

University of Minnesota Press

Episode 3: *Digitize and Punish: Racial Criminalization in the Digital Age*

<https://soundcloud.com/user-760891605/digitize-and-punish>

**Host introduction:** *Digitize and Punish* is a comprehensive study of the use of digital technology in American criminal justice. [Brian Jefferson](#) shows how the technology has expanded the wars on crime and drugs, enabling our current state of mass incarceration and further entrenching the nation's racialized policing and punishment. After examining how the criminal justice system conceptualized the benefits of computers to surveil criminalized populations, Jefferson focuses on New York City and Chicago to provide a grounded account of the deployment of digital computing in urban police departments. This conversation between Jefferson and [University of Minnesota Press senior editor Pieter Martin](#) was recorded in July 2020.

**Pieter Martin:** Hello, Brian.

**Brian Jefferson:** Hi, Pieter. My name is Brian Jefferson, and I'm associate professor of geography and geographic information science at the [University of Illinois Urbana-Champaign](#).

**PM:** And my name is Pieter Martin. I'm an acquisitions editor at the University of Minnesota Press and worked with Brian to publish his new book, [Digitize and Punish](#). Brian, I think maybe just to start things off before we get into the book itself or the argument of the book — I know you have an interesting path to the project itself. I mean, first of all, you're a professor of geography, but you actually didn't train as a geographer, right? You did a Ph.D. in political theory. And this project actually, wasn't based on that dissertation research itself. So, tell me a little bit about the roots of the project and how you came to it.

**BJ:** Yeah. So, my degree was, as you said, in political theory. And so, I've always been really interested in the state, thinking about state power. My dissertation was on the NYPD, and it was about the [stop-and-frisk debate in early 2010](#). And what I was looking at was the way that activists were trying to get the stop-and-frisk policy and broader issues about police accountability and police misconduct, how they were strategizing and trying to change those things. So, I was thinking about it mostly in terms of the politics and the sort of grassroots, but also professional activism that was mobilizing to try to get some of these policies changed. But then, I just, out of sheer happenstance, ended up being a geographer, which made me think a lot more about space and a lot more about the ways that policing constitutes and reproduces and governs and differentiates spaces in cities. So, the project is — you can see there are little vestiges of the dissertation in it, especially when I turn toward more of the activists at the end. But the bulk of it is, I guess you'd say, urban geography and looking at the way that neighborhoods are differentiated, but with a keen focus on the government.

**PM:** Yeah. Your book is looking at a range of technologies of law enforcement, everything from computers to ankle bracelets. But at the heart of your book, I think is the relationship between data, new technologies of collecting data, of instruments [analyzing it] and as a way to control space, and I guess promulgate what you call racial criminalization.

**BJ:** Yeah, definitely. You know, there's a lot of attention, rightfully so, of course, on cameras and ankle bracelets. And I became really interested in where all the information from these different technologies deposited and centralized; oftentimes, they're called data fusion centers and doing the research for the book, I got this impression of these data centers becoming almost like wardens for people's communities because they had access to all these different types of data — they could be locational data bracelets, they could be video data from cameras, they could be criminal record data from someone being booked and charged or from the courts. So, the data and the data center for me emerged at the center of all of these different technologies, which was something that I didn't see coming into it, but it just emerged through the research. And I got interested in how do these data centers function, and how do they extend the carceral state out into the street more.

**PM:** Brian, early in the book, you give a short, [yet] longer history of the relationship between law enforcement and the rise of data in the precomputer age. You look at [J. Edgar Hoover](#) and the FBI and the rise of modern database policing. But really, I think the book, it's these sort of interesting parallel developments in the late '60s, early '70s, between the rise of the mainframe or at least, the adoption of the mainframe and computing in larger society parallel to these moments of urban unrest during the '60s, the prosecution of the [Black Panther movement](#). I mean, that's an important starting point for the book in some ways, is that correct?

