



What is the problem with predictive policing?

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Introduction

Predictive policing is a tricky subject. Fundamentally, it refers to the increasing role of digital tools in police work - the use of data (crime and otherwise) to generate forecasts, insights and predictions that guide the work of law enforcement (see Brayne 2017; 2021; Egbert and Leese 2021). However, as a researcher I operate in an environment where caution and scepticism are prominent. Indeed, as soon as I found out that such a thing as predictive policing existed, I immediately became aware that it worries, bothers and troubles researchers in the social sciences and humanities, and beyond.

In the project [CUPP](#), an international team of researchers looked at various applications of digital tools in the context of law enforcement. In addition to the national case studies, a smaller group of researchers decided to explore the historical dimension of the notion of predictive policing and what the unique trajectories and coincidences that have shaped our perception of predictive tools in police work can tell us. One of the offshoots of these activities was an [entry about prediction](#) for a handbook on digital criminology. Another outcome was a cursory examination of the assumptions that underpin critiques or criticisms of predictive policing.

The latter is the point of departure for this working paper. Specifically, I will look at the multitude of concerns and societal impacts associated with predictive policing in academic literature. The aim of this paper is to summarise an attempt to (i) explore what kind of critical understandings of predictive policing have emerged and developed in academic debates and (iii) initiate a discussion about the conditions that have led to the prominence or lack of prominence of specific forms of critique. I proceed on the assumption that predictive policing should not be theorised as the inevitable outcome of linear technological development that facilitates the work of law enforcement agencies. Rather, it should be treated as an event, a result of a struggle of competing conceptions of what these technologies can and cannot do, and the kind of technopolitical order that this could entail. The same applies to the critiques and criticisms of predictive policing.

The subsequent analysis is loosely informed by the work of Bruno Latour, Susan Leigh Star and James R. Griesemer, and Michel Foucault. Drawing on the work of Latour, I contend that the meaning of predictive policing is contested, as are the factual claims as to the capacities of the digital tools at the disposal of law enforcement. Building on the ideas of Susan Leigh Star and James R. Griesemer, I argue that predictive policing can be viewed as a boundary object. Drawing on a Foucauldian genealogical approach, I approach different understandings and critiques of predictive policing as a series of contingent developments that endeavour to articulate the problem with predictive policing and impose order on a series of heterogeneous and loosely connected practices and events.

Why does predictive policing bother people?

Before I go into detail about what I did to identify some tentative themes in the literature, I should provide a few reasons why people in general (not just researchers) should think carefully about predictive policing. The most obvious concern, voiced rather frequently, is the potential for bias. Predictive algorithms are trained on historical data. These are frequently collected, processed and packaged in contexts characterised by inequalities and bureaucratic opacity. If data show higher crime rates in certain areas or among certain population groups,

the algorithms are likely to perpetuate a cycle of increased police scrutiny, potentially creating a vicious feedback loop - more police presence leading to higher rates of documented crime, thus reinforcing the initial prediction.

Lack of transparency is another issue as the tools associated with predictive policing are seldom open to public scrutiny or independent oversight, making it difficult to understand how predictions are generated and to what extent human agency is excised from the stories made available to the public (see Kaufman 2019). This lack of transparency can breed distrust and raises concerns about accountability. Furthermore, the idea of targeting individuals based on probabilities seems to conflict with the principle of innocent until proven guilty. Other issues include the reification of different forms of inequality and discrimination, expansion of the surveillance power and technological facilities available to law enforcement, the increasing role of the private sector and profit motives in the provision of public services, and broader shifts in the relationship between the population and the state.

Such concerns have been voiced by a variety of different actors, reflecting different perspectives on the proliferation of entanglements between policing and digital tools. However, the digitalisation of policing is not uniform and in practice one must contend with contrasting and sometimes even discrepant conceptions of predictive policing that operate in different contexts. That is to say, different technologies and digital tools have been and currently are associated with enhancing the predictive and forecasting capacities of the police.

