

Chapter 9

Going around in circles? reflections on crime prevention strategies in Germany

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Crime prevention has many different faces. This applies to Germany in particular because of the federal structure of the country. The German constitution provides a highly differentiated separation of powers within the wide field of criminal justice: the central government retains the legislative competence for criminal law and criminal procedure, whereas police laws and strategies are a matter for the 16 federal states. Moreover, the smallest administrative unit in Germany, the local community, is entitled to pass a broad range of regulations concerning public order and social policy that can be very influential for the implementation or development of local prevention policies. Hence, it is not surprising that such a federal structure leads to a rather patchy picture of crime prevention policies. Nevertheless, there have been and there are today some common trends and developments in Germany as a whole. The aim of this chapter is first to give a brief account of crime prevention strategies applied from the 1970s until the 1990s, before looking at recent policies since the turn of the millennium. Finally, there is a critical summary of the major developments in German crime prevention policies during the past decades.

A brief history of prevention strategies

Exploring the context: criminal justice and prevention in Germany

In Germany, crime prevention is a relatively new item on the agenda of politicians, criminologists and the police. During the first decade after

World War Two, researchers as well as practitioners were strongly focused on questions concerning the detection and repression of specific groups of offenders and offences. Criminology as an independent academic discipline was almost non-existent in those years, and crime prevention was merely a subject for books on the penal law, but not dealt with as a social phenomenon.¹ In the second half of the 1960s, public attention was directed to the student protests and riots – a rather new and irritating experience for the young democracy that was celebrating its ‘economic miracle’ at the same time. As a legacy of the student movement of the 1960s, Germany was confronted with the appearance of the Red Army Faction (RAF), a group of left-wing terrorists who totally dominated the national discourse on criminal justice and caused a kind of public hysteria until the end of the 1970s. During the following decade, a civil protest movement took the centre stage of public and political debates on crime and public disorder again: the rise of the peace movement and the ecological movement led to permanent – and sometimes violent – mass protests against the deployment of nuclear missiles in West Germany, against nuclear power stations and environmental pollution. After two police officers were killed in the course of violent protests against the expansion of Frankfurt airport, debates about these civil unrests became a general discourse about public order, crime and the power of the state. Compared to these ‘big issues’ and several spectacular cases, everyday crime and its prevention played a rather minimal role in public debates during all these years. Nevertheless, different approaches to crime prevention that have been applied in Germany in the decades before 1990 can be identified.

Technical prevention in the 1970s

Almost 40 years ago, crime prevention became visible as a distinguished subject of criminal justice policy and discourses for the first time in post-war Germany. In the 1970s, police started to praise prevention as ‘the noblest task for the police’ and promoted the establishment of police information centres in all cities and regions around the country. Although the first information centre had already been established in 1921 in Berlin, there was no co-ordinated network of such offices in all federal states before. To the present day, it remains the primary purpose of these centres to advise citizens how they can protect themselves from becoming a victim of crime by means of technical provisions and correct behaviour. The work of the police information centres has been accompanied by a nationwide public relations programme (*Kriminalpolizeiliches Vorbeugungsprogramm*, see Weinberger 1984), responsible for developing information campaigns on various crime prevention techniques in every day life, especially the prevention of burglary, theft and fraud. Thus, crime prevention was understood as form of ‘technical prevention’ in the first

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place, with police as security consultants for citizens who were regarded as responsible for the security of their own premises and vehicles. At the institutional level, two things are noteworthy about these early prevention activities: first, it was in the 1970s that police discovered prevention work as a subject that needed to be addressed systematically. The German federal police, the *Bundeskriminalamt* (BKA), organised an initial conference entitled 'Police and Prevention' in those years (Bundeskriminalamt 1976). Second, the development of technical prevention programmes was essentially a top-down movement, initiated by the central government and the authorities of the federal states, and subsequently administered by the police.