**BJ:** Ah, definitely. Yeah. So, the '60s, of course, are almost like this romantic period that I've studied a lot from the side of civil rights unrest, for the most part, and the [Black Power movement](#). But in writing, reading for the book, I had to read more about when computer science establishes itself and then the slow history of computers becoming affordable and accessible and then spreading throughout society. So, there is this dual process that became really interesting to me, where you were seeing much, you might say like today, technological advancement on one hand and social unrest and massive, egregious forms of inequality on the other hand. And one of the things that really interested me in trying to wrap my head around was how you can have these two contradictory processes going on, one that looks like a very brutal police suppression of political dissidents on one hand and then on the other hand, scientific progress — and then where do those two strands intersect? And I think in looking at something like the [LEAA, Lyndon \[B.\] Johnson's law enforcement](#), you get those two strands. They intersect. And you see that the police are starting to adopt the cutting-edge technologies of the day. And I think the thrust of the book is, what did they adopt the technologies for in the '60s or the '70s or the '80s and if they're still using those very same technologies today in

similar ways and extending on the way that they use the technology, to what extent does that reproduce or perpetuate the war on crime and the war on drugs, which, we might tend to think is over. But my argument is it's just been normalized and made banal through these automated technologies.

**PM:** Yeah, the book tracked, definitely, these fascinating points where the adoption of computers and data really get accelerated. Part of that, I think — you've heard the war on drugs, but the militarization of the police force in some ways — and you see that both with the war on drugs, we also see that in the post-9/11 era. And then also, in the early '90s with the [“broken windows” policy of New York](#). And I know also, your book is looking at this broad, national development of these technologies and adoption of them. But New York and Chicago are really the two focuses of it. And of course, New York with the broken windows policy was the most, or at least maybe the most celebrated application of data in some ways. Is that a fair way to put it?

**BJ:** Yeah. In specific, New York, their [Compstat system](#), which comes online in 1994, and it's been depicted in [The Wire](#). I think *The Wire* did a really interesting job of depicting it. But their Compstat system, which is short for comparative statistics or computer statistics, depending on whom you ask, but it was a system in which the NYPD wanted to hold their commanding and rank-and-file officers more accountable for their performance, i.e., the arrest rate and also, the crime rate. And so, they were tracking officer performance through databases, and they were also using digital maps to track where crimes were happening. And I think it seems like a boring, bureaucratic administrative application of technology. But what it did is it created the quantified, quota systems for police to make arrests, to intervene in people's everyday lives. And as the technology became more sophisticated, their behavior and their performance was tracked in more sophisticated ways. So, [in] New York City, the crime rate drops going into the late '90s. So, they were seen as a model of how to use technology to drop the crime rate. Of course, there are a million different factors that could lead to that crime rate dropping, especially the demographic changes in different classes and wealthier people coming into the city. But nonetheless, they were seen as the exemplar of how to use technology for policing.

**PM:** Yeah. So, Brian, you had these parallel case studies: [in] New York and Chicago — how did Chicago's experience mirror New York's or were they following New York's lead? And I'm just curious how your selection of case studies worked out.

**BJ:** Yeah, well, it's funny. They were very similar in a lot of ways and different in a lot of ways. Chicago, in some ways, was ahead of New York. Illinois is one of our states, and Chicago used actuarial tables in the early 1900s. And [Bernard Harcourt](#), he writes a book against profiling, which does a great, long history going back to the early 20th century of using probability tables to try to predict which juveniles would relapse. So, that's in Chicago before New York. And then Chicago also was using digital mapping, I found, in the late '80s, not on a departmentwide scale, but they

were using it for the war on gangs during the '80s and the early '90s. From the mayor's standpoint, the adoption of technology for the police was used in very explicit, martial terms. It was very explicitly done to give the police an edge in what was seen or often talked about as a war, as a literal war in some cases from some public officials. In New York, it's a little bit different. It's adopted more under the idea of applying private-sector streamlining and efficient ways of management or modern management theory, applying that to the police department to make it more efficient and to make it just operate smoothly and to be able to cut out some of the redundancy, bureaucratic redundancies. So, they're very different in that sense and the contingent circumstances in which technologies were first rolled out and promoted by public officials. But what became very clear that was similar between the two was the relation to the I.T. sector and the relation to what would eventually come to be called data scientists. And so, a lot of those in the course of studying it is that relationship became a focal point between how did I.T. companies large and small link up with urban police and criminal justice agencies. So, that became one of the core pillars of the book.

