overreaching predictive future necessarily erases the certainty of past violence.

It is this particular type of amnesia that RAND researchers demonstrate when they defend predictive police technologies on the grounds that “the results are probabilistic, not certain” (Perry et al 2013, 8). Quantifying American policing’s racist history does, in fact, certify the results of prediction. The penal consequences of transforming ruling ideologies of racial difference into quantitative techniques for improving efficiencies and “objectivity” are not speculative. They are historical fact (Muhammad 2010, Hinton 2016, Harcourt 2007). It is not a surprise that contemporary studies confirm that predictive policing ratchets up the state violence (Lum and Isaac 2016).

RAND’s argument “the results [of predictive policing] are probabilistic, not certain” is cunning. It reassures that probability doesn’t threaten liberty, individualized suspicion, and protection against unreasonable search and seizure. That such formalities have not, do not, and cannot secure the well-being of those who are exploited and oppressed by American racial, sexual, and class structures is an obvious and predictable problem with RAND’s case (Gandy 2009, Noble and Tynes 2016, Nakamura and Chow-White 2012).

Nevertheless, I take the RAND Corporation at their word on two counts: That all past is prologue, and that it is therefore the ontological ground that organizes livable lives (Gordon 1997). Advances in the logistical capacity to deploy and circulate police forces will “probably” reproduce and expand carceral violence. Christina Sharpe (2016) has recently theorized that the racist contours of American history are such that we live “in the wake” of “the still unfolding aftermaths of Atlantic chattel slavery” (Sharpe 2016, 2). In that wake

The semiotics of the slave ship continue: from the forced movements of the enslaved to the forced movements of the migrant and the refugee, to the regulation of Black people in North American streets and neighborhoods, to those ongoing crossings of and drownings in the Mediterranean Sea, to the brutal colonial reimagings of the slave ship and the ark to the reappearances of the slave ship in everyday life in the form of the prison, the camp, and the school (Sharpe 2016, 21).

Commercially available software does not and cannot “know” who will commit what crimes, or when. It will never “know” such things because crime is a social relation produced by the state and the police. It does not exist outside of state interdiction. More profoundly, the organizing logic of American criminal justice is not premised on individuated guilt and punishment, but on “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death” (Gilmore 2007, 28). That is to say that it is premised on racism. In the inverted world of predictive policing, group-differentiated vulnerability is translated into probable criminal “risk.” Predictive policing software uses almost every conceivable measure of vulnerability and victimization under American racial capitalism. It translates lived realities of oppression into a speculated likelihood of something called “crime.” In doing so, it rationalizes the lie that black, brown, queer, and poor people and the

places where they live are intrinsically threatening to the broader public (McKittrick 2007, Shabazz 2015). This digital reformulation of the “dangerous poor” is deracinated and re-presented as hot spots and “mission areas:” a “prescriptive” geography digitally manufactured to legitimate proactive police incursion (Hunchlab 2016, Weisburd and Braga 2006). And it is on the basis of this manufactured geography of “high risk,” with that designation’s concomitant relaxed “standards for what constitutes reasonable suspicion” that predictive policing programs proceed (Miller 2017, Perry et al 2013, 124). “Labeling areas as “at-risk” appears to pose fewer problems to police departments because, in that case, individuals are not being directly targeted. The US Supreme Court has ruled that standards for what constitutes reasonable suspicion are relaxed in “high-crime areas” (Ferguson and Bernache 2008).

Leading predictive policing programs like PredPol and Hunchlab mine social data, employ prevailing criminological theories to model it, and project these models into the future as geospatially rendered probabilities of violence and disruption. Police commanders then direct units to respond to the map. Predictive Policing systems are labor management tools. They leverage the digital information infrastructures of computational capitalism to occult the American carceral state’s constitutive “population racism” (Gilmore 2007, Clough and Willse 2010). Systems like HunchLab do not only rely on crime data to make their predictions. Instead, they blend mundane police surveillance like Request for Service (911) calls with punitive renderings of the built environment (tracking for items like number of take-out restaurants, schools, or bars within a geographic range), and cosmic processes (weather, time of year) to “forecast” where and when crimes are most likely to occur, and direct police power accordingly.