Already some years later, prevention programmes no longer relied merely on technical provisions. In the first half of the 1980s, Germany experienced an economic recession with an increase in the unemployment rate by more than 100 per cent between 1980 and 1983. Especially in big cities, difficult economic conditions were a major cause for the establishment of various social initiatives and youth projects by charities, local authorities and state institutions – and presumably for a shift in prevention strategies as well. Social prevention, defined as measures aimed at tackling the root causes of crime and the disposition of individuals to offend (Graham and Bennett 1997: 11), became the commanding notion of crime prevention in the 1980s. Edwin Kube, a former chief of the BKA, wrote in 1987:

It has to be the task for (practical and scientific) crime prevention to determine the individual and social circumstances of delinquent behaviour and to develop, to realise and to evaluate practicable methods of preventing criminality . . . Prevention is a complex task, because it can only become successful if it influences social policies too. (Kube 1987: 7f.)

In practice, the preventive aspects of the work of schools, youth centres and social workers were suddenly recognised.

A typical example of the new approach was the pilot project 'Prevention Programme Police/Social Workers', set up in the federal state of Lower Saxony in order to combine manpower and working skills of police officers and social workers (Schwind *et al.* 1980). Inevitably, the boundaries between police work and social services were blurring in the course of such projects. This by-product of the new inter-agency approach provoked serious critique with regard to potential net-widening effects. Several scholars argued that prevention might be a 'problematic objective for the criminal justice system' (Albrecht 1989) because the new cooperation between social services and the police would in fact amount to a concealment of the professional interests of the criminal justice agencies, still oriented towards repression and control (see the debates in Kreuzer

1981). At the institutional level, the new focus on social work automatically resulted in a partial inclusion of non-state organisations in the field of crime prevention work. Compared to the 1970s, the new trend also represented a change in relation to the main target of prevention efforts: from a notion of 'technical self-protection' to a 'strategy of proactive intervention', focused on convicted or potential offenders. By the end of the 1980s, the notion of prevention had gained ground in Germany. The phenomenon of crime, traditionally regarded as a matter to be dealt with repressively by state institutions, has increasingly come to be regarded as a field for prevention initiatives. Nevertheless, during both decades the prevention of crime was rather an implicit task to be accomplished – never at the top of the agenda, neither of politicians nor among German criminologists.

The rise of prevention in the 1990s

It was not until the early 1990s that crime prevention became a priority issue in discussions on the criminal justice system in Germany (Meier 2007: 268). The political context of the rise of a preventative ideology is obvious. The breakdown of the former Eastern bloc, the reunification of the two German states, the globalisation of the economic system and a large and sudden immigration from the East to Western Europe – a development that especially affected Germany – had dramatically reshaped the social and economic circumstances in Central Europe. Feelings of social insecurity were probably the driving force behind extremely high rates of fear of crime, especially in the Eastern federal states (Jasch and Hefendehl 2001; see Figure 9.1).

The results of surveys when people had been asked about their general assessment of public security were even more frightening. In the middle of the 1990s, 86 per cent of East Germans and about 70 per cent of the adult population in the West thought that security in public spaces would be at risk. According to empirical studies in 1993, nearly every second adult was afraid of becoming a victim of a robbery, theft or burglary (Frevel 1999: 59). In those years, we can observe two major tendencies in German prevention strategies: first, an attempt to reallocate the responsibility for the challenge of crime prevention; and second, a trend towards localisation – or perhaps better described as a municipalisation – of crime prevention. Both these features are interconnected and form what has become known as the German approach to community crime prevention (*Kommunale Kriminalprävention*).

Localisation and institutionalisation

In the first half of the 1990s, a new slogan became extremely fashionable among policy-makers and police officers. Crime prevention, they claimed, has to be a task for the whole society and, at the organisational level, for

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Source: Gesellschaft sozialwissenschaftl. Infrastruktureinrichtungen.

Note: Question: 'Do you feel threatened by crime in our country?' Shown: percentage of 'Yes'. No separate data for East/West were available for the years from 1996 to 1998. 'East Germany' refers to the five federal states on the territory of the former GDR and Berlin.