**PM:** Yeah. I mean, you know, obviously, the role of capitalism, and the role of these technology companies as developing a market for these technologies. And there's maybe a chicken, or who knows which one's the chicken, which one is the egg, in terms of, were these state agencies looking to develop new tools, were these companies coming to the government and pitching them these flashy, new technologies as a way to further manage that — their law enforcement efforts. But there's a long history of that. And I think, I remember one part of the book — people often cast prisons as this place where the for-profit part of the economy has developed these businesses that only cause more incarceration in a way — but you make this argument that we should also look at these data companies as well, right, as a form of capital that is really problematic.

**BJ:** Yeah, definitely. So, the book in many ways was an attempt to try to apply what was discovered by people like [Angela Y. Davis](#) and [Ruthie Gilmore](#) in terms of the prison industrial complex. And I think they created a model for looking at criminal justice and looking at racial criminalization from a little more of a political-economic standpoint and looking at different corporations that are involved and then, starting to think about how those corporations tried to actively influence criminal justice policy then, because they have a rational economic interest in criminal justice laws being harsher. So, the book, in my mind, the task was, well, how can I take this model and explore the different relationships? And that being I.T. companies. And I think when I started four years ago or so, a lot of people — and you see journalists and now, scholars, and definitely, activists — are seeing these connections. One of the goals with the book was to really draw the connections between, OK, there's also, as you say, a for-profit niche market for surveillance. And that could be for financial headquarters in the city, which people like [Stephen Graham](#) have written really greatly about this fortified, surveillance urban space. But I wanted to look at the neglected and marginalized communities

and see how I.T. companies have found some profit frontiers in these communities as well.

**PM:** Yeah, because we often think of downtowns as being these heavily surveilled spaces with cameras and various forms of surveillance. But talk a little bit about how these technologies expand out into the neighborhoods. Can you paint a picture of the landscape of [an] urban neighborhood, of people of color? And how, just the range of technologies following them on any given day?

**BJ:** Yeah, and I don't think the picture would look as coherent and clear as if we looked at a downtown, wealthy city center. I don't know that the digital architecture or infrastructure for surveilling these marginalized communities is as thick and as well-planned out. I think it sort of arises in a more contingent way. And one of the fears [in] the book is that it will become more coherent and thicker. But in these communities, it's a hodgepodge of technology. So, you will have your cameras, your CCTV cameras in public housing sometimes. And that's an important thing that I try to stress. Of course, society, surveillance society affects all people. But one of the things is who, what neighborhoods are, or what housing areas have cameras inside the housing unit. So, that's one. The electronic ankle bracelets, of course, have been written about. I like [James Kilgore](#). [He] does a great job of that. And then you have the mobile command centers, like in the case of New York City, where they had these retrofitted buses that essentially were criminal processing vehicles where people could get [booked] right on the street. The patrol car — one of the things that I argue in the book is as the squad car gets linked into the criminal database and in some cases, the mobile phones that patrol officers have that have video feeds, we can think of the patrol car, of a squad car, as almost like a mini, mobile command center that's roving about. And then you have all of the different software for analyzing and predicting who is going to commit crime. And this could be predicting individuals or could be predicting areas of the community. But then, it goes on and on. And that's the challenge, is to figure out how to manage all of this for the book. But I look in New York City, and it's like the fiber optic cabling that the NYPD had some proprietary system or network that connects all of the public housing units to police precincts and police headquarters. So, you have that and it goes on and on. And what you see is just a tremendous investment on behalf of the cities. Also, in New York, data storage that they have in the Verizon towers. So, they need server space. They need cooling equipment. Not to mention, [the] shot detector, [ShotSpotter](#). So, there are just all of these different technologies. And if you're a small or a large tech company, you're of course going to want to sell your product. And they'll always be pitching new ideas to police departments to expand their arsenal to digital arsenal.