But, while this sort of “holistic” surveillance may correct for “bias” in police reports, it does so by mobilizing an American political economic infrastructure that defines group-

differentiated exploitation and death as normal, and depends on its racialized maintenance to function (Robinson 1983, Gilmore 2007, Beller 2017). When companies like Azavea build “race blind” algorithms to model future crime, they are not working against the deathly organization of American populations (Moten and Harney 2013). They are (at best) simply denying the entanglements between race, carcerality, and capital.

The effect, as Safiya Noble (2013) argues in her critique of Google Search, is to reconstitute “race” as an unspoken and unspeakable remainder, rather than an axial structure of American political economy vgm mnj. Or, as Noble puts it:

This rhetoric of post-racialism and colorblindness places the onus of discrimination or racism on the individual, or in the case of Google, on the algorithm. Rather than situating problems affecting racialized groups in social structures, those who call attention to the problems are made the problems themselves.

What follows, then, is not intended to evaluate the effectiveness of a particular algorithm. Instead, I interrogate how predictive policing produces and regulates populations for control, containment, and extraction. In the first section, “The Fix Is In,” I discuss a leading contemporary predictive policing product in order to examine the logics underlying the development and deployment of predictive policing systems. Most arguments in favor of predictive policing rest on a purported ethic of care and remediation. But the recourse to digital transparency is in fact a product of surveillant regimes of violence (Glissant 1997, Blas 2013, Lyon 2011, Ball and Snider 2013). Predictive policing systems refigure contact between the police and the policed as a site of punitive data accumulation. This, in turn, feeds a self-

sustaining logic of intelligence gathering, so that reformation becomes indistinguishable from technologies of sovereign control (Deleuze 1992).

In the second section, “Fixed In Place,” I re-read the *Minority Report(s)* through an engagement with Sharpe to show how the fantasies and fears that animate much of the discussion around predictive policing reproduce virulent racial logics. I want to take Sharpe’s concept of the Weather as a ground to think through the deferrals and refusals of racialized life in the algorithmic architecture of predictive policing. This means pushing past the insufficient critique that such systems *run the risk* of reproducing racial inequalities. Rather, producing racialized oppression *is all that they can do*. Predictive policing depends on a “common sense” that criminalizing the characteristics of a settled community is ameliorative, rather than constitutive, of population racism (Ferguson 2017, Perry et al 2013). But systems like HunchLab go even further and enlist the planet itself as an agent of racialized state power, by rendering “criminogenic” the temperature, rain, and wind: or, the weather.

I conclude the essay by returning to the “Minority Reports” and offer the not-so-radical idea that we are better off without them. Dystopian fiction has its uses and its pleasures, but combatting American penal democracy demands an expansive imaginary of radically other worlds. That speculative fiction exists. The excellent *Octavia’s Brood* (2015) is an example of the work that can and must be done to make the change that’s needed: to not merely make the world a better place, but instead create a wholly different one.

The Fix Is In

Predictive policing gained popularity during the budget crises created by the Great Recession of 2007-2009. In November 2009, then-LAPD Chief of Detectives, (and current Chief of the

LAPD) Charlie Beck and data scientist Colleen Mccue laid out in *The Police Chief* the first full-throated rationale for the “Public Safety Community’s” adoption of “advanced analytics” innovated by Wal-Mart and Amazon. Beck and McCue argue that widely adopting predictive data mining techniques would reveal non-intuitive relationships that would enable officers to “enter the decision cycle of our adversaries” in order to develop “preventing, thwarting, and information-based response.” Beck and McCue imagine that such a process would increase departmental efficiency, and allow officers to “do more with less,” making up for recessionary shortfalls in personnel (Beck and McCue 2009). This, in turn, would allow the police to focus on “measuring what matters” in “underserved” communities and would allow the police to do the “real work” of “fixing” public safety (Langworth 1999, Beck and McCue 2009).

