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The Return of 14141?
Federal Intervention of Police in the Biden
Administration
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Among the most far-reaching actions taken by the federal government in the realm of criminal justice has been the 1994 Violent Crime Control and Law Enforcement Act (VCCLEA). Better known as the 1994 crime bill, the VCCLEA is both revered and reviled for its impact on community policing, protections for victims of domestic violence, assault weapons ban, and funding for new prisons and mass incarceration. Buried so deep within the VCCLEA that it went unmentioned in the government's announcement of the law was the barely noticed but consequential Law Enforcement Misconduct Statute (42 U.S.C. § 14141).

Since recodified as 34 U.S.C. 12601, but referred to as "14141," this provision authorizes the Department of Justice to investigate law enforcement agencies suspected of engaging in patterns or practices of systemic misconduct, unconstitutional policing, and violations of federal law (DOJ, 2017). Investigations affirming unlawful

patterns or practices allow DOJ to initiate litigation against the offending agency, resulting in the imposition of reforms by consent decree. A key author of the VCCLEA, and section 14141, was the chair of the Senate Judiciary Committee at the time of the law's passage, Senator Joseph R. Biden.

Contrary to the widely held belief, 14141 did not emerge as a result of the 1991 Rodney King incident per se; rather, that event served as the capstone to many years' effort in passing a federal law authorizing intervention against law enforcement agencies for unconstitutional policing (DOJ, 2011). Indeed, the legislative framework for 14141 mirrored that of the federal government's legal authority initiated over corrections, voting, education, and in other areas of civil rights against recalcitrant jurisdictions failing to adhere to constitutional practices. Consequently, similar to federal intervention in other social institutions, 14141 traces its genesis to the civil rights movement of the 1960s (DOJ, 2011).

Since 1994, there have been 70 investigations of U.S. law enforcement agencies for patterns or practices violations, bookended by the 1995 investigation of the Torrance (CA) Police Department and the 2018 investigation of the Springfield (MA) Narcotics Bureau (Childress, 2020). Of these 70 investigations, 44 have concluded with a finding of a pattern or practice of unconstitutional policing, 11 have resulted in an agreement for technical assistance, 14 more

concluded without any specific finding or settlement, and one remains unresolved. While each presidential administration has varied in its approach to 14141 enforcement, it wasn't until the Trump administration that DOJ shifted its priorities and resources away from 14141 to assistance for police under other federal programs. This shift was codified in 2018 by then-Attorney General Sessions in a policy memo articulating DOJ's position on 14141, prioritizing assistance, support, and training over federal investigation and intervention of local police. As such, a law once heralded as "the most important legal initiative of the past twenty years in the sphere of police regulation" (Stuntz, 2006, p. 781) became so restrictive that it was made virtually unenforceable.

An ongoing critique of 14141 among scholars has been that too often police are unable to sustain reforms after DOJ discontinues its oversight (Walker, 2017). Nowhere has this backsliding been more acutely felt than in Pittsburgh where, two decades after 14141 intervention led to the first consent decree, reform efforts are viewed as having failed to successfully transform the police (Stolberg, 2017). Yet, 14141 has produced notable successes, including in the deeply troubled New Orleans Police Department (Morgan, Murphy, & Horwitz, 2017) and the LAPD (Rushin, 2017). Although these successful interventions have served as models of reform best practices, federal intervention into police departments under 14141 has been found to

be fraught with serious trade-offs including de-policing, temporary increases in crime, and issues of sustainability (Ostrowe, 2020). Moreover, the costs, resources, replicability, and perceived fairness of 14141 intervention have served as criticisms enabling pushback from practitioners, advocates, and police unions (PERF, 2013). Many of these critiques have been pervasive through administrations, in part leading to DOJ's policy shift.

Given President Biden's history in establishing the provision coupled with the administration's stated commitment to justice initiatives (Biden, 2021) and ongoing "National Police Crisis" (Walker, 2018, p. 1782), the criminal justice community ought to anticipate a significant policy shift in the application of 14141. The question is: What should that policy be?