Unsurprisingly, this frequently means that the concerns voiced by various publics are tied to specific instances of predictive policing that vary in terms of scale, technological sophistication, and impact. Consequently, the objections and anxieties expressed by different critical voices generally reflect contextual specificities, and the controversial aspects of the particular tool may not necessarily reflect broader trends in predictive policing. Alternatively, the obscure nature of the way some tools are publicly presented and represented has meant that concerns can be, and have been, dismissed as exaggerated, alarmist or founded on an inaccurate understanding of a particular practice or piece of technology. In other words, it is easy to get things wrong if the actual inner workings of a monitoring and prediction system are hidden from view or overstated only by implication. However, it is also true that the technologies and practices associated with predictive policing paint a picture of a complex and evolving phenomenon that frequently eludes clear conceptualisation.

The multiplicity of predictive policing

Many tools, practices, images and epistemologies are associated with predictive policing (see Hälterlein 2021). In view of this, it is frequently unclear whether it is appropriate to treat predictive policing as a singular entity. Indeed, it is my contention that predictive policing is a heterogeneous assemblage consisting of contrasting perspectives, different technologies and various concerns that are linked together and lumped under the umbrella term *predictive policing* for the purposes of convenience. The extent to which there is a coherent core to predictive policing is, perhaps, debatable. From an academic point of view, this volatile multiplicity of predictive policing can be approached in several different ways. A few that come to mind immediately are Bruno Latour's matters of concern and the notion of boundary objects.

Matters of concern are instances when the contingent and heterogeneous associations of agents, whose discrepant views of the situation are the cause of dispute and disagreement, are open to view and have yet to be concealed. While matters of fact aim to frame a state of affairs as fixed, stable and indisputable, matters of concern are openly contested and emerge

during moments of crisis and uncertainty (e.g. climate crisis). In such situations the distinction between facts and values, knowledge and politics is blurry. Different associations of agents attempt to propose and stabilise their own version of reality and argue for the pertinence and stability of candidate factual claims. However, matters of concern will not necessarily be resolved by appealing to facts since different parties see the object of dispute (and therefore the pertinence of specific factual claims) differently. See Latour (2004) for more.

Boundary objects, on the other hand, are “things” that walk the fine line between similarity and difference. These “things” inhabit several social and technical contexts and play a role in each of them and can adapt or be adapted to local needs. Crucially, they are perceived to possess and maintain an identity across the different contexts of their usage, despite the fact that they carry different meanings for different parties. Their boundary nature is reflected by their being simultaneously general (common identity across sites) and specific (local application and adaptation). See Star and Griesemer (1989) for more.

My engagement with the literature, the anxieties surrounding predictive policing, and the conflicting accounts and enactments of the capabilities of these tools, suggest that predictive policing is, at present, best treated as a multiple and contested entity, and Latour’s matters of concern and the notion of boundary objects capture some of the associated complexities. It is not clear what predictive policing is, and different communities depict what is seemingly the same phenomenon in contrasting ways in the context of a clash of opinions. What is more, this multiplicity of predictive policing has also given rise to a host of critiques which challenge different aspects of predictive policing that are tied to specific iterations of it.

As mentioned earlier, I will focus on the various *critical approaches* to and critiques of *predictive policing*. The challenge for such an endeavour is that both of the key elements are somewhat diffuse and clarity regarding their meaning is elusive. In the case of the first element (critique), it can refer to in-depth scholarly analysis or evaluation of a phenomenon that may aim to challenge certain foundational assumptions. However, it can also refer to a negative assessment that has identified a series of issues, faults or problematic consequences to a line of reasoning (see Stypinska 2020). In the case of predictive policing, the issue, as noted above, runs even deeper as there is no unified understanding of what this concept refers to, the kinds of capacities it attributes to law enforcement and the broader consequences of the above. Indeed, the understandings and enactments of predictive policing vary greatly. Furthermore, why are they thought to be the same thing?

A genealogical approach to predictive policing

In contemporary social research, genealogical approaches are generally associated with the work of Michel Foucault, and his genealogical accounts of sexuality and the practices of punishment in particular. There are of course other authors whose work falls broadly within this tradition, such as Ian Hacking (2006) and Bernard Williams (2002), but Foucault’s work in particular (e.g. Foucault 2020) has been associated with the principles that underpin genealogical analyses (Lawlor and Nale 2014; Koopman 2013).

In short, the value of the genealogical approach stems from the fact that it allows researchers to challenge widely accepted accounts of how a particular idea or way of thinking emerged and came to be seen as self-evident. This is done by highlighting complexities and omitted details, which, in turn, allows the researcher to dispute the claim that a particular outcome or development was “inevitable”. Indeed, the idea is to emphasise underdetermination and the impulses that led to an assumed coherence and inescapability of a particular phenomenon.