Beck and McCue’s article ran just before the National Institute of Justice held the first of two national symposia on Predictive Policing technology. Laurie O. Robinson, the Assistant Attorney General for the Office of Justice Programs argued that the aim of the symposium was two-fold. The first was to define predictive policing. The second was to “communicate what we’re doing in terms that the community can accept” in order to “convince the public that we’re acting in good faith” (Robinson 2009, 18). The second goal overshadowed the first. Over the course of the symposium, participants worried about how to convince a skeptical public that the police’s goal is to be “less intrusive, not more,” and to excise “that old Tom Cruise movie *Minority Report*” from their imaginations (Robinson 2009, 18). Or, as Chief Jim Bueerman, of the Redlands California Police Department put it, “predictive policing holds the promise of enhancing police legitimacy in the community” (Bueermann 2009).

The repeated invocation of negative perceptions and compromised legitimacy in the “community” belies the work that that term does as racial euphemism. Polls of public attitudes

towards the police consistently show sharp divergence between racial groups, with white Americans ranking the police as one of the most trusted institutions in the country, and black Americans significantly more skeptical. There are specific “communities” in which the police face a legitimacy crisis, and they are not usually white (Newport 2014, Morin and Stepler 2016).

The utility of this “community” euphemism is multiple. Disavowing race facilitates the increased policing of black and brown places that are defined as inherently and overwhelmingly deviant and criminal rather than not white (Muhammad 2010, Ferguson 2004, James 2007). They are therefore, based on “the facts,” the targets of police attention. In the first NIJ symposium Dr. Theron Bowman, the chief of Police in Arlington Texas, showed exactly how this process works:

Describing his department’s working model of predictive policing, he explained that Arlington PD uses “code violations” as a marker of “social disorganization” to identify “fragile neighborhood[s] (Bowman 2009).” Police then use this identity to allocate resources and thereby “prevent” crime. In 2016, according to the Arlington Police Department’s own analysis on racial profiling, “African” and “Hispanic” motorists combined made up 56% of all traffic stops (Del Carmen Consulting 2016). “African” motorists accounted for 34%, and “Hispanics” 22%. Those groups cumulatively make up 33% of the households in the city “with vehicle access” (“Africans” accounting for just 14% of those households). According to Census View, as of the 2010 census, Arlington is 18.8% black, 27.4% Latinx, and 59% white. Arlington police officers reported that, of their 112,004 vehicle stops in 2016, they knew the driver’s “race or ethnicity” prior to stopping in 26.04% of cases. This discrepancy has one of three explanations: 1) the police are lying, 2) black and Latinx people are terrible drivers, or 3) the police are particularly active in black and Latinx neighborhoods (presumably because they are “fragile”).

Finally, the “community” euphemism facilitates the transformation of race into metrics that opens up policing to liberal logics of care, accountability, and objectivity. If, the thinking goes, police work can be based on the numbers, then policing can be made truly objective (Amar 2010).

Azavea, the software company that makes the Hunchlab predictive policing system, is an excellent example of how liberal egalitarian ethics expand the datafied imaginaries of a morphing carceral state (Reddy 2011, Murakawa 2014, Melamed 2011). Azavea is a “Certified B Corporation,” meaning “a for-profit company with a social mission.” Their mission is “to apply geospatial data and software to create more sustainable, vital and livable communities while advancing the state-of-the-art through research” (Azavea 2015). HunchLab 2.0 is their effort to repair policing. Azavea describes the product as “a web-based proactive patrol management system. Advanced statistical models forecast when and where crimes are likely to emerge” and specialize in “*figuring out the best way to respond*” (Azavea 2017 Emphasis added). To that end, they “pride [themselves] on transparency, a commitment to reducing harm associated with over-policing, and a focus on helping officers find the best tactical solutions to improve their communities” (Azavea 2016).