Presidential administrations make policy choices best reflecting their priorities through their administration's interpretation and application of law. Federal intervention into police under 14141 is one such law. Indeed, while the number of 14141 investigations under the administrations of Clinton, Bush, and Obama remained static (24, 22, and 23 investigations respectively), the agreement type, scope of investigation, and findings varied greatly between administrations (Donnelly & Salvatore, 2019). A review of 14141 investigative findings letters is indicative of these changes—from the two-page investigative letter of the Pittsburgh Bureau of

Police in 1996 to the 164-page investigative findings letter of the Chicago Police Department in 2017. The scope of DOJ's investigative results over these 21 years was not unique to Chicago, nor solely dependent upon the size of their police department. Notably, more recent 14141 investigations were larger in scope than earlier investigations (e.g., New Orleans, Ferguson, Baltimore), with this trend continuing through the Obama administration. Evidence of preferences by presidential administration is also apparent between Clinton and Bush. Whereas the former president's 14141 agreements were litigation and reform focused, the latter opted to engage police agencies in technical assistance post-14141 investigation. Even with presidential discretion, Obama's more muscular approach to enforcement led some to critique 14141 as unnecessarily punitive, uneven, and partial to the whims of politics (Weichselbaum, 2015). Acceding to some of these criticisms, the head of the police reform program under Obama and Biden nominee for associate attorney general, Vanita Gupta, publicly stated about 14141, "We did a lot, but it wasn't perfect" (Gupta, 2020).

Where Does the Biden Administration Go From Here?

Crafting a new 14141 policy would first require rescinding or modifying the Sessions memo. This policy situates 14141 as a last resort to deal with systemic police misconduct and places many

restrictions on DOJ's reform efforts. While rescinding this policy may prove simple, creating a new one that does not repeat the problems and inefficiencies of the past is daunting considering DOJ's finite resources and lack of centralized data on police misconduct among the 18,000 law enforcement agencies in the U.S. These issues have bedeviled enforcement of 14141 throughout the provision's existence. Indeed, for these reasons, DOJ's practice of selecting a law enforcement agency for intervention has been harshly criticized by practitioners as arbitrary, costly, unfair, and stigmatizing to the agency (DOJ, 2011; PERF, 2013). Moreover, DOJ's past focus on many of the largest police agencies presented enormous challenges in terms of time, costs, and resources dedicated to reform efforts (e.g., LAPD's 12-year, $300 million investigation). As well, throughout the provision's history, investigations were often in response to high-profile tragic events involving controversial use of force, as occurred in many of the more recent 14141 interventions (e.g., Cleveland, Ferguson, Baltimore, and Chicago), rather than applied as a proactive mechanism of constitutional compliance. While reacting to unlawful police conduct may be a necessary and appropriate remedy under law, it is certainly preferable to leverage 14141 in a way that prevents high-profile controversial events. The following is a proposal to remedy these criticisms.

A Proposal for 14141 Enforcement

Nearing the end of President Obama's second term, the administration released the document *The Civil Rights Division's Pattern and Practice Police Reform Work: 1994-Present.* This publication described how DOJ identified among the 18,000 law enforcement agencies those in need of reform. Lacking a specific methodology, their process included obtaining information from publicly available news reports, civilian complaints, data from lawsuits, and referrals from the public, advocacy groups, judges, and even members of law enforcement. This haphazard approach is why identifying a police agency for reform has been described by scholars such as Harmon (2017) as nothing more than a mix of politics, policy, and legal discretion. Moreover, considering the size and scope of law enforcement in the U.S., DOJ (2017) has expressed that "police reform strategy is not, and cannot be, premised on an effort to investigate every police department in need of reform" (p. 4), implying that the responsibility of enforcing 14141 is beyond DOJ's resources and ability to broadly apply the law. How, then, could 14141 be more effectively implemented to address systemic police misconduct?

After approximately 15 years of inconsistent enforcement and an opaque selection process, the legal scholar Rachel Harmon (2009) drafted a unique three-prong proposal for 14141 enforcement that could be used to both induce and compel

change in problematic police departments. Unfortunately, this proposal was not adopted by any administration. Premised on efficiently applying DOJ's resources while considering the scope of their task, this approach requires that the federal government collect, monitor, and develop the ability to rapidly analyze specific data indicative of systemic problems in law enforcement.