Figure 9.1 Fear of crime in East and West Germany, 1992–2002

the local community (e.g. Baier and Feltes 1994: 697; Bundesministerien 2006: 692). This axiom contains two elements that had been rather unfamiliar for Germans who were used to regarding crime exclusively as a problem for the state and not for private citizens. Furthermore, the constitutional idea of 'the state' comprises the central government and the federal states, but does not include local authorities, which are conceptualised as a self-administration of the local community (Art. 28 *Grundgesetz*). Consequently, the new approach heralded a twofold shift of responsibility for crime prevention. The state institutions traditionally concerned with crime – the government and the police – attempted to share their responsibility with the citizens and local authorities. Sound justification for the local focus derived from the established criminological finding that about 80 per cent of offences are committed by persons who live in the city where the offence takes place (Steffen 2006: 1145), but it is likely, that sharing the costs and the risk of failure of prevention activities were also strong motives for reallocating the task of crime prevention.

The cornerstone of this policy has been the establishment of local crime prevention councils all over Germany. In most federal states, the Home Offices strongly encouraged – if not to say initiated – the establishment of prevention councils at the local level. At the same time, similar organisations were set up at the federal state level to co-ordinate and support the

local prevention councils. Finally, organisations were established in order to co-ordinate and support the new prevention-oriented policy at the national level. In 1993, the German Foundation for Crime Prevention and the Rehabilitation of Offenders was founded by a group consisting of academics, the Minister of Justice and a former Director of the Public Prosecution Service, and started to organise national Days of Prevention (*Deutscher Präventionstag*)³, a conference where practitioners from prevention projects meet annually. In addition, the German Forum for Crime Prevention, set up by the Home Secretaries of the federal states in 1997, should 'initiate and co-ordinate national crime prevention strategies . . . of governmental and private institutions' (Bundesministerien 2001: 467). The establishment of these organisations has been geared to similar bodies in Denmark, Belgium and England. Thus, there is now an organisational structure in existence at all three administrative levels for the exchange of information and experiences with prevention projects. Germany might thus be clearly considered as a country with a process-focused approach, which aims – in contrast to scheme-focused strategies – at creating structures and administrative arrangements in order to deliver prevention efforts over the long term (Crawford 1998).

It is noticeable, however, that the initiative for the establishment of the entire infrastructure came from the official side – the government, local authorities, and at the local level from the police. Bearing in mind the fact that the local police forces in Germany are not independent but under the direction of the federal state government, police can be regarded as a long arm of the criminal justice strategy in each federal-state. In the state of North Rhine-Westphalia, for example, the Home Secretary formally committed all police authorities to stimulate the institutionalisation of local prevention councils (Frehsee 1998: 744). At the federal state level, it was each government that set up the prevention councils, although some academics and representatives of churches and private institutions had been invited to participate.

A central purpose of the new community councils has been to establish an inter-agency approach to crime prevention: not only the police and the justice agencies, but also social services, local authorities, sports clubs, shop owners, churches, trade unions and neighbourhoods should be concerned with crime. In many cases, these councils have achieved the networking goal where senior representatives of different authorities get to know each other and talk to each other on a regular basis. However, this kind of community prevention has failed to involve a broad range of 'ordinary citizens' and has not become well known in most local communities. Prevention councils 'German style' have been organised too much in a top-down way by the police and state authorities – and so, the state has remained the dominating and driving force behind these councils up to now. Yet, there are NGOs involved in prevention work and in some exceptional cases, the initiative came from private citizens (for

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example, in the city of Gießen; Schneider and Stock 1996). But in most cases, the people and organisations involved are professionally concerned with crime anyway and just reflect the local structure of power, the majority culture of the local community. With regard to the role of the state, not much has changed significantly in comparison with the implementation of prevention strategies in previous decades (see above). Thus, an inter-agency structure for police and local authorities has been implemented successfully, but the local citizens have tended to stay away from local prevention councils. It is of no surprise then that such committees raise critical questions as to the potential net-widening effects of social control within a local community (Frehsee 1998; Kreissl 1987).