In pursuit of this mission, Hunchlab offers several services to police departments. First, a mapping tool called “Predictive Missions” that trawls available databases to automatically generate “Missions.” Unsatisfied with crime forecasting models that focus on crime reports, Hunchlab dramatically expands the scope of its analysis:

For example, we can incorporate concepts such as: temporal patterns (day of week, seasonality); weather; risk terrain modeling (locations of bars, bus stops, etc.);

socioeconomic indicators; historic crime levels; and near repeat patterns. The system automatically learns what is important for each crime type and provides recommendations of where to focus the resources that you have available. If you don't have particular datasets (such as bars or bus stops), the system simply adapts to use the data available in a given jurisdiction (Azavea 2015, 10).

The “Missions” are geographically and temporally specific crimes that the program deems most likely to occur, most likely to be preventable by police patrol, and calibrated for optimal “dosage” (the company’s term for optimal number of missions in a particular neighborhood). It arrives at these recommendations in a few ways. It “uses ensemble machine learning approaches” that incorporate and analyze data associated with a variety of crime forecasting models. Then, it displays a chart showing how effective a particular theory is at explaining the likelihood of a crime. It compiles this with “patrol efficacy” (a measure of patrolling’s impact on the incidence of the crime in question) and “severity weight.” The “severity weight” is evaluated in dollars of “sum to predicted cost of preventable crime” crossed with the value of allocating patrol resources to prevent that crime. In the case of rape in Lincoln Nebraska, the dollar value of the crime is evaluated at \$217,866. But the likelihood of preventability, apparently zero, makes it “not really that important in terms of allocating patrol resources” (Azavea 2014). Commanders customize each crime’s “weight,” but the system measures this against the likelihood that patrolling will be an effective deterrent. It prescribes Missions based on the resulting dollar value cost-benefit analysis. Hunchlab then paints these Missions on a map that streams to officers through GPS-enabled tablets and smartphones equipped with the Sidekick app.

When Hunchlab recognizes the officers to be in a designated Mission zone, it triggers the product’s second feature. This tool, called “Advisor” suggests two tactics and asks that officers

select one. The system then starts an approximately fifteen-minute timer based on the “Koper curve,” a criminological theory that short and intense patrols are as effective a deterrent as sustained surveillance (Koper 1995).

During those fifteen minutes the officers are expected to prosecute their chosen tactic. At the end of the window, they stop, respond to an “exit question” and proceed to the next Mission. Exit questions include (Azavea 2017b)

- Did you have a positive interaction with the community?
- Did you feel that the mission location was appropriate?
- Did you feel that the risk fingerprint was correct?
- Should we send you here less often?
- Should we send you here more often?
- Should we set the mission timer higher here?
- Should we set the mission timer lower here?
- Was it difficult to patrol this location?

The exit questions are designed to collect data, which are then run through decision trees that automatically revise suggested tactics and mission prescriptions. The company also hopes that leading questions like, “Did you have a positive interaction with the community?” will affect future officer behavior by reminding them that they *ought* to be having positive interactions.

Finally, Hunchlab offers a service called “Dashboard” (funded by a grant from Homeland Security) that “automatically keeps track of key performance indicators.” Azavea suggests that Dashboard be made available to officers as well as management, suggesting that departments “keep KPIs on display in station houses through low-cost wall displays” so that “officers know

how their metrics compare to the rest of the department” (Azavea 2017). It is hard to think of a clearer realization of Gilles Deleuze’s model for “societies of control” than this (Deleuze 1992).

My description of Hunchlab raises a few points about how predictive policing works at peak benevolence.

First, Hunchlab is designed as a riposte to the largest predictive policing firm, PredPol’s methodology. PredPol bases its predictions on three variables: crime history, location, and time. It employs an algorithm originally developed to predict earthquake aftershocks to analyze that data and build its forecasts (Brantingham et al 2012). It has come under fire for being reductive, and overly dependent on biased police data (Upturn 2016). HunchLab, by contrast, strives to be as holistic as possible. It maximizes the reach of its datasets and runs a number of forecasting models simultaneously. It does so by transforming the policed “community” into a field of criminogenic data. Take-out restaurants, schools, bus stops, bars, zoning regulations, temperature, weather, holidays, and more are all assigned criminogenic weights, and analyzed based on density; a preponderance of inexpensive food options becomes a nexus of criminal activity. Gastronomy and budget transform into criminality and risk, thereby mathematizing and forecasting the “community” euphemism (Hatch 2018).