However, the genealogical method should not be construed as a more complete and impartial account. Indeed, genealogical narratives can be regarded as critical and speculative histories of the present that involve an interplay of purely scholarly and political impulses insofar as these accounts are studies of the historical changes that characterise phenomena that have contemporary relevance. What is more, a genealogical account of a phenomena is, in a sense, a creative endeavour in that it aims to tell a story whose purpose has more to do with the exigencies of the present, rather than what “actually” took place in the past. In that sense a genealogical account walks a fine line between telling a story about how a social or cultural phenomenon came about and how it could have come about, with the purpose of confronting different possibilities that have been left open or foreclosed.

In general, genealogical analyses aim to illustrate the idea that our understanding of the past is frequently based on a purposeful (though not necessarily conscious) organisation of past events and experiences, an attempt to impose order on heterogeneous events. Genealogies, on the other hand, aim to highlight the multiplicity of historical trajectories and shine a light on the fact that retracing the steps that led us here will not mean a rediscovery of the ultimate cause but a series of accidents and concomitant circumstances. Fundamentally, genealogical accounts show that our current state of affairs is ultimately a result of a contingent set of circumstances, even though they present themselves to us as necessary outcomes of past developments.

In a sense it can be said that genealogies are particular approaches to history that evince teleological tales of the inevitability of progress. Instead, genealogies look at the descent and development of currently relevant ideas and practices as expressions of seemingly insignificant turning points and chance occurrences that are conducive to path dependency, rather than as an expression of some inscrutable internal logic. This is frequently done by drawing our attention to the (historical) contingency of their emergence and development and questioning the inevitability in current ways of thinking about a phenomenon. Through tracing the accidental lineages of received ideas and the historical dead ends and failures of alternative and cognate understandings, the underdetermination of the present by the past is highlighted, while also identifying the contextual (rather than internal) factors that allowed one understanding to thrive and its competitors to wither.

This is especially relevant in the case of predictive policing. The reason, as noted above, is that predictive policing is currently multiple and enacted differently in different contexts, underpinned by different interests and plagued by various concerns. At present, the future form of predictive policing is unclear, nor is there a coherent and widely shared idea and conceptualisation of what it currently is. Consequently, a genealogy of predictive policing should be concerned with the processes, procedures and apparatuses by which truth and knowledge about predictive policing are produced, not just the technical and organisational side of the tools involved.

So what is a genealogy of critical understandings of predictive policing? Well, it is interested in how a critique or critical assessment of predictive policing attaches itself to historically specific arrangements of elements associated with predictive policing and articulates forms of knowledge (epistemology) about what predictive policing is and can be (ontology). But how can we start thinking about this in a more structured manner?

This will be done by first looking at the descriptions and renderings of predictive policing in the literature, the tools that it is associated with, and the specific effects that are associated with predictive policing. This will be followed by a focus on the problems and anxieties surrounding

predictive policing. I contend that the critical landscape mirrors the multiplicity of descriptions to a certain extent, reflecting different concerns and different strategies of tackling the problematic aspects of predictive policing.

Methodology behind the literature scan

A small team from the CUPP project started working on a paper in the summer of 2021 with two keywords as their point of departure: genealogy & predictive policing¹. In subsequent meetings a longer list of keywords for use as search terms was agreed upon to operationalise the concept of predictive policing.

- Algorithmic
- Anticipatory
- Analytics
- Artificial intelligence
- Big data
- Data driven
- Machine learning
- Predictive

The logic behind this decision was that the literature would allow us to explore the increasingly intimate relationship between law enforcement, digitalisation and prediction, despite the lack of a coherent and widely agreed upon vocabulary for talking about this phenomenon. These cursory inquiries suggested that, despite the various forms that these entanglements take and can take, there are several prominent strands of critique (in both senses) that are expressed across different literatures.

Initially, different search engines, databases and sampling strategies were employed by different authors. Subsequent analysis performed by me has been based on the output of *Scopus* (keyword + police/policing in the title or abstract). The focus of the scan was on the most-cited articles (50 in the case of *predictive*, 25 in the case of the other keywords). The abstract and/or discussion section were scanned to understand the core of the argument and determine whether the article was relevant.