**PM:** Yeah. I think a great line of your book — because I think there's always been this political consensus around the adoption of new technology and law enforcement — I think there's a line, maybe in the introduction or maybe the first chapter that you talk about, for the political right, it allows them to be distant and separated from these communities that they find problematic. And for the left, it

allows, there's a scientific rationalism that they buy into. I don't know if that's maybe a slightly distilled way of putting it. But there's been a consensus for a long time around these technologies, right?

**BJ:** Oh, yeah. Yeah, definitely. And that's one of the things I try to stress. I mean, I start with Lyndon [B.] Johnson's administration as one of the key turning points in convergence between computer technology and criminal justice, the very typical story of liberal, left-leaning faith in technocracy and in the idea that you can fight crime in this very scientific, neutral way. And we also even see this in the Obama administration, when there's a famous task force study that the administration does on the future of policing. And it's really technocratic, a technophile approach to solving the problems of racism. So, I think it's really important to show that this is not simply a story of the evil segregationists or the evil, anti-crime anti-drug coalitions hitting on in the '80s, trying to exert control over the disenfranchised and marginalized people. It's also a story of having a faith in technical solutions and scientific solutions to social problems. And also, trying to enjoin us to think a little bit more about who designs the software or the technology and what is their main interest. And how does that position them vis-à-vis the war on crime or the war on drugs. So, I definitely wanted to stress that it's not this binary thing where it's the conservatives running roughshod over the liberals. This is a story that is propelled in many cases by liberal technocrats.

**PM:** Yeah. I can tell, revisiting your book, that you're a fan of science fiction. You're also very careful to avoid painting too dystopian of a picture, although, at times, it does feel pretty dystopian. You're careful about that. Did you wrestle with, I guess, these questions, of technological determinism and making sure that you're creating a genealogy of these new technologies, but also, I think being very clear about the politics and the ideas of the people who are using them, in other words. But did you find that challenging at any point where you didn't want to give the technology too much agency, even while you're trying to create this larger web of new developments and new adoption and just the whole history of it.

**BJ:** Oh, yeah. You're probably one of the people who helped me with the technological determinism and looking at some of the earlier drafts; it was definitely something that everyone who read the earlier drafts pointed out. I think what happens is, especially when you're reading these technocratic documents and you're reading a lot of advertisements from companies for surveillance cameras or for whatever time prediction software, it's almost easy to reproduce their pitch, which is "this technology is all-powerful. And it can reduce crime by X percent and Y amount of days." So, when you're reading these types of documents for years at a time, I think you, the author, almost unconsciously picks up some of the ways of seeing and talking about technology that the companies and the government exemplify. But I do think in many ways, especially in the '80s and '90s, almost like a trove of speculative fiction in talking about a lot of the issues that we're talking about in the mainstream today. I find a lot of science fiction to be really, really ahead of its time in talking about issues, especially about the relation between

science and society. One of the things I found interesting in a lot of sci-fi is you can tell there's a lot of research done on existing technologies and technologies that are on the horizon. I think that sort of research, which is just like academic research, makes for a strong foundation in a lot of speculative fiction. But the sci-fi and that scientific dystopian genre, I think, is more — it's a warning.

**PM:** Yeah.

**BJ:** And one of the things I'm reading more recently about our surveillance in China and doing my research for my book, a great fear is that we might be closer than we think to that type of system, especially if you look at [Uighur containment](#). So, I definitely wanted to raise alarms with the book. But like you say, there's always this balance of not having this completely deterministic view.

**PM:** I know you mentioned this briefly in the book, but it sounds like your archive, so to speak. The materials that you put together, that some of it came from — how do I put it — unnamed activists, people who uncovered [information]. I don't know how much you can talk about that, and I hope I'm not misrepresenting it, but [with] some of the material in the book, you were able to obtain [it] from maybe, sources that weren't so public. Is that correct?

**BJ:** Well, there were government sources, which a lot of them were just available online, for the most part. You can go to [Chicagopolice.ilgov](#) or whatever it is or New York. Now, a lot of those materials are being taken down in the last year or so. And I noticed that. And then there are a lot of, of course, activist organizations, [that] were super helpful in doing their own studies, oftentimes in collaboration with academics. So, those are great sources. And then I had police accountability activists as sources. So, it takes on myriad different sources of information. One of the ironies is [that] a lot of them were from the government. They were from the state. You know, it was just a matter of me trying to interpret their objectives. And then a lot of their arguments from a different perspective, of course, of police or the criminal justice system.