Second, the neoliberal tactics of gamification¹ and surveillance that plague the tech industry eclipse Hunchlab’s field of vision. Prediction, presented as a method of harm reduction, makes no effort to change the structural inequalities and violence of the American carceral state. Instead, Azavea relies on postindustrial labor management strategies and a framework that calculates social harm in dollar amounts to bend police agencies towards “reform.” That these techniques all systematize American racial capitalism is elided through the imaginary of neoliberal efficiency. This is the sociopathic logic of Silicon Valley: that the conflicts and

inequalities of the social world are ultimately an engineering problem borne of human inefficiency. “Fixing” those problems is merely a question of applying algorithms to mitigate the drag on the ideal functioning of the system. Doing so will, in turn, “make the world a better place.”

Finally, to quote Foucault, “visibility is a trap.” Hunchlab does not target individuals but “a certain concerted distribution of bodies, surfaces, lights, gazes; in an arrangement whose internal mechanisms produce the relation in which individuals are caught up” (Foucault 1977, 200-202). But whereas Foucault argued that the Panopticon individuates the effects of power, so that particular “inmates” learn to comport with the desired norms of the penal house, Hunchlab produces a panopticon without inmates; surveillance without subjects; criminality without criminals. Humans as such are incidental to the model and its effects (Bratton 2015). This reflects the company’s Californian Ideology discussed above (Barbrook and Cameron 1995). But it also suggests a mode of power that weaponizes transparency. The constant agglomeration and analysis of data culled from the lived existence of persons and places under American racial capitalism renders contact between the police and the policed an open moment of data accumulation. In this encounter of the neoliberal, the digital and the corporeal, the physical, metaphysical, and social violence ensconced in the mechanics of carcerality transform into anodyne “exit questions.” The company then translates officers’ responses into data, and analyzes them with automated decision trees that granulate and distribute the lived oppressions of captivating technology into a “reparative” metric of reform. Inequitable policing is not a consequence of insufficiently detailed knowledge of the working life of the police, and efforts to present it as such hide the fundamental, structural role that policing plays in reproducing inequality.

Fixed in Place

There is a moment at the beginning of Spielberg's *Minority Report* in which Colin Farrell's agent Witwer asks the Precrime unit "why [the precogs] can't see rapes? Or assaults, or suicides?" To which an agent Fletcher replies "Because of the nature of murder. There is nothing more destructive to the metaphysical fabric that binds us than the untimely murder of one person by another." Pausing, first, to reflect on the murderous work that the word "untimely" does here, the bare minimum response to this proto-All-Lives-Matter armchair philosophizing is incredulity. One wonders how many killing officers exonerated by American courts and judges would, in this alternate universe, find themselves incarcerated in the Precrime unit's meat lockers. If, as RAND reassures us, "all past is prologue," then the answer hovers near zero. Presumably, those murders were all timely.

But focusing exclusively on murders inevitably occludes the myriad ways in which social death operates in the everyday. In addition to spectacular cases of state violence, any analysis of the mechanics of the racial state must attend to "more mundane displays of power and the border where it is difficult to discern domination from recreation," (Hartman 1997, 42). This, of course, includes those instances in which racism explicitly becomes recreational qua entertainment, as in *Minority Report*. But, more broadly, it means the ways in which inequity affectively charges the *joissance* of everyday domination. To reformulate Saidiya Hartman's argument that "innocent amusements" and pleasurable sentiments undergirded racial slavery, and Cedric Robinson's point that such pleasures have remained infrastructural to American popular media technologies, we can say that: to *entertain the idea* that "crime control" can be outside, or other to racial capitalism is *to be entertained* by the notion that crime is extricable from the diamond

compression of genocide, enslavement, institutional rape, organized accumulation by dispossession, organized food insecurity, Bourbon trap economics, mass incarceration, block busting, rate busting, skull busting, school busting (this list goes on), into neutral and objective technologies of population management (Hartman 1997, Robinson 2007, Wilderson 2010, Keeling 2007). This, contra Spielberg, is the *actual* “metaphysical fabric” that binds American together.

