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Coronavirus and changing conditions for crime

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"Provisional data from police shows a fall in overall crime, during this coronavirus outbreak. **Car crime, burglary and shoplifting are all lower than the same time last year"**, stated Priti Patel, Home Secretary, taking her turn at the nightly coronavirus press briefing. Her claim was quickly lampooned by commentators: *of course* crime is down! The shops are closed! But Patel was hardly the first to make this claim. *Time* magazine reported: **Crime Rates Plummet Around the World as the Coronavirus Keeps People Inside,** and the *Guardian* predicted **a rise in domestic violence** due to increased time and tensions in the home.

This way of thinking about crime and coronavirus is based on a limited, 'see-saw' logic: one mechanism instantly and obviously propels another. Fewer opportunities for crime results in fewer crimes. And the evidence for a fall in crime is paper thin. Firstly, police recorded crime statistics imperfectly reflect actual crime, even in the best of times (1). And now, with fewer **police officers on the beat** due to illness, it's perhaps unsurprising that fewer crimes are recorded. Secondly, the crime/opportunity thesis does little to explain high rates in **violence between young people** despite lockdown. Thinking about crime only in terms of volume distracts from the deeper, more fundamental changes underway.

Crime is a deeply social phenomenon, and the social and institutional relations that produce it are changing. Here, we argue that both the material circumstances that give rise to lawbreaking and interpersonal harms, *and* the social and cultural forces that produce the very idea of 'crime' are changing rapidly.

New forms of crime and transgression

Living with coronavirus creates new rules for everyday life. With widespread, rapid testing still unavailable, we must act 'as if' we - and the air around us - are contagious and dangerous to others. Despite being underpinned by health concerns, novel legislation makes rule breaking a criminal matter (2). Nearly **9,000 fixed penalty notices** have been issued so far in England, and maliciously spreading coronavirus, for example by **deliberate coughing,** can now be punished with prison time.

The boundaries between "right" and "wrong", behaviour that is perceived as safe or dangerous, are far from settled. Government guidance is complex and contradictory, and as many have noted, those with gardens and cars are better placed to obey them than residents of densely populated cities. New moral boundaries around rule following emerge: sunbathers emerged, temporarily, as a new kind of social pariah. We anticipate novel

discourses emerging about so-called 'covid-safe' workplaces. Yet, except for the most flagrant violations, these rules are unenforced **(and unenforceable) by the police**.

Moral and ethical boundaries come to life in social interactions - in the conversations (or arguments) with friends and family; in sharing videos of police on social media, and in the unspoken negotiations over pavement space. Here, we collectively deliberate the boundary between conformity and transgression. Rule breaching is met with informal social control. Of course, these processes are undergirded by social privilege: VE day parties in the suburbs are celebrated while urban markets are vilified.

Social norms are always in flux, but the pandemic has brought about dramatic changes in behaviour, communication and dress; the meanings of which have yet to be collectively settled on. Wearing a mask or otherwise covering one's face (outside of specific contexts such as the dentist or nail salon) used to be "deviant", now it signifies conformity and moral rectitude. From the 13th of May, it will become a requirement for public transport and shops. However, these new meanings have been overlain on top of old connotations and associations in ways that aren't always clear.

New dimensions of crime and control by organised crime groups

The scale and impact of most novel corona-crimes pales beside those of organised crime groups. Current social arrangements certainly present obstacles for organised crime: closed borders, commercial lockdown and deserted streets all reduce opportunities. However, increased risk can be translated into price hikes of drugs, for example. Organised criminals have rapidly devised new supply chains and methods of delivery, as illustrated by the discovery last month of a cocaine shipment in a consignment of medical masks. The general shortage of masks and PPE has created new opportunities for counterfeit masks and other equipment. Meanwhile cybercrime groups are having a field day with a spike in phishing emails attempting to deceive online consumers, investors are directed to 're-enter their bank details' on fraudulent websites.