After data collection, the first prong involves DOJ identifying and intervening in the most troubled police departments based on a data-driven, objective, and transparent process. Referring to this as a "worst first" policy, compelling change under structural reform litigation would thus raise public scrutiny, increase agency costs, and force reform upon only the nation's most dysfunctional police departments—serving as a deterrent to other law enforcement agencies while sparing limited resources within DOJ. As such, the full weight of 14141 would be initiated against only the most egregious few agencies.

Concerning data acquisition, harnessing police-related data on a national level among the 18,000 law enforcement agencies within the constraints imposed by our federalist structure have proven difficult, but they can be overcome. These data should include standardized definitions and measures of police use of force and deadly force, civilian complaints, and section 1983 civil rights lawsuits, which have been shown to be a reliable proxy measure of misconduct (Powell, Meitl, &

Worrall, 2017). Data compliance can be tied to both direct agency federal assistance and public safety funding provided to the state. More broadly, states that receive federal public safety funds can be compelled to pass legislation requiring local police agencies to report these data at the state level, then on to DOJ, obviating the constraints of federalism and data acquisition.

This first prong is dependent upon an attendant prong—the establishment of "safe harbor" for problematic police departments whose deficiencies place them in danger of systemic misconduct and unconstitutional policing. Under this second prong, these agencies would be shielded from the burdens of litigation under an agreement to reform policies, practices, and systems with specific milestones, allowing for agency course correction in lieu of the more serious outcome, litigation. Thus, inducing change in these law enforcement agencies would save time, resources, and the stigma associated with 14141 intervention, further incentivizing reform.

This second prong, inducement to self-correction, has an established framework. Notably, under the Bush administration technical assistance was a common outcome offered to police agencies post-14141 investigation, rather than litigation. Indeed, 11 law enforcement agencies have entered into an agreement with DOJ to improve systems, policies, and practices that were found to put the agency at risk of unconstitutional policing. This

form of remediation consists of non-adversarial and non-punitive agreements outside of litigation in which DOJ assists in reforming a police agency. Agencies offered safe harbor would therefore be induced to change through technical assistance. If reforms efforts are ineffectual, compelling those agencies to reform could occur through initiation of structural litigation. Indeed, a look back at 14141 under previous administrations offers a framework for this strategy. Consider that municipalities such as Miami, Cleveland, Easton, and New Orleans initially engaged in technical assistance with DOJ, and when those reforms were deemed unsuccessful, the agencies were subject to a consent decree and compelled to reform.

The third prong involves DOJ disseminating information among police agencies across the U.S. regarding organizational deficiencies that allow systemic misconduct and unconstitutional policing to proliferate. This would further raise awareness in the law enforcement community regarding remedies to those deficiencies, thereby allowing for self-correction, ameliorating the underlying causes of misconduct.

This prong requires the dissemination of "what works" and "best practices" in the prevention of systemic misconduct and unconstitutional policing. As has been pointed out by scholars of 14141, in the more than 20 years of the law, there is a consistency with which DOJ has identified problematic policies, practices, and systems in law enforcement agencies contributing to unconstitutional policing. As argued by Walker (2017), the most significant benefit of 14141 has been the establishment and dissemination of "best" and "worst" practices through DOJ investigative findings letters and consent decrees. These practices regularly include requirements for (1) state-of-the-art use of force policies, (2) reporting and supervisor review for all use of force incidents, (3) performance management systems and identification of officers for early intervention, and (4) an open and accessible complaint process (Walker, 2017). These reforms will not guarantee that unconstitutional policing will never again occur, but as proven by the 14141 law, they will go a long way toward eliminating systemic problems and help to serve as a model for law enforcement agencies to follow throughout the country.

Conclusion

For more than 25 years, the VCCLEA has cast a long shadow over criminal justice. What began as an almost unnoticed provision of that law has become one of its most enduring and consequential. After 70 investigations and dozens of police agencies subject to reform under 14141, scholars, practitioners, and the DOJ have a well-informed and objective grasp of the organizational deficiencies that allow systemic misconduct and unconstitutional policing to proliferate. While administrative discretion allows for varying

enforcement approaches to 14141, President Biden's knowledge and experience with the law, along with the administration's position on criminal justice reform, provides the best opportunity for 14141's renewed application, but in an effective, efficient, objective, and transparent manner. Indeed, adopting the proposed methodology will better support constitutional policing, help root out systemic misconduct in police, and assist in alleviating our national police crisis.