Iterative coding based on themes identified in the initial literature review (summer 2022) was performed to identify different understandings of predictive policing and the varieties of critique present in the articles, but the descriptions of categories were refined in response to new insights obtained from the articles. These cursory inquiries suggested that, despite the various forms that the entanglements of police work and digitalisation take and can take, there are several prominent strands of critique (in both senses) that are expressed across different literatures. More specifically, this approach yielded six ideal-types of how predictive policing is conceptualised and six ideal-types of critique.

This list is tentative and based on a preliminary analysis, and more work is undoubtedly necessary to ensure the consistency across categories and internal coherence within categories. In other words, it is a rough sketch. Nonetheless, in what follows I will outline the initial results. First, I will look at the descriptions and renderings of predictive policing, the tools that it is associated with, and the specific effects that are associated with predictive policing. This will

¹ The team included me, Irena Barkane, Vasilis Galis, Helene Oppen Ingebrigtsen Gundhus and Antonis Vradis.

be followed by a focus on the problems and anxieties surrounding predictive policing. I contend that the critical landscape mirrors the multiplicity of descriptions to a certain extent, reflecting different concerns and different strategies of tackling the problematic aspects of predictive policing. What is more, different forms of critique are tied to specific renderings of predictive policing.

The diverse renderings of predictive policing

The discourse around prediction in police work is quite varied, and there are different contexts in which prediction and forecasting can feature. For instance, the literature scan indicates that prediction and predictive elements and tools can figure in relation to internal police procedures that do not necessarily involve the prediction of illegal activity by the civilian population. As an example, it can refer to attempts at predicting the behaviour of police officers in interactions with civilians. Alternatively, prediction figures in the process of selecting new police recruits. Prediction can also refer to work carried out by academic researchers that can eventually provide recommendations for use by police and law enforcement agencies. However, in most of these cases the invocation of prediction is not necessarily meant to create an association with predictive or data-driven policing. Nonetheless, one can also discern several themes that revolve around the increasing entanglement of police work, digital tools and decision making in the context of predicting and preventing illegal activity. Furthermore, these betray different framings of what predictive policing is or is imagined to be.

Firstly, predictive policing is depicted as an increasingly powerful tool to increase the efficiency of police work. References are made to the impact of digital tools on the way law enforcement operates, with incredible potential for streamlining the operations of different law enforcement agencies and contributing to public safety. In this case, predictive policing is framed as a positive development, based on a synergy of technological advancement and a forward-looking public sector.

Secondly, predictive policing figures as a kind of panacea. It is associated with the potential to eradicate several ills and inefficiencies associated with police work. Reference is made to the automatised decision making and the impartiality of different tools, which can (or will) allow for the eradication of various biases that are present when human judgement (e.g. of police officers) is involved.

Thirdly, predictive policing is occasionally figured as a misrepresentation of the tools and capacities at the disposal of law enforcement agencies. This position is sometimes taken by public officials and representatives of law enforcement agencies. In summary, this articulation of predictive policing suggests that the tools at the disposal of law enforcement are portrayed inaccurately. What is more, the way they operate, what they can do and how they are employed by police officers is presented in an exaggerated manner. In a sense, predictive policing is treated as an artificial construct created by suspicious academics and wary publics on the one hand and techno-optimists on the other.

The **fourth frame** can be regarded as a version of the third as it frames predictive policing as a fiction. In this case predictive policing is believed to refer to non-existent capacities of law enforcement because the impact and use of digital tools has been oversold and exaggerated.

The **fifth frame** suggests that predictive tools are actively involved in a reconstruction of the ontologies with which different actors operate. In other words, different ways of analysing and processing data give rise to new categories of people and phenomena that build upon and

reshape existing ways of thinking about different criminal, transgressive and unlawful behaviours in the context of law enforcement and policy.

Finally, predictive policing can be regarded as a kind of threat to civil rights associated with the growing use of surveillance tools to gather and process data, which can be used to profile, target and over-police certain groups based on analyses that lack transparency (an algorithm as a black box) and are potentially based on incomplete or biased data.

