Actuarial justice refers to a theoretical model current in the criminal justice system that employs concepts and methods similar to actuarial mathematics. Actuaries evaluate future risks such as unemployment, illness, and death. Their projections are the backbone of the insurance and financial security industries. In these fields, actuarial techniques are used to produce insurance percentage rates needed to establish premiums to cover expected losses and expenses. In the justice system, proponents of an actuarial approach attempt to evaluate risk and dangerousness of offenders and treatment programs. Actuarial justice also underpins crime prevention strategies and policing.

**CHARACTERISTICS OF ACTUARIAL JUSTICE**

There are at least four characteristics associated with actuarial justice:

*Deviance is normal.* Crime is now perceived as an inevitable social fact. We no longer try to eliminate it, for it is perceived as a direct consequence of living in society. Like traffic accidents, for example, crime is understood to be something that has a significant probability of happening. We try to prevent it and minimize its consequence, by judging the risk that various situations and individuals pose. In this view, crime has lost its moral component. It has been normalized as a by-product of modern societies.

*Risk profiles rather than individuals.* One of the fundamental characteristics of actuarial justice is its reliance on the concept of risk. The actuarial lens reconstructs individual and social phenomena as risk objects. Hence, the unit of analysis in the criminal justice system is not the biographical individual anymore but rather one’s risk profile. Through actuarial techniques, individual identity is fragmented and remade into a combination of variables associated with different categories and level of risk.

*Managing rather than transforming.* Changing individuals was the key project of the disciplinary model. The goal was to transform criminals into law-abiding citizens through therapy or other correctional interventions aimed at altering their personalities. Within actuarial justice, transforming individuals is no longer the exclusive goal, in part because it is difficult and resource consuming. The objective shifts to managing the risks that offenders represent. To do so, offenders are identified, classified, and organized in terms of a risk profile. Management therefore comes to be at the heart of the system. Institutional paths are provided for different categories of offender according to the risk they pose. Diagnosis and treatment have more and more given way to managerialism.
The future rather than the past. Finally, actuarial justice has a prospective outlook. It is primarily interested in estimating and preventing the occurrence of forthcoming behaviors rather than with sanctioning them or understanding and addressing their past causes. The focus of actuarial justice is mainly on incapacitating and regulating future behaviors.

Actuarial justice is a set of tendencies in the criminal justice system that still needs to be documented in order to be defined more clearly. Even if actuarial justice is more easily delineated by opposition to the rehabilitative and retributive models, the preceding characterization should not lead one to think that these two models have been superseded by actuarial justice. Neither should these models be conceptualized as a sequence. As it will be shown below, they coexist within the criminal justice system (O’Malley, 1992). One step in the quest to comprehend actuarial justice is to identify its theoretical underpinnings as well as its intellectual, political, and social conditions of possibility.

EMERGENCE OF ACTUARIAL JUSTICE

The origin of actuarial justice, and actuarial practices more generally, traces back to our capacity to perceive and think about phenomena at a group or social level. Before the late 18th to early 19th centuries, averse events were mainly perceived as personal misfortunes. Along with the birth of statistics, the capacity to conceptualized events socially made it possible to observe patterns that affect people on a larger scale. Therefore, new realities came into view: birth and death rates, patterns of accidents, unemployment rates, and so on. It allowed for the emergence of a new form of power focused on the population as a set of characteristics or profiles. In the language of Michel Foucault, it is called government or bio-power. Actuarial practices are a manifestation of that particular form of power.

Despite these early foundations, the idea of actuarial justice became articulated as such only at the end of the 1980s. According to Malcolm Feeley and Jonathan Simon (1994), there are three main reasons why these ideas became popular at this time. First, this particular line of thought was already present in other fields of the law, namely, tort law. In effect, in tort law strict liability and no-fault gained ascendancy over the notion of individual responsibility. Causality and guilt are not an issue in tort law; the preoccupation is with managing of a pool of aversive events. Second, the supplanting of the individual justice logic by the system-thinking and rational management logic contributed to the development of actuarial justice. In effect, we now think of justice in terms of a complex system in search of efficiency and not as the operation of a judge who impartially weigh an individual moral implication in a crime. Finally, the utilitarian idea of deterrence weakened the resistance against actuarial justice in the sense that it replace the traditional moral and individualistic view of crime and punishment by an economic conception of individual guided by the calculation of costs and pleasures.