'Organised' crime takes a variety of forms around the globe. Where state support is weak or absent organised crime groups may openly control territory and populations with subtle mixtures of violence and assistance to poor communities. They may muscle in on mutual aid networks, providing services ranging from delivering food and medicine to vulnerable citizens to emergency loans to small businesses on the verge of collapse from the lockdown. Examples can be found not just in Italy but from the township gangs in South Africa and the crime groups in Mexico. In Rio de Janeiro drug trafficker groups are attempting to consolidate their legitimacy in the favelas by enforcing lockdowns against the virus and deriding the Bolsonaro government for its complete lack of action.

Lockdown changes the material conditions under which organised crime groups - these changes go far beyond criminal opportunities. And, as is the case in Rio, organised crime may be involved in enforcing norms and laws, as much as violating them.

New forms of crime by the state

In her press conference, Patel re-iterated previous tough on crime politics, warning criminals that our 'world-class law enforcement...is onto you', standing next to a representative of the National Crime Agency. Whilst coronavirus may offer the government the opportunity to remind us, the public, of their crime-fighting might, the government has also enacted various forms of harm, violence and crime against its residents.

The UK now has the highest Covid-19 death toll in Western Europe. International comparison strongly shows the tremendous scale of preventable deaths. Growing evidence makes clear **the government's failure to act on early warnings** and to provide essential PPE and testing for frontline workers, contributing to over a hundred deaths of healthcare workers, bus drivers and carers. Failure to act - or rather prioritising the economy over health - has cost lives.

These deaths may be conceptualised as forms of violence and even as crimes. Failure to provide protective equipment may constitute **a breach of human rights**, or even **corporate manslaughter**. Furthermore, systematic defunding of the NHS and welfare systems rendered those reliant on the state extremely vulnerable to coronavirus, which we know disproportionately affects those who are poor or ethnic minority. This can be conceptualised as **'institutional violence'** (3) - a term that emphasises that this violence is an outcome of collective, public and private, processes of decision- and policy-making and their administrative implementation.

Many of these criticisms already circulate, with some responding by **privately funding PPE**, and forming mutual aid groups to fill the chronic gaps in state care. But, a deeper question emerges - on what grounds can we hold the state to account for these levels of avoidable institutional violence, harm and death? We might invoke Jean-Jacques Rousseau's notion of the social contract (4). Through its patent lack of care the government harms the political body, it neglects its duty to protect the population, its citizens and residents. Of course, living in a gendered and racialised, class society, neglect is not felt equally. But however unequally distributed the violent effects of the government's (in-)actions, they undermine the social contract and the very idea of the state as sovereign who is in a position to 'criminalise' others - it threatens the legitimation and existence of the body politic as such.

New dimensions of state surveillance

Questions about sovereignty and political consent also apply to emergent health surveillance. In the threat of coronavirus - and the creations of new crimes - governments find a perfect cover for further advances in state surveillance and control of the population. Against the sheer scale of suffering wrought by the virus, voicing human rights concerns perhaps seems transgressive.

Technologies, such as the contact tracing smartphone app currently being trialled in the Isle of Wight, seem a wholly useful innovation helping to control infection and allowing a return to work. Except that the technology could presage new, punitive forms of exclusion. The requirement to show one's health status (recorded in the app) to enter public places and

social services will create new, exclusive forms of **citizenship**. While compliance may come easily to those with passports and smartphones, those without may become marginalised, excluded and unemployed. The UK government is currently **talking to tech firms** about linking health status apps to facial recognition software and CCTV, paving the way for novel surveillance assemblages, already **tested on refugees**. The result is that health status may no longer be simply about wellbeing, but becomes tied to adherence to surveillance norms, the violation of which becomes punishable as a crime.

The material and cultural circumstances that produce 'crime' are changing - and in many more ways than we have been able to describe in this short article. The nature of 'crime' is never settled and will continue to change, with long-standing implications for life after coronavirus.

References

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