**PM:** Yeah, I could imagine maybe some of the current corporate — trying to get inside some of the corporate just bodies of information — was probably a little bit more complicated.

**BJ:** Yeah, well, that was what I would say, the data scientists that I interviewed were more than happy to talk about how brilliant they were —

**PM:** Yeah, I can imagine that.

**BJ:** — and their technology. Yeah, they were some of the best, especially right around after [Ferguson](#) [police shooting] and that wave of debate and discussion and protesting. You know what I found back then, a lot of them were saying, "Well, our technology is the antidote to something like Michael Brown's murder." I think their

tune has changed a lot now because [of] what's happened in the last five years or so, the public sphere — again, journalists, news outlets, activists, everyone is really starting to put this technology under a microscope. And you're starting to see a lot of the data scientists retreat or think a little more critically about the relation between their technology and the social consequence.

**PM:** Yeah, I mean, the past several months, of course, here in Minneapolis, as you know, have been the last couple of months — I should say, I'm losing a sense of time now in the pandemic — [George Floyd's murder](#) and the aftermath of that puts some of the issues of your book in high relief. For me, it was fascinating to revisit [in] the days following George Floyd's murder itself and the way it was captured on and distributed by phone records. Your book is really looking at the top-down role of technology in law enforcement. And of course, there's this fascinating, bottom-up response to that and the way in which a countersurveillance program [is] now going on with the police and of their actions. And, of course, George Floyd's murder is just the latest of that. And the video that, frankly, people, you know, regardless of people's political stripe, pretty much everyone can see that that it was horribly unjust and tragic. Are you [looking at], the counter, the way in which technology now is almost a kind of resistance against law? The overpolicing of America is a fascinating mirror image in some ways. It's not a focus of the book, per se, but is that something that you've been exploring?

**BJ:** Oh, yeah. I mean, the conclusion is just about the use of technology, turning it against the technology creep of the digital sort of carceral state. And the conclusion is actually titled *Viral Abolition*. And that goes back to my grad school research with grassroots activists. And this would have been the early 2010s when a lot of people were really starting to put footage of police misconduct and brutality onto YouTube. One of the groups I worked with, they had this entire, well-organized countersurveillance strategy where they had squadrons; they had teams of people who would go out with cameras or with their phones, and they would just record police-civilian encounters, whether completely benign. And then, they would store the video footage. And if anything happened that ran afoul of law, they would post it. And so, there was that. There's in Chicago, there's the police misconduct, the [Citizens \[Police\] Data Project](#), which is the largest or least [was] when I was studying it, database of police misconduct in the country. So, definitely the end looks at the bottom up. If I could go back, I think I probably would have more consistently throughout the entire book looked at the bottom up, but the conclusion definitely looks at it. And it just was from my observation. I never thought — I don't think anyone thought that the protests would explode on a global scale just this past summer like they did. That completely caught me off guard, and I think [it did] most people, but I think it was a confirmation of what I saw on a much smaller scale. And it reinforces the fact that technology is in many ways like a tool, just like a hammer is a tool. And you can use it for multiple things, destruction or building. It just matters who's wielding it and what are the objectives that are set forth. So, I do think that the silver lining in this summer's protests is just the unimaginable potential and power that there is in people using the network, using the internet,

using images to organize against government overreach. I was talking to some younger high school kids earlier this summer and saying, “Well, why do you guys think the protests were so grand in scale?” And they said, “We were sitting at home during the pandemic, and we just saw these issues, these images of injustice, and we decided to do something.” So, you know, they were sitting in front of computers and that sort of thing and seeing these images over and over, and I think [it] sparked a global moment.