Christina Sharpe names this set of forces The Wake. American criminal justice doesn’t detect rips in humans’ collective lifeworld. It systematically excises black and brown lives from the repertoire of “human” beings for which the carceral state bears a pastoral responsibility of care (Wynter 1985, 2003, McKittrick 2014). Noting that “the list of nonindictments in the wake of state murders of black people continues to grow: Michael Brown, John Crawford, Aiyana Stanley Jones, Sandra Bland, Jonathan Ferrell, Miriam Carey, Tamir Rice, Rekia Boyd, *” Sharpe argues that “Black being appears in the space of the asterisked human as the insurance for, as that which underwrites, white circulation as the human. Always, black beings seemed lodged between cargo and being. *Wake: in the line of recoil of (a gun). Wake: The track left on the water’s surface by a ship. Wake: the watching of relatives and friends beside the body of the dead person*” (Sharpe 2016:111).

Centering Sharpe’s analysis shows how the American carceral state reorganizes pastoral pretensions like Spielberg’s under the rubrics of data-driven strategic and tactical deployments. Spielberg’s invocation of murder as the only crime that the Precrime unit can detect is an enormous change from the Dick’s original world. Dick’s minority report is a more prescient vision of our actually existing datalogical dystopia (Clough et al 2015). The “Monkey Wings” in Dick’s story are in most government bureaus, financial houses, and industrial sites, and the

police borrowed the idea to use this captive labor from Wall Street. Real-world police borrowed the idea from Wall Street, but also from Amazon and Wal-Mart (Beck and McCue 2009).

In Dick's vision, precogs can see a variety of crimes, and officers arbitrarily decide what arrests to make. In a telling moment, Dick's Anderton pulls a stack of cards with names and crimes written on them and tosses them sight-unseen to a subordinate, telling him to "see which ones we want. Use your own judgment." Murder might be the particular crime of which Anderton is accused, but Dick's point is not to meditate on the boundaries between security and justice. Instead, his is a cold-war warning about the impact of black-boxed, unaccountably broad-based police power vested in vast and unknowable data generation.

Dick's story is also unfortunately prescient in that it tethers fear of creeping extrajudicial police power to a science fictional critique of the potential uses and misuses of digital technologies. In so doing, he and his later interlocutors (Spielberg, but also the journalists, academics, and researchers that see "The Minority Report" coming to life in contemporary policing techniques) miss the punch line that the punitive, unaccountable, terrifying organization of the relationship between police and policed is neither new nor "technological." It is, instead, an undergirding logic of the American racial state (Browne 2015, Goldberg 2002, Foucault 2008). There is obviously something deeply unsettling about one's being transmuted to "risk." But it is also telling that critics and proponents alike constantly point to science fiction to articulate this fear. For people of color, for women, for queer people, the state presumption of abjection has never been science fictional. Neither Jim Crow nor Zero Tolerance required the deployment of massive computational power. Bodies, themselves, did that work. It is the structure of American racial antagonisms rather than the advent of new technology that underwrites the biopolitics of actually existing America (Wilderson 2010). As Simone Browne

points out in *Dark Matters* (2015), biometrics is from the beginning a racial technology. It is impossible to distinguish between efforts to inscribe “race” and racial difference on human bodies and efforts to quantify, compare, evaluate, and surveil the human.