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Message from the President: 2021 Annual Meeting

Cassia Spohn

ACJS President

When the decision was made last spring to cancel the 2020 Annual Meeting due to the pandemic, I assumed (incorrectly, as it turned out) that the 2021 meeting in Orlando would go forward as planned. As the pandemic worsened during the summer and early fall and as universities and government agencies canceled all nonessential travel, the ACJS Executive Board made the very difficult decision to cancel the in-person meeting and to explore options for a slimmed down virtual meeting. Although meeting virtually was not seen as ideal, we decided that it was important to offer the ACJS membership an opportunity to share their research, reconnect (at least virtually) with friends and colleagues, and celebrate the 2020 and 2021 award winners.

We have planned a two-day (April 13-14) virtual conference around the 2021 theme of "Reforming and Transforming Criminal Justice." We will kick off each day with a distinguished plenary speaker—Robin Engel from the University of Cincinnati on the 13th and Yusef Salaam, one of the Central Park Exonerees, on the 14th. We also will have 17 "live" panels on reforming the criminal justice system and four "live" Author Meets Critics sessions. We will end each day with an awards ceremony—the awards from 2020 will be presented on the 13th and those from 2021 will be presented on the 14th—followed by presentations from the 2020 and 2021 Bruce Smith Award winners. In addition, presentations by those who did not submit under the "reforming criminal justice" theme will be available to peruse at your leisure during and after the conference.

I am sure that we are all disappointed that the ACJS 2021 Annual Meeting will be a virtual meeting. There will be no receptions, no awards luncheon, no salsa dancing lessons (which was on the agenda), no trips to Disney World and Epcot, and only limited opportunities to interact with other ACJS members. My mantra this year has been, "we are doing the best we can, given the circumstances." I hope that the virtual meeting we have planned provides you with at least some of what you have come to expect from ACJS meetings— engaging plenary speakers, intellectually stimulating dialogue between authors and their critics, and presentations designed to showcase the important research our members are doing on reforming criminal justice. As the events of the past year have demonstrated, the issue of criminal justice reform is (once again) on the national political agenda and I am pleased that ACJS members can contribute to the conversation.

I hope to "see" you all at our virtual meeting in April and in person at the 2022 ACJS Conference in Las Vegas!

https://www.acjs.org/page/2021virtualmeeting

ACJS is proud to present its first Virtual Meeting, **April 13 -14, 2021**. We've experienced some unique challenges over the last year. Still, the Executive Board felt it was important to keep sharing and showcasing the great research done by so many in the criminal justice academic and professional arena. In support of our original Annual Meeting theme - ***Reforming and Transforming Criminal Justice*** - the ACJS President Dr. Cassia Spohn and the 2021 Program Chairs have put together an exciting schedule of events. A preliminary schedule is listed below.

The synchronous component will include keynote speakers, the awards presentation, and papers submitted under the planned 2021 conference them, Reforming and Transforming Criminal Justice. For those who submitted abstracts for papers or research showcase posters outside the conference theme and by the October 31, 2020, deadline, an asynchronous component will be available. Additionally, opportunities for asynchronous presenters to connect with other participants will be provided. More details will be provide as they come available.

Registration for the ACJS Virtual Meeting is FREE to members; non-member registration is $85; non-member student registration is $40 per person. **Registration closes on Thursday, April 1, 2021,** and the number of registrants is limited. Therefore, please don't wait until the last minute to register and miss your chance to participate!

Also if your institution, program or company is interested in exhibiting during the virtual meeting or becoming a sponsor, click here for more details - https://www.acjs.org/page/2021virtualexhibit.