Varieties of critique

While the aim was to identify criticisms and critical conceptualisations of predictive policing, this presented several challenges. First of all, critique and critical comments (broadly conceived) were not hugely prominent among the most cited articles that I looked at. A cursory examination of less cited articles suggests that there is interest in these questions, though papers are frequently speculative, rather than based on empirical research. This suggests that critical voices are not necessarily dominant in academic debates, though there are certainly communities of discourse that examine predictive policing from a critical perspective (e.g. Kaufman, Ebert and Leese 2019). I also observed that most articles talk about specific digital tools at the disposal of law enforcement (and their weaknesses/strengths), rather than predictive policing as a general phenomenon. This goes back to the point I made in the introduction – criticisms are often tied to a specific tool or practice. Finally, it is possible that different understandings and forms of critique can co-exist in the same article. Thus, the ideal-types listed should be treated as abstractions rather than discrete forms of critique that are clearly observable “in the wild”.

The most common form of critique is ameliorative. The articles I have looked at frequently note the presence of bias or some other fault in predictive policing and automated decision-making in the context of law enforcement. However, the primary focus in these instances is on whether the models, predictions and digital tools work in a practical sense and are fit for purpose. That is to say, the issue at stake is whether the predictions are accurate or whether automated processes lead to resource gains, thus increasing the efficacy and efficiency of police work. For instance, articles note the prevalence of bias against certain populations in data or the judgement of police officers or analysts who employ these digital tools. In most cases, bias is construed as a problem but in the sense that it is a fault or issue that can and should be resolved, rather than a constant that is inherent to the tool in question. Consequently, the object of critique is a specific fault with the tool in question, which has to be rectified, rather than the idea of prediction or automation. This form of critique is generally based on an understanding of predictive policing as an ideologically neutral tool to improve the efficiency/efficacy of police work, even though it may still require work to make it transparent and fit for purpose.

Interpretive critique is also a prominent form of critique. It can be argued that this form of critique is related to ameliorative critique, but the focus is more specific. In particular, the discussion revolves around the insights and outputs of the digital tools at the disposal of law enforcement, how these are interpreted by police officers and how much discretion is given to individual police officers to apply these insights in their work. In principle, the ambiguity of outputs is highlighted, suggesting that common interpretations rely upon preconceptions, biases and tend to reify existing forms of discrimination. What is more, alternative explanations or the historical circumstances that led to observable trends and patterns in human behaviour are not considered. In this case, the object of critique is the way results are interpreted and the factors that discourage other interpretations. Predictive policing can still be construed as

a useful tool, but the limitations of human judgement are more prominent, allowing for the possibility that the issues identified would likely persist in some form.

Generative critique is a more fundamental form of critique (in the analytical sense) as it endeavours to make us reflect about the long-term repercussions of predictive tools and forecasts based on past offences. This form of critique tackles the performative nature of predictive policing and its contribution to the way societies imagine themselves and their constituent elements. Authors exemplifying this form of critique frequently argue that tools can contribute to the reification of existing forms of social categorisation and segregation. Alternatively, this form of critique draws our attention to the ontological work done by different tools and devices, which enact particular (political) visions of society, while publicly being represented as mere instruments that allow law enforcement agencies to describe and analyse of data and social processes. The object of this form of critique is the unanticipated societal impact of predictive policing that can go unnoticed under the guise of increasing efficiency. Indeed, there is an elective affinity of sorts between this form of critique and the idea that predictive policing is a way of reshaping social ontology.

Political critique concerns the way predictive policing reshapes the relationship between the population and the state. The implementation of digital tools introduces changes in the way law enforcement and public agencies in general interact with the public. The object of political critique is the changing nature of public services as a result of the implementation of digital solutions in the context of law enforcement. This form of critique may also consider elements such as the increasing privatisation of services previously provided by the public sector and the growing role of private businesses in law enforcement (e.g. as providers of software on a subscription basis).

Legal critique concerns the way predictive policing reconfigures the way the criminal justice system operates and the potential issues attendant to the use of historical data, predictions and probabilities to make law enforcement decisions. This can include due process violations associated with arrests, searches and seizures based on untransparent predictions and mere probabilities, perpetuation of historical stereotypes encoded in the data, privacy violations (excessive surveillance) and a general lack of accountability and transparency when algorithms are used in decision-making.