In general, the topics dealt with by the local councils could be as extensive as suggested by the local situations and public perceptions of problems. In practice, however, the vast majority of councils have focused on setting up working groups on youth delinquency, graffiti and the prevention of violence. Also, inter-agency groups on the prevention of xenophobic attacks and committees concerned with drug crimes and the prevention of substance abuse are very popular among councils.⁴ It has been criticised, correctly, that the council's focus on young people, who are perceived and simultaneously construed as a risk for society, may have stigmatising effects for particular parts of the community (Steffen 2004: 6; Ostendorf 2005: 8). It is noteworthy that, according to a nationwide survey (Bundesministerien 2001: 471), about 80 per cent of the local projects applied a social approach to crime prevention (primary prevention) whereas just 9 per cent reported activities in the field of situational crime prevention. However, we have to take into account the fact that the options for local authorities to improve the living conditions of particular groups are rather restricted because problems like school funding, unemployment, social benefits or immigration policies are beyond the responsibility of local authorities.

Reallocation of responsibility

As noted above, there has been a strong tendency on the part of traditional criminal justice agencies and the state to share the responsibility for crime prevention work with local communities. Some official statements made it very clear that the state could not, or did not want to, cope with the problem of crime exclusively any more. In 1995, the then Home Secretary of the federal state Baden-Württemberg argued at the opening of a conference on community prevention that 'nowadays, security can not be provided by the authorities of the state or the local government alone' (Birzle 1995: 9).⁵ Today, the internet homepage of the police in Bavaria states that 'internal security requires joint responsibility, the engagement and assistance of the citizens'.⁶

In this context, sharing the task of crime prevention has not been just a

theoretical concept. A distinctive feature of community crime prevention policies has been the active involvement of private citizens in the work of the police. In some federal states, different models of private policing – citizens who support the police in an organised form – were set up (Pütter and Kant 2000). The security guards project (*Sicherheitswacht*) in Bavaria, established in 1994, was the first policing initiative in the context of community prevention;⁷ other federal states, like Hessen (*Freiwilliger Polizeidienst*), Brandenburg (*Sicherheitspartner*) and Sachsen followed the Bavarian example.⁸ In most cases, these volunteers do not have the same powers as police officers. In particular, they are not armed (with the exception of Baden-Württemberg) and they are not entitled to use direct force except in cases of emergency or self defence. It is intended that their job is to ‘have an eye open’ on the streets, to call the police if necessary, to support the professional police and to be a contact partner for the community. On the beat, the volunteers are supposed to help prevent ‘vandalism and street crime’ and their presence is intended to ‘improve security and the feeling of security of citizens’.⁹

From very different perspectives, this kind of private policing has always been a source of dispute. Some politicians and the police have argued that these voluntary citizens are not sufficiently qualified for the tasks they perform. The police unions in particular have articulated this argument, and it is obvious and plausible that police have a considerable interest in protecting their jobs¹⁰ or even seeking to increase the number of officers rather than see some aspects of their work transferred to a group of inexpensive but superficially trained volunteers. Similar problems occur in the relationship between police and private security companies. However, this turned out not to be a major issue in Germany – probably because there are not yet so many ‘quasi-public’ areas in private ownership in German cities and conditions for the establishment of security firms and the training of personnel have been put on a statutory basis.¹¹ Such an atmosphere of competition between different groups of the ‘extended police family’ is well known from other European countries and may be an obstacle for the deliverance of local security (Crawford *et al.* 2005: 83). In fact, there is evidence in Germany that some volunteers are not very skilled in de-escalating situations. In April 2007 a citizen patrolman in Hessen was seriously attacked after he had stopped a car driver who was not wearing his seat belt. This incident triggered a wide public debate on the question of whether it is responsible for the state to send semi-professionals out on to the streets for the sake of public order. On the other hand, from a liberal point of view, there are claims that we simply do not need even more control of deviance and more surveillance. Especially in Germany, the involvement of ordinary citizens in police work raises awkward memories for a section of the population because of the fascist legacy from before and during World War Two and – more recently, in a different way and with other consequences – the

totalitarian regime of the GDR. Both used models of private policing in order to keep the people under control.

Moreover, there are indications that citizen patrols are ineffective with regard to crime rates. According to an early study on the *Sicherheitswacht*, conducted by a group of sociologists based at Munich University, the most significant actions the guards engaged in was to tell off men urinating in public and to reproach youngsters listening to loud music at night on the streets (Hitzler 1996). Since significant reductions of crime rates could not really be expected from citizen patrols, it may well be that tackling fear of crime was a much stronger motive for the establishment of such projects from the outset.¹² In essence, the establishment of citizen patrols has been a way to show the people that someone cares about crime and public order.