Book Review: David J. Thomas, PhD; The
State of American Policing: Psychology,
Behavior, Problems, and Solutions.
Praeger, *2019.* **ISBN-13: 978-1440860065**
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Because the United States has a highly decentralized and complex police system, composed of nearly 18,000 law enforcement agencies that employ more than one million public safety officers, it is formidably challenging to universally discuss the role of police in American society. In *The State of American Policing: Psychology, Behavior, Problems, and Solutions*, Dr. David J. Thomas provides a thought-provoking and forthright analysis of several vexatious issues facing contemporary policing, such as taboo aspects of the controversial history of American police, racial tensions with African American communities, the militarization movement, use of deadly force, and psychological barriers within the policing culture. It needs to be highlighted that not only is Thomas a 20-year, African American veteran police officer and professor of forensic studies at Florida Gulf Coast University in Ft. Myers, Florida, but his Ph.D. in forensic psychology and a master's degree in education add a significant value to his erudite perspectives on these critical issues. Therefore, given the author's impressive resume, his expertise in several subjects within policing, and   easily

approachable writing style, this book has a wide potential audience. Not only students who desire careers within the law enforcement arena can benefit from this title, but also the current practitioners and researchers who wish to enrich their knowledge and understand certain controversial dynamics from a unique angle.

Thomas believes that current issues cannot be addressed without firm understanding of the larger context. The author begins the first chapter with the uneasy history of policing in the United States, which was initially synonymous with racism, corruption, brutality, and political connections. Thomas argues that while police evolved as an organization, particularly with regard to training and professionalism, the "psychology of oppression" is a far more complex phenomenon that is deeply rooted within the historical context. Based on that aspect, the author presents his colloquial concepts of modern racial profiling, such as "Walking while Black" and "Driving while Black," which exemplify contemporary forms of discrimination and stereotyping. Thomas concludes with a summary of the infamous "war on drugs," which disproportionately targeted Blacks and triggered long-lived instability among African American families.

Given the historical prelude of the opening chapter, the author reflects on how history and tradition directly influence police culture and how new officers can be ultimately "encultured into

many subcultures." Additionally, while Thomas discusses some new tools given to the Department of Justice to scrutinize police misconduct, such as consent decrees, the Collaborative Reform Initiative Program, and several internal affairs policies, he also makes an interesting and objective observation that African American communities must not display "Black hysteria." While it may seem like a controversial concept, explained in detail in further chapters, the author notes that anecdotal arguments, which are not based on any evidence and lack credibility, should not be used as proof of police misconduct. In a similar tone, Thomas also challenges community policing and the cliché motto "to protect and serve," as he analyzes the ambiguity of interpretation when it comes to implementation of this particular policing strategy. The author argues that rather than relying on populist slogans to build artificial partnerships with communities, community policing must be correlated with problem-oriented approaches in order to yield effective results, which will naturally form a true relationship between the police and its constituents. Such genuine partnership is especially necessary with often isolated, yet heavily policed, minority communities.

In Chapter 3, Thomas explores various types of biases, racism, and racial stigmas within policing. While "implicit bias" sometimes is used interchangeably with other forms of stereotyping, the author returns to the origins of the former   and

provides the reader with a comprehensive analysis of this often-misunderstood phenomenon. Thomas acknowledges that some may view implicit bias as just a theory, but the empirical research embedded in this part of the book, such as the infamous Clark Doll Experiment (1939), illustrates several dangers of subconscious stereotypes, which can sometimes lead to questionable police interactions. As the author elaborates on various stigmas from a historical perspective and describes the origins of police as "the White male club," he concludes the chapter with women's role in policing. As some similarities are drawn between race and gender, the overall assessment of women in policing is rather laconic and would certainly benefit from a more comprehensive review of the existing literature.

While Chapters 4 and 5 focus on a subject that is scrutinized by the public—police decision making and use of force—the former discusses the legality of nonlethal incidents and explores potential psychological explanations for this this phenomenon. Moreover, Thomas further divides this subject into state statutes, the agency's policies, and procedures to present the readers with the legal framework, which allows officers to use force depending on specific circumstances. The author tackles the complexity associated with defining use of force and translates the advanced legal jargon in a user-friendly manner, which ensures readability for broad audiences. Drawing from several concepts rooted in psychology, he presents   numerous

pragmatic explanations for use of force, as well as distinguishes between proper and improper decision-making processes. Given the author's background, his knowledgeable perspective on such hot button issues is invaluable. Lastly, Thomas criticizes the warrior mentality prominent in today's policing and associates it not only with poor judgment calls, but also police brutality, aggression, and use of deadly force.