What I call the critique of exaggeration targets the implication of discontinuity between current and previous forms of policing. Specifically, the object of critique is the tendency to exaggerate the possibilities offered by the tools that are currently at the disposal of law enforcement and, by extension, argue that extant forms of policing are fundamentally different from what was previously available to law enforcement. This form of critique can address different actors. It can challenge the claims of law enforcement agencies about automation and impartiality by highlighting the crucial role of organisational cultures and human agency. It can also target other researchers who have overstated what the new digital tools can actually do.

Discussion

My cursory examination of the literature suggests that predictive policing is indeed a multiple entity. The ideal-types of how researchers conceptualise and why they criticise predictive policing illustrate a multitude of needs and concerns surrounding the changes to law enforcement and criminal justice brought about by digitalisation. However, this was only the first step towards understanding what bothers people about predictive policing.

After reviewing and refining the initial codes and ideal-types, the next step would be a genealogical account of the criticisms of predictive policing, which would delve into the historical and cultural contexts that have shaped critical engagement with the development of digital technologies. In line with my contention that criticisms are often tied to specific instances of predictive policing, a genealogical account would be most useful when looking at individual contexts and broader discussions about, say, profiling, surveillance and data-driven decision-making. By this I do not necessarily mean individual countries or even regions. However, there are different social and cultural perceptions of police work and surveillance that also manifest themselves differently in particular contexts of application. Thus, the use of “predictive” tools in a less politically contentious area of law enforcement may provoke a slightly different response. Likewise, the way the deployment of a particular piece of technology is managed and presented could also affect public (incl. scholarly) perception. This would also likely be shaped by the nature of the relationship between the state, police and different publics. In other words, a genealogical account would move beyond whether a particular law enforcement tool is inherently problematic² and look at what combination of factors have contributed to uneasiness about it.

This uneasiness can take many forms (as I have tried to show above). While there are elective affinities between certain ways of imagining predictive policing and specific reasons for criticising it (e.g. ameliorative critique is closer in spirit to the idea that predictive policing is a potentially useful tool), this should not be prejudged. Indeed, you could have a problem with predictive policing even if it contributes to more efficient use of police resources or “works” according to some administrative criteria.

It is also worth noting that analysing critique is a challenging research endeavour. For instance, it is not always clear whether an author is critical of predictive policing or the digitalisation of law enforcement or is simply relaying opinions expressed in other articles and acknowledging the limitations of a particular tool. This is especially tricky in cases where predictive policing is depicted as a resource-saving tool that can be improved. Moreover, there is an inherent challenge in deciphering the critical stance of articles. From a methodological standpoint, the issue concerns both the researcher and the material that is being analysed. The researcher may see a claim as being critical because it seems to highlight a seemingly problematic aspect of predictive policing. However, this may just be an instance of the researcher projecting his or her implicit assumptions onto the material. This may be exacerbated by cryptonormative strategies in the material being analysed, whereby the authors rhetorically position evaluative and normative statements as merely factual descriptions, presenting critique as if it were diagnosis.

Finally, my point of entry into discussions about predictive policing was articles which have been cited the most by their peers. However, it is important to recognise that there are communities of discourse that show a more pronounced focus on critical and empirical engagement with predictive policing. A genealogical account would also take into account the theoretical sources and disciplinary affiliations of critical voices, considering how this has contributed to the way predictive policing is conceptualised and why it is believed to be problematic. In short, a genealogy would look at the historical, social, political, historical, technological and disciplinary entanglements that have led to the production of critical truths about predictive policing.

² Though there are specific forms (e.g. facial recognition) that tend to provoke more uniform responses and concerns.

Summary

Predictive policing is a tricky subject. Concerns about the digitalisation of law enforcement have been voiced by a variety of different actors. However, this process is heterogeneous and in practice one must contend with contrasting and sometimes even discrepant conceptions of predictive policing that operate in different contexts. This is reflected in the varieties of critique, which focus on different aspects of predictive policing and the various risks associated with it.

This paper has summarised the work initiated as part of the project CUPP to understand the genealogy of critique, as it were. Based on a cursory examination of widely cited literature, a number of tentative renderings and criticisms of predictive policing were identified. Thus, the answer to the question in the title of this paper is that there are many problems with predictive policing, much like there are many different ways of imagining it. This is likely shaped by a multitude of contextual factors, including the disciplinary affiliation of the person articulating the criticism.

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