At any rate, Spielberg characteristically transforms Dick’s diagnostic of Where-America-is-Going into a morality play about the dilemma of how even good (white) men can, when invested with too much power, fray the inherent decency of American civil society. The ghost that haunts the film is the then-novel PATRIOT Act, whose effects were only in 2002 beginning to be felt, and whose novel technics of control are nodded to in the film world’s saturation with biometric technology (Deleuze 1992, Puar 2007). And, in a recuperative act of American liberal nationalism, Spielberg reimagines the actually existing surveilled, accused, hunted, detained target of the war on terror as an upstanding, heteronormative, white police officer (Reddy 2010). It is only by doing so that he can pose the question: how far is too far?

The public has widely drawn the lesson that what is at stake in debates over predictive policing is how to properly balance the legal rights of individuals with “security.” When journalists, pundits, and critics discuss predictive policing technologies, they autonomically invoke *Minority Report* (the movie) and wonder whether it could possibly be legal for the police to arrest you before you’ve committed any crime. The technical answer is no. It is legally impermissible (even if practically normal) to target and arrest individuals for crimes that they have not committed. But it is telling that, when faced with widespread public nausea at the *idea* of predictive, preemptive, proactive, prescriptive policing, defenders point to amendments one, four, and five of the bill of rights and assure the public that their programs comport with those strictures. Even if law enforcement *wanted* to take full advantage of the prognostic powers of digital technologies, the amendments formally forbid them from doing so. Though such a

legalistic defense against the absolute power of the carceral state is certainly not *nothing*, it comes close to it in a country that historically prosecutes its terrors in prideful accordance with, and in credulous defense of, the letter of its law (Spillers 2003, Hartman 1997, McArdle and Erzen 2001, Camp and Heatherton 2016).

I am arguing that predictive policing and its carceral cousins in the ever-expanding field of “data driven public safety solutions” does the ground work of methodically and methodologically organizing racial state violence. It does so, in part, by lending a putatively objective and unprejudiced veneer to the ongoing “deputization of white civil society” that stands “at the heart of the American policing modality” (Rodriguez 2006, 26). Far from the remedial gesture of course correcting failed strategies of mass incarceration, like those suggested by the President’s Task Force on 21st Century Policing (2015), data driven policing constitutes an enormous expansion of both the carceral field of vision and the neoliberal calculative logics under which racism is imagined and enacted (Clough and Willse 2010). The incorporation of ever-increasing, ever-more-granular datapoints and models aimed at building a perfectly “accurate” policing regime does not reduce harms associated with “overpolicing.” Instead, it cements a perverse digital mysticism as practical, mathematical common sense. This contemporary consensus looks to transform the affective, the climactic, and geographic into raw material for a seemingly limitless expansion of the carceral state’s datalogical paranoia.² At the root of this mission creep is not the avowedly fascist call to Make America Great Again. Instead, it is a liberal injunction to reduce harm rendered in the narrowest practical sense. That is, (to borrow Axon, formerly Taser’s slogan), to “Protect Life.” In demanding that (“all?”) life matters, reformers endlessly reenact the fantasy that metrics will absolve the state of its “prejudices,” and

fulfill the supposedly bedrock promises of a just and egalitarian nation, all the while enjoying the fruits of The Wake.

We come full circle. The Axon Corporation takes up Spielberg's formulation that there is "nothing more destructive to the metaphysical fabric that binds us all than the untimely murder of one person by another," truncates it, extends its reach, and expands its domain to "Protect Life." To that end we are offered the dystopian prospect of

a team committed to pushing the boundaries of technology to help you [read: "law enforcement, militaries, and citizens alike"] *feel more confident* in the field, at the station, and in court. From Smart Weapons, like our TASER devices, to police body cameras and digital evidence management systems, *every product works together as a single network. Seamlessly integrated. Completely connected.* And designed to help police, sheriffs, and law enforcement agencies everywhere *make the world a safer place* (emphasis added).³

This is a political formation, although it is one that companies selling criminal justice software reflexively disavow. To acknowledge *politics* rather than constitutional comportment requires acknowledgement that the *point* of digitizing the carceral is to manufacture an end run around the narrow legalistic protections nominally afforded to Americans. It is precisely the speculative use of risks, rates, and probabilities that work around these constraints while invoking a quasi-progressive adherence to "smarter," more transparent policing. And, as we have seen, advocates like Azavea imagine predictive policing as reducing harm and protecting civil liberties. But the approach renders lifeways, foodways, and lifeworlds criminal, or probably so. Too, it suspects rain, heat, daylight, wind: weather. In the name of protecting life, crime control condemns the cosmological or planetary inevitabilities of living on a rock with atmosphere (Povinelli 2016).