Chapter 5 is probably the one that many who are not associated with the criminal justice arena will find most compelling, as Thomas thoroughly analyzes several controversial subjects of public debate, such as the use of deadly force, Black Lives Matter vs. Blue Lives Matter movements, and politically influenced incidents of racial discrimination from the past few years. This chapter is particularly enriched with several detailed case studies that aim to present the audience with different scenarios and dilemmas concerning police shootings, which are crucial aspects often omitted by the media. Similar to the previous chapter, the author focuses on the policies and laws guiding the use of force, but also acknowledges the presence of ubiquitous human elements in these unfortunate incidents. Thomas concludes the chapter with dissection of the aforementioned movements, in which he claims that the so-called "war of words" on both sides continues to create division between law enforcement and the minority communities. Last, the author presents an intriguing analysis of

certain morale-boosting symbols used by some police officers, which include items such as various Punisher skull paraphernalia and the "Thin Blue Line" flag, and he reflects on how these potentially trivial factors epitomize systemic oppression and encourage the faulty "warrior mentality" among officers.

Consequently, Chapter 6 discusses a nationwide trend of police militarization and again analyzes historical events that lead to this problematic movement. While Thomas acknowledges the dangers of policing, not only does he question the quasi-military tactics and equipment, but he also explores the psychology associated with the "us against them" mentality. Given that this phenomenon is highly visible to the public and certainly has ignited many debates, his perspective is particularly crucial, as the author worked in the field and provides readers with a participant's expert perspective on the issue.

In Chapter 7, Thomas begins to collect the puzzle pieces retrospectively from the previous chapters and puts them into a bigger, more lucid frame of reference: 21st-century policing. The author questions that some contemporary solutions within the criminal justice system can be described as "new packaging, old concepts," which is an attempt to demonstrate stagnation within policing. He concludes that since several of the issues are systemic in nature, there needs to be a genuine

change within the culture of policing, such as shift from the mentality of crime fighters to guardians.

In the final chapters, 8 and 9, Thomas provides the audience with some recommendations for effective change, yet stresses it is a complex and involved process that must involve not only law enforcements officers, but also politicians and their constituents. The author asserts that the inevitable resistance to change is an inherited problem based on several historical aspects and the overall decentralization of the policing system, which enables isolationism that is particularly visible in the minority communities. Thus, honest and transparent policing emphasizing community partnership is vital to trigger meaningful change, but

it is much more demanding than the commonly executed community policing approach. In the final pages of the book, Thomas encourages readers to reflect on the rhetoric presented by both sides of the equation, yet in his last paragraph, he leaves the audience on a pessimistic note.

Those who are committed and motivated to challenge the status quo in policing, bridge the gap between police and the Black community, and help to ignite a long overdue dialogue between both sides should certainly consider reading this book. In the current political "thaw," this book is particularly applicable, as we can all certainly use a refresher on how to reintroduce science and evidence-based strategies to enact policies and implement change.

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Book Review: Sarah Lageson;
Digital Punishment: Privacy, Stigma, and the
Harms of Data-Driven Criminal Justice.
Oxford University Press, *2020.*
ISBN-13: 978-0190872007
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Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice presents interviews with hundreds of individuals affected by the digitization of criminal records, to assess how big data currently is used in the criminal justice system. The author's prior contributions to the American criminal justice system extend into several major academic journals. In her new book, Sarah Esther Lageson discusses how the change to digital records and the commodification of personal data produce collateral consequences for convicted offenders and exonerees alike. These personal data tend to be inaccurate but still are used in background checks for jobs and housing. Moreover, individuals are penalized by their digital criminal data even after physical records are sealed. The commodification of inaccurate digital criminal records punishes individuals far into the future by creating formidable barriers to societal reintegration.

Lageson begins her book by introducing the digital turn of criminal justice. During the past few decades, while incarceration figures increased greatly, criminal records became digitalized. This occurred when courts and police departments started shifting their records from physical to digital copies. Unable to maintain and update data in house, they often outsourced their record keeping systems to third-party technology companies. Within this movement, United States laws generally allow for the public dissemination of criminal records. Emphasis on free speech and public safety means that the privacy of those with criminal records is virtually nonexistent. Although it is important and necessary to inform the public through access to records, the digital age has changed the way these records are being used. As noted by Lageson (2020), "the turn toward digital disclosure of criminal justice information has outpaced thoughtful discussions about balancing privacy rights" (p. 34). Even though modernization of jurisdictional record keeping systems is important, keeping private data safe is imperative as well.