Furthermore, in some regions with specific problems, involving citizens in the course of community prevention has been used as an attempt to keep the criminal justice activities of the public under the control of the state and to prevent vigilantism. That becomes apparent from the official statement of the prevention council in the eastern federal state of Brandenburg, describing its prevention concept of Security Partnerships (*Sicherheitspartnerschaft*). The establishment of local Partnership Programmes, the council writes, was 'triggered by citizens' reactions to a series of burglaries, especially committed by gangs from Eastern Europe. Because of growing feelings of insecurity, vigilante groups turned up in several communities in order to protect themselves.'¹³

The uncertain future of community prevention

Localisation and the reallocation of responsibility for crime prevention by implementing an inter-agency approach have been the main characteristics of community prevention in Germany. Beyond these features, however, quite different prevention policies have been established under the elastic umbrella term of 'community prevention' (Schreiber 2007; Lehne 2006). Whereas some states and cities have used rather traditional means of control and patrolling that reminds us of the so-called 'zero tolerance policing' in the USA, others have focused on strategies of primary prevention in the field of youth crime. After more than 15 years of community prevention, the experiences are assessed quite differently. The majority of practitioners and criminologists praise the fact that prevention has become an issue for local communities and regard the community approach as an adequate starting point for long-term prevention policies based on empirical and practical experiences (Feltes 2006: 835; Schwind 2008: §18; Heinz 1998: 47). Moreover, there is a broad consensus that much more evaluation research on preventive approaches and projects is urgently required (Walter 2002: 7; Bundesministerien 2006: 684). On the other hand, it has been argued that local prevention councils are rather symbolic means of criminal policy that have little if any positive

effects on crime or the fear of crime (Jasch 2003; Hornbostel 1998). As one research study summarised the reality of the councils work in 2004: 'The main result [of prevention councils] has been to produce concepts, papers and discussions instead of effective projects. Furthermore, most committees are lacking in manpower and necessary financial resources, they are not legitimised democratically and their resolutions and recommendations entail little commitment' (Steffen 2004: 2).

Hence, the future of community prevention in German cities with regard to their organisational form as well as their activities seems to be uncertain. It is unlikely that particular councils are going to be abolished by local authorities, but there is a risk that they might simply go to sleep – in particular because nowadays everyday crime is not the major issue for the population any more as it was in the 1990s. Some academics recommend the development of a 'collaborative crime prevention' approach based on a consensus between all groups of society without stigmatising particular sections of the population on the basis of the existing community approach in Germany (Feltes 2006: 835). Others suggest that prevention councils should secure democratic legitimacy and ensure suitable financial resources in order to establish a long-term security strategy at the local level (Steffen 2006: 10). Still others argue that prevention initiatives should become less bureaucratic and more pluralistic (Jasch 2003: 417) and that the funding of prevention activities should be dependent on research results and evaluations (Walter 2002: 7). In this context, it might turn out to be useful that crime prevention has been based on a process-focused approach with organisational structures at the national, regional and local level because this institutional framework could ensure that the issue of crime prevention is kept alive.

The new millennium

The vast majority of community projects of the 1990s are still in operation today, even though they are not making the headlines of criminal justice discourse any more. In Germany, as in most other European countries, the prevention of everyday crime has been superseded by the threat of international terrorism in the aftermath of 11 September 2001, the attacks in London (in 2005) and Madrid (in 2004) and some arrests of suspected terrorists in German cities. In the course of counter-terrorism efforts, the face of the criminal justice system has changed also in Germany and the threat of terror is dominating public debates on criminal policy. Legislation and policing policies in the first decade of the twenty-first century have been characterised by a trend towards more punitive and repressive measures. Simultaneously, the perception of crime prevention has changed towards a rediscovery of 'prevention by means of repression'. In past decades, prevention strategies consisted of measures that intended to

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convince people not to commit a crime. Nowadays, prevention has come more and more to mean incapacitating people from committing offences.