On the political level, liberal and conservative stances both contributed to the rise of actuarial justice, through their emphasis on management. The first sought to regularize procedure through due process; the second encouraged the use of extended imprisonment and thereby increased the correctional population prompting the use of actuarial techniques for efficient management.

ACTUARIAL JUSTICE IN PRACTICE

Instances of actuarial justice in practice can be found in many parts of the criminal justice system. For example, these days it is common to refer to crime as a risk to be addressed by an insurance base model of control. Accordingly, tools such as target hardening, statistical profiling, opportunity minimization, and loss prevention are put in place. To minimize the occurrence of negative events, proponents of crime prevention and the police rely on risk classification. “Bad risks” are then prevented from entering into some form of social relation as happens in the selective incapacitation of high-risk offenders. In addition, crime prevention aims at modifying the context where aversive events might take place. Hence, the target of control shifts from the criminals to the potential victims and their environments. Finally, another sign that crime
Actuarial justice is a conceptual model of the criminal justice system that is preoccupied with managing future risks rather than transforming individual and eliminating deviance. Even if its origin can be traced to the late 18th century, the actuarial justice model developed in the 1980s under the impulse of the system thinking and the management logic as well as the utilitarian philosophy. Both the right- and left-wing politics participated in its development. The actuarial model is pervasive in every part of the criminal justice system from crime prevention to sentencing and corrections. In conclusion, while actuarial justice and the notion of risk suggest neutrality and objectivity, actuarial practices are marked by gender, culture, and subjectivity. Invested with an aura of science and rationality, actuarial practices hide the political processes behind the construction of crime, the identification of segments of the population as high-risk offenders, and the exclusion resulting from the “necessary” protection measures. Finally, actuarial justice isolates the criminal justice system from the social finalities that were once measures of its worth.

—Dominique Robert

CONCLUSION

Actuarial justice is increasingly influenced by actuarial justice that is when people are unable to avoid risk, strategies are implemented to systematically pass it along. Thus, for example, supermarkets often calculate the price of goods to include the foreseeable loss incurred by shoplifting.

Actuarial justice also permeates corrections to form what has been called the “new penology.” This correctional model encompasses all the characteristics listed earlier: the normalization of deviance and the focus on risk, management, and the future. Under these ideas, the practices of parole have changed substantially. While originally, readmitting someone to prison while he or she was on parole demonstrated the failure of the correctional system because it showed that the person had not been successfully treated during the incarceration, in the actuarial justice model it has become a sign that the system efficiently controls risks. The criminal is neutralized before he or she commits further crime. Similarly, under an actuarial model, the criminal justice system has become increasingly reliant on long prison terms and three-strikes laws. Not only do these measures aim at punishing offenders for past behaviors, but they mostly seek to contain future crime.

The development of actuarial justice literature was, until recently, mostly based on research done with male offenders. It is then reasonable to ask if this model is relevant to the situation experienced by juveniles and women in the criminal justice system. Research shows that it is applicable to a certain point. Hence, Kimberly Kempf-Leonard and Elicka Peterson (2000) demonstrated that some parts of the juvenile justice system are permeated by the actuarial justice model. Such a shift seems to challenge the *parens patriae* orientation. It is largely the case at the prehearing detention stage, when the type of detention facility is chosen and when community-based services are used. In these instances, risk assessment and management as well as cost-effectiveness seem to prevail over the “best interest of the child.” In the same vein, Kelly Hannah-Moffat (1999) demonstrated that the actuarial justice vocabulary and logic are increasingly present in women’s imprisonment, alongside the disciplinary and retributive models.