Taking the absurd logic of criminogenic weather to its conclusion, criminality increasingly becomes a direct consequence of anthropogenic climate change and ecological crisis. Far beyond the slow violence that Rob Nixon (2011) has identified as a slow-burning biopolitical attack on the poor, the irreversible transformation of the earth's temperature becomes a vital virtual variable in local police departments' deployment decisions and strategic initiatives.

This Is Not Minority Report

Here is the ontological wager: probabilistic, uncertain results require the adjudication of the real. All is uncertain and ontologically unstable. But decisions must be made in the present to foreclose undesirable futures (Puar 2015, Derrida 2002). This is why Predictive Policing *really* isn't like "Minority Report." In that story, the mutant precogs can "see" the future. It is "real" and ontologically stable. Things already "exist" for them. But predictive policing does not produce a real. It produces "instabilities" that justify state violence. It produces risk. This risk, unfolding as an archive from the future, is policed.

Predictive policing consolidates and operationalizes risk, possibility, and insecurity. It drags the future and its volatility into the present, and destabilizes the real. This engenders a state of constant crisis that demand the constant expansion and application of apparatuses of security. No one *knows* what the future consequences of *not* acting on a *possible* problem will be, so the security state must fan out to control all imaginable contingencies. From the perp not arrested to the stock not shorted, the future materializes as demand for action in the present, and as a constant failure of not having acted otherwise. Prediction rearticulates the power to make live or let die drive to as a reasonable, calculated, technocratic "best guess." Algorithmic necropolitics is transmuted into a digital calculus of best practices in which killing or arresting someone is okay

so long as they posed a future “risk to society.” To prevent the worst possible outcome, or to amplify the best one, apparatuses of security must always be brought to bear (Weizman 2011). In practical terms, this is realized as an intensification of policing surveillance logics and practices, and circulations of risk historically generated by the carceral archipelagos of racial capitalism (Foucault 1973).

To close, I want to issue a minority report on “Minority Report” as a parable for the moment. Dystopian policing is neither speculative nor futural. It is actually existing, now, in the present. To imagine that the threat is in the future works to normalize and expand the carceral imagination. The idea *must* be to imagine the world as a space for freedom. Doing so depends on reckoning with the intense depth of the contemporary world’s constitutive unfreedom. As Octavia Butler demonstrated throughout the course of her career, and as writers working in her tradition today - her “Brood,” to borrow the term from Walidah Imarisha and adrienne maree brown - continue to demonstrate, one does not need to misremember or misrecognize the historical horrors of the country in order to dream and demand liberation now and in future (Imarisha and brown 2015). On the contrary, if we intend to imagine a freer future, then we must reckon honestly with the terms of our world as it is.

If the parameters of the world we live in are so limited and so blinkered that we are incapable of imagining the carceral present unfolding into anything other than deeper, futureshocked dystopia, then the terms of engagement must change. We ought not to be concerned about making the world “a better place,” but demand a radically different one. Insofar as the world drags the planet into paranoid collusion to reproduce racialized logics of command and control, then the world must go.

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¹ Gamification refers to the incorporation of elements of game playing as a strategy for managing labor. Employees earning performance-based "points" that can be traded in for perks is an example. Police officers earning extra vacation days for staying ahead of their coworkers KPIs is, theoretically, another one.

² I am not using "paranoia" as a polemical term here. Rather, I am thinking of Tung-Hui Hu's (2015) argument in *A Prehistory of the Cloud* that the epistemological default of "the network" is a paranoia that produces "network fever," "the desire to connect *all* networks, indeed, the desire to connect every piece of information to another piece."

³ <https://www.axon.com/>