However, I do not believe that 9/11 can be regarded as the decisive and unique turning point in German criminal policy. In fact, there was a punitive trend in existence already before September 2001 (see also Hassemer 2007). This pre-existing trend was marked by a permanent extension of police powers, especially techniques of control, an increase in the use of preventive detention and the introduction of some new criminal offences. This has simply been accelerated since 2001, and it is by no means only directed at terrorism, but also at ordinary street crimes and at people who are presumed to be 'dangerous'. The recent tendency of the criminal justice policy can be illustrated briefly by means of four examples.

(i) Justified with the goal of crime prevention, the powers available to police and prosecutors to compel people to render a DNA sample have been expanded. Some years ago, the prosecution service was entitled to gather DNA data only from offenders convicted of serious violent or sexual offences under the condition that further offences committed by him or her were likely. Since a reform of §81g StPO¹⁴ in 2005, it is available for all types of offenders, not just serious offenders but also for graffiti-sprayers, shoplifters and fare dodgers. Only two conditions must be met to compel a minor offender to undergo a DNA test and to record the data obtained for the purpose of future, anticipated proceedings. First, the individual must be regarded as a persistent offender. Second, there must be 'reason to believe' that he or she might commit further similar offences in the future. Such a law is problematic because criminologists have not yet discovered reliable indicators that enable us to identify persons who will continue to offend persistently or who will become a multiple or serious offender in the future (e.g. Sampson and Laub 2006).

(ii) One of the most striking developments in German criminal law is the extension of preventive detention (*Sicherungsverwahrung*, §§66ff. StGB¹⁵), imprisonment on the grounds that a convicted offender is regarded as dangerous to the public. Usually, offenders receive a prison sentence that reflects his or her personal guilt, according to the principle of personal responsibility that governs German criminal law. In recent years, judges were given extended statutory powers to impose further preventive detention on the grounds of the prognosis that the offender may be a danger to the public in the future. The instrument of preventive detention is primarily used for sex and serious violent offenders; however, it is also used to detain persistent burglars and defrauders. Since 2004, preventive detention in cases of serious violent crimes can also be imposed years after the criminal trial if the assumed dangerousness of the offender emerges only during the offender's time in prison (§66b StGB; for details see Albrecht 2006). As a consequence of various extensions to the law, the number of persons in preventive detention has more than

doubled between 1996 and 2006.¹⁶ This is perhaps the most radical mode of prevention by means of repression one can think of.

(iii) CCTV has been expanded enormously. In public places, cameras are frequently used in order to restrain drug trafficking and vandalism. Although we know that dealers simply change sites for their business and the effect on crime rates is rather limited (Gill and Spriggs 2005), the cameras remain and provide surveillance of many city areas. In particular, CCTV has been expanded in public transport. Cameras have become a common element inside trains and buses of public transport as well as in tube and railway stations. Ever since CCTV played a crucial role in the arrest of two men with an Islamist background, who planted bombs in public trains in Cologne in 2006, police and politicians use the incident to argue in favour of surveillance cameras, although it was in fact rather an example of the *limited* preventive effects of CCTV.¹⁷ Up to now, there are no systems of 'intelligent scene analysis' in operation in Germany because we are quite sceptical whether such an extension of surveillance complies with data protection laws and the constitution. However, there is already one railway station where a camera system that should recognise individual faces by analysing biometric data is currently running on a trial basis.

(iv) Furthermore, we can observe a development that represents the nature of prevention strategies although it does not take place in the context of criminal or public order law. It has become very attractive for the state to collect as much data on citizens as possible. For instance, since 2005 the social services and tax authorities are entitled to gather data from the bank accounts of all citizens in order to detect tax offences and fraudulent applications for social security benefits or student grants. The police and intelligence service – usually strictly separated for historical reasons – became entitled to exchange data gathered on individuals. In compliance with European law,¹⁸ all German passports in the future will contain biometrical data as well as two computerised fingerprints. Also due to a recent European guideline,¹⁹ a new law has introduced the storage of all telecommunication data (calls by telephone and mobiles, emails, SMS and browsing the internet) of the citizens for at least six months.

Four decades of prevention: going around in circles?