Unfortunately, criminal records tend to be inaccurate and incomplete, as data rarely are updated and often contain mistakes. There is an estimated error rate of 80% in criminal records databases (Lageson, 2020). Since there is no standard way of organizing and updating crime data, jurisdictions utilize complex strategies of working with data, which leads to mistakes. An example of this is revealed in an interview with William. His records incorrectly show he was arrested in 1901 and had two decades of charges and convictions. In

reality he was arrested only once, in 1982. The criminal record of another "William" had been added to his own record, ruining his chances of getting a new apartment.

Lageson further describes two cases, in New York City and Pennsylvania, that illustrate how these mistakes are made. In 2010 in New York, District Attorney Vance created the Manhattan Criminal Strategies Unit (CSU), which would make data available to prosecutors' offices as well as police departments. This process took time to develop, and internal red tape and pushback from different jurisdictions made it difficult to streamline. This created more room for error, as jurisdictions and data became fragmented. In Buck's County, Pennsylvania, the internal database was outsourced to a private vendor. This vendor released a web-based inmate lookup tool, which allows the public to track inmates. This led to legal ambiguity, whereby individuals working for the county were unsure of the legality of this process.

As a result of this uneven and complex system, third-party data brokers often are in charge of sensitive government data. In turn, these companies contribute to the black market of personal data collection. Lageson interviews Kris Kibak, the CEO and founder of The Control Group, a company that runs background-checking websites. These websites prey on the fear of victimization and advertise criminal records as products for a price. Those who wish to have their records removed from the site must pay a heavy fee, but they still face a mountain of other websites with their personal information.

Under the guise of public safety, companies buy criminal records, and these companies are used by employers and landlords to obtain background checks. The general public also uses these websites to name and shame neighbors with criminal records. Lageson labels these individual "digilanties" (digital vigilantes). These individuals create neighborhood watch networks on social media, in order to supplement or take over the job of the police. Lageson describes "governing through crime" as a reason these digilanties spread information. Governing through crime justifies America's fear of crime and victimization. It leads to harsh crime prevention policies that treat offenders as a group of otherized individualized undeserving of freedoms. This results in the buying and selling of criminal records.

Along with criminal records, the market extends into the buying and selling of mugshots. "The likelihood of one's mugshot ending up on the web hinges on the internal policies of the police department that booked the person" (Lageson, 2020, p. 142). These photos are sold to mugshot galleries, which are a growing industry. Lageson interviews an individual named Tom, who (while applying for jobs) found his mugshot from when he was 19 and involved in a fistfight. Tom became an advocate for people affected by mugshot galleries, providing

advice on how to get them removed. Unfortunately, his growing popularity in advocacy made his mugshot popular online as well. It is arguable that companies like Google promote mugshot sites because of how many clicks they get, and it is difficult to remove the photos as well. The most challenging part of the mugshot online market is that it only reveals there was an arrest, not proof of guilt. These websites also do not update their records if a case is dismissed or the defendant is found not guilty. Unfortunately, since these records tend to be inaccurate and are almost never updated, innocent people are affected for an indefinite period of time by the digital data black market.

Lageson's book accurately describes the current state of the digitalized criminal justice system, but it seems to come up short in analyzing her data more deeply. Using her interviews, she does create an important narrative that takes the reader through the history, present, and future of the distributions of criminal records. She forcefully criticizes the current laws that allow for the sharing of personal information and the continued digital

punishment of innocent people, and she ends her book by discussing how the government has completely removed itself from the issue of digital punishment, opting to leave it to the individual to fix the problem.

The hundreds of interviews Lageson conducted confirm the issue of digital punishment is widespread, keeping innocent individuals in a digital prison. This book brings to light the importance of being aware of where personal data is being sent. This information is valuable to any individual, not just those with a criminal record. Any kind of interaction with the criminal justice system, even a traffic ticket, will be available to examine online. Lageson adds to the literature on digitalized criminal records by adding a human element, through interviews with those affected. Based on the evidence presented, there is a need for widespread change in the digitization of criminal records, in order to end this continuing punishment of innocent individuals.
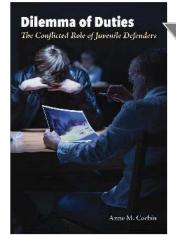
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