**PM:** Yeah. Here in Minneapolis with the aftermath, the three or four days of when the protests turned pretty violent, or there were certain elements that unfortunately, burned a lot of buildings, it was fascinating to revisit that moment through the prism of your book because they’ve arrested a couple people based on their social media accounts. And these are people who were peacefully protesting. I mean, they were doing that. But it was fascinating. There’s also the story of the federal drone that was observing the protests. But it really makes you [realize] — it kind of rose to the surface, the way in which a whole range of people were probably being surveilled. Do you see, we’re in this fascinating moment where, [looking at] how we’re going to transform policing, and places like Minneapolis are taking this objective really seriously, although it’s at a very, very early stage. And part of that means potentially less policemen, less people policing the city. I know that’s something that’s going on in Minneapolis. They want to change the charter to quite literally, there’s a mandated threshold in terms of the amount of people per capita on the police force, and they want to get rid of that. Do you see any concerns that there’s going to be more and more sort of investments in technological fixes?

**BJ:** Actually, my former adviser, [Alex Vitale](#), whose book, [The End of Policing](#), was about essentially defunding police and looking at Minneapolis, when I first saw that that was in the public debate, it was pretty surprising from the outside looking in that that was one of the, of course, solutions that was being proposed. And so, I do think, in terms of police reform, there will be more pressure to reallocate public funding. You call it defunding the police or you call it reallocating public revenue to more social services. But whatever it is, I do think that it’s more than likely that there will be an element of relying on technology even for social services to deliver them more efficiently and in a more streamlined fashion. But I think one of the maybe more — a better, a good thing that you see now is that more people are looking very critically and scrutinizing these new technologies that are being rolled out. Of course, you see this with contact tracing and then trying to contain the pandemic. So, I do think there will be more technology and that will be one of the ways that people will go about trying to reform and perhaps, downscale policing. But at the same time, I do think the public is much more aware and interested in looking at how these technologies are rolling out and what sort of unintended consequences they might have. And that’s a lot different than my book, because when I was researching, especially stuff in the ’90s and even early 2000s, post-9/11, [the] public, we weren’t really privy to the adoption of these complex infrastructures. And it’s taken almost two decades, if not more, for us to catch up. But I think we have. So, I think the debate is guaranteed to continue.

**PM:** Yeah. So, the inquiring book editor always wants to know — what's next for you?

**BJ:** Oh, well, yeah. I'm going to look at the relationship between I.T. sectors, the I.T. sector and the state. But on a broader scale and more generally, because that was sort of on the urban scale, something that just came out of the book, understanding this relationship. And one of the things that the book sort of pivoted midwriting where I decided this should be more of a historical story where I went in [for] a theory [to a degree] that was very abstract. But the adage that history is, well, I guess we could change into: history is stranger than theory, because the little anecdotes about deals between New York City and IBM or the Verizon building in New York City and the NYPD — these became for me, digging up these anecdotes and these stories gave me the most sense of discovery and saying something that hadn't been or finding things that haven't been really studied before. So, I'd like to scale up and to think more broadly — it's not bashing the I.T. sector, but the interesting thing for book one is the I.T. sector, at least that the stereotype of Silicon Valley is multiculturalism and libertarianism. And so, I think book one problematized the multiculturalism part. Book two will problematize the libertarianism part by looking at how it has helped actually propel the growth of the I.T. sector and how the I.T. sector rose to power.

**PM:** Yeah. Or does it propel the dismantling of parts of the state, too? I don't know if that makes sense. It's sort of the privatization of previously state services and that kind of thing.

**BJ:** Oh yeah. And opening up new ways of resisting, like what we were saying earlier.

**PM:** Yeah. That's exciting. Well, is there anything else you want to say about your book? I'll just say that I'm really pleased to have been able to work on it.

**BJ:** The book is *Digitize and Punish: Racial Criminalization in the Digital Age*, and it's looking just at the history. I try to take more of a historical approach. But just looking at the history between computers and the criminal justice system over a longer time period than is usually looked at. So, these are definitely debates. And I'd like to think of the book as almost a tool kit, more of a giving this historical moment and the precedents that have gotten us up here to this point. So, if you are interested in questions of surveillance of the state and especially racial inequality, I hope you'll find something useful in it.

**PM:** All right. Well, thanks a lot, Brian. And again, it's a great book.

**BJ:** Thanks a lot.

*This interview has been lightly edited and condensed for clarity.*