During the past 30 years, we have witnessed developments that look somewhat like going around in circles. From a merely repressive approach to crime over technical and situational prevention to a notion of social prevention in the 1980s and community strategies in the 1990s, we have returned full circle back to a dominance of repressive techniques in recent years. However, if we compare the reality of crime prevention

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today with the situation in the 1970s, it becomes obvious that the number of institutions, committees and councils concerned with primary prevention in Germany has increased enormously. Almost every federal state and the majority of large German cities have introduced prevention committees in order to establish an inter-agency approach to crime. Today, the central government leaves no doubt on its commitment to a process-oriented approach to crime prevention when stating that 'permanent structures are necessary' for a successful crime prevention policy (Bundesministerien 2006: 692).

However, it remains an open question whether a high number of prevention committees really constitutes a high priority given to a preventive approach to crime in criminal justice policy. Although there has been a certain rise of prevention policies at central and regional level in Germany, most academics and practitioners are rather unsatisfied with the outcomes. Wiebke Steffen, a leading sociologist with the Bavarian police, recently concluded that neither the practice of community prevention nor the police prevention schemes may be called a track record as such: 'At the local level, the insight that crime prevention has to be a task for the entire society and an overall responsibility instead of a by-product of politics is still not prevailing' (Steffen 2006: 1153). The official rhetoric relies on a twofold approach, with repressive criminal sanctions and the extension of control strategies as well as proactive and community-oriented prevention projects: 'The antagonism between prevention and repression has to be regarded as antiquated, at least since also the criminal law has chosen crime prevention as its objective', the government declared in its latest report on security (Bundesministerien 2006: 684). Such a statement shows that there is a need for future research to clarify the precise relationship between the concepts of 'prevention' and 'repression'.

The question remains, however, whether one of the two concepts will prevail in the practice of criminal policy. Whereas local community initiatives suffer from a lack of manpower, money and practical projects (see above), the expansion of police powers, preventive detention, data pools with personal data of citizens and other measures which are highly relevant for civil rights might be more sustainable. In practice, there is a highly visible tendency away from social prevention that aims at the social circumstances of persons at risk, as well as away from the presumed causes of crime and towards prevention by means of repression and surveillance. The old and well-known saying by Franz von Liszt, that the best criminal policy would be a good social policy, has today become almost out of fashion.

Yet, we have to take note of one exception to this development. Under the heading of 'Early Prevention' a new area of prevention work is emerging in academic and public discussions. An increasing number of politicians,²⁰ social workers and criminologists put forward the view that

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we should intervene at a very early stage of people's lives in order to prevent deviancy and future crime. Crime prevention, they claim, has to start in families with parents who are strained with the upbringing of their children (Galm 2005), in kindergartens and primary schools; even the prenatal period of child development has been discussed as a potential field for preventive measures (Anders-Hoepgen 2006; Beelmann *et al.* 2006; for a critical view see Ostendorf 2005). This seems to be a striking example for a general trend of modern states to abandon 'restraint towards intervention in people's private affairs' and to apply a policy of 'behaviour modification' (Furedi 2005: 146f.). Although there is no doubt that strained families do need and deserve help, it is questionable whether we really need 'crime prevention' as an objective to justify social work. We have to bear in mind that early prevention strategies might result in an early screening of marginalised and potentially 'dangerous' families and in a sort of 'social engineering' of future generations. Sooner or later, early prevention measures might resort to coercive interventions in the private life of families if the assistance offered by the state is refused. The new approach reminds us that crime prevention is an ambivalent and potentially dangerous guiding principle. With the intensity and realm of prevention, the extent of control, regulations and interventions in a society will grow. Already 20 years ago there were warnings in Germany that the society would be slowly transformed from a 'constitutional state' into a 'prevention state' (Denninger 1989). Today, the critics have gone one step further and claim that the statutes of the 'prevention state' have turned into a 'post-preventive security law' (Albrecht 2007: 6) which puts security first and nourishes the 'safety utopia' (Boutellier 2004) of modern societies.

We do not yet have much reliable knowledge about the political reasons for this shift of criminal policy. However, it appears plausible that at least three factors are at work. First, people's willingness to accept risks as an immanent condition of human life has diminished radically. Thus, we tend to regard criminals and deviants primarily as future risks, and less as fellow citizens. Second, in modern and pluralistic societies, crime has become one of the last common 'enemies', and the fight against crime carries a strong potential for moral and normative guidance. Third, a tough approach to crime might be a comfortable way for the state to prove its capacity to act. Whereas the impact of national governments on economic and environmental developments is rather limited in a globalised world with multinational concerns, crime appears to be a subject that can be tackled by politicians. Moreover, in contrast to social work for youths, the unskilled and the rising number of poor people in a society that separates more and more between 'winners' and 'losers', repressive means are supposed to be the tough approach to crime. In the long term, it would be more promising to return to a policy of social prevention, which takes the particularities of local communities into account.

Notes

- 1 The only exception to this narrow, merely juridical, perception of crime was Heinrich Mengs' book on the *Prophylaxis of Crime* (1948). It remained the only academic publication on crime prevention in a broader sense until the end of the 1960s.
- 2 The federal government of Schleswig-Holstein played a leading role in developing the organisational framework of community prevention and established the first German Prevention Council at federal state level in 1990, followed by the first local council in the city of Lübeck, a high-crime area in the same state. Up to now, eight similar councils at the federal state level and about 2,000 at the local level have been established (Schreiber 2007). Moreover, some federal states have set up permanent offices or co-ordination bureaus, which are comparable to prevention councils.
- 3 For more information see www.praeventionstag.de
- 4 A comprehensive register of local prevention projects is available on the internet homepage of the Federal Police *Bundeskriminalamt*: <http://infodok.bka.de> (for a recent analysis of the structure of prevention councils see Schreiber 2007).
- 5 Similar the statement by Kube/Schneider/Stock (1996: 16): 'For police and . . . the criminal justice system, the options for prevention activities are rather limited.'
- 6 www.polizei.bayern.de/wir/sicherheitswacht/index.html (accessed April 2008).
- 7 Independent of the new community approach, there is a voluntary police service (about 1,200 citizens in 20 cities) which has been in operation in the federal state of Baden-Württemberg since the 1960s. In Berlin, on the other hand, a coalition of social democrats and socialists abolished the voluntary police service in the capital in 2002, arguing that it would be a relict from the Cold War Period, unsuitable for contemporary security challenges.
- 8 In 2007, the voluntary police in Hessen consisted of 700 citizens in 90 cities and towns. In Sachsen about 600 citizens have joined this service and the Bavarian *Sicherheitswacht* counted 530 volunteers in 58 cities.
- 9 Quotes from the information leaflet on the Bavarian *Sicherheitswacht*.
- 10 According to the police union, the German states reduced the number of jobs for police officers by 10,000 and for civil employees by 7,000 between 2000 and 2006 (www.gdp.de, accessed April 2008).
- 11 §34a, Trade and Commerce Regulation Act (*Gewerbeordnung*).
- 12 Today, the central government declares clearly that 'crime prevention must also strengthen the population's feelings of security' (Bundesministerien 2006: 691).
- 13 www.brandenburg.de/sixcms/detail.php/59444 (accessed April 2008).
- 14 German Criminal Procedure Code (*Strafprozessordnung*).
- 15 German Penal Code (*Strafgesetzbuch*).
- 16 375 offenders were detained in preventive detention in 2006 (31 March), compared to 176 persons in 1996 (source: Statistisches Bundesamt Wiesbaden 2006).
- 17 The bombs were placed successfully by the offenders but did not explode because they were badly constructed.

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- 18 Decree (EU) No. 2252/2004 of the European Council, 13 December 2004.
- 19 Guideline No. 2006/24/EG of the European Parliament and the Council, 15 March 2006.
- 20 In January 2008, the Green Party in the German Parliament suggested 'early prevention, education and work with parents' as a programme for the reduction of youth crime (http://www.gruene-bundestag.de/cms/jugendliche/dok/215/215379.handeln_statt_einfach_sitzen_lassen.pdf). One year before, the Liberal Democrats asked for 'early prevention measures in order to identify families at risk before a child is born and to supervise them' in order to prevent child abuse (3ÜFV<http://dip21.bundestag.de/dip21/btd/16/044/1604415.pdf>).

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