

ABSTRACT

Title of Thesis: DATA AGAINST YOUTH OF COLOR IN THE
INFORMATION POLICING ERA

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This paper examines how labeling gang members without consistent criteria for inclusion in law enforcement's gang databases systemically leads to negative outcomes, also known as *data violence*. The concept of data violence allows for an analysis of the systemic consequences of the overrepresentation of adolescents of color in gang databases. Current gang data collection practices within law enforcement have at least one major problem, a culture of presumed criminality when interacting with adolescents of color. Data maintenance processes were also found by ProPublica to have inconsistent labeling practices. Additionally, when looking through the data made available by ProPublica, it is clear that there is disregard for a law entitled, 28 C.F.R. § 23. This law mandates all gang database entries that have not been renewed as a result of a criminal investigation, conviction, or adjudication, must be destroyed after five years. Another major finding, particularly emphasized by Forman and Vitale, is that police gang-tracking initiatives have an overly punitive focus for individual adolescents. In order to mitigate the need for overly punitive practices, the author recommends additional research tracking demographic trends within *push factors*, also known as reasons why a person might be motivated to join a gang, in order to better utilize intervention methods. Ida B. Wells and the National Black Census serve as examples of how people and communities of color have managed their own datasets when law enforcement's criminal justice data inaccurately overrepresented their community members as criminals. The author concludes that libraries have an opportunity to disrupt data violence through education initiatives for both victims and perpetrators of data violence. Future research should continue to analyze and improve potential interventions for this data violence, both inside and outside of law enforcement.

DATA AGAINST YOUTH OF COLOR IN THE INFORMATION POLICING ERA: HOW GANG DATABASES
ARE DEEPENING INEQUALITY

by

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Table of Contents

Chapter 1: How is a gang database constructed?	1
The Role of the Information Life Cycle	1
Section 1: The Current Major Critiques of Gang Databases	2
How to Get Included in Gang Databases	3
The problem with Gang Databases Being Considered Intelligence	3
Section 2: What are the rights afforded to those who are included in gang databases	4
Freedom of Information Act	4
The Right to Know	4
The Right to Contest	5
28 C.F.R. Part 23: The Right to Be Forgotten	5
Section 3: Where to Go From Here	6
Chapter 2: What are the potential negative impacts of gang databases?	7
Section 1: Gang Database Defenses: Public Safety	8
Section 2: When Gangs were No Longer Funded by Local Government: the Rise of Gangs of Color	8
The Birth of the Superpredator	9
Section 3: Adultification and Criminalization of African-American Adolescents	10
Section 4: What Gangs Provide Adolescents in Historically Marginalized Communities	11
Gangs Form as Protective Measure	12
Neglectful Families	12
Police Brutality	13
When it is Time to Leave the Gang: Push and Pull Factors	13
Chapter 3: What record keeping practices could mitigate negative impacts?	14
Section 1: Data Entry & Racial Profiling	15
Section 2: Data Maintenance & Removal of Outdated Entries	16
Data Cleaning	16
Data Labeling	17
Chapter 4: How can librarians or knowledge from library science mitigate negative impacts?	18
Section 1: Consequences of Being in a Gang Database	18
Pre-Trial Detention, Bail	18
Immigration and Asylum	19
Data Violence Comparison: Holocaust and Immigration Detention Centers	20
Section 2: Lessons to Be Learned From Good Data Keeping and Counter Story-Telling	20
Counter Storytelling Exemplars	20
Section 3: Outlets for Intervention	21
Fairness: International Association of Chiefs of Police	22
Accountability: Department of Justice and the Community	22
The Changing Role of the State Attorney General	23
Transparency: The Role of Information Professionals	23
Libraries and Victims of Data Violence	24
Libraries and Law Enforcement Professional	24
Chapter 5: What other public institutions are keeping data on youth of color?	35
Appendix A: Law Enforcement Code of Ethics	27
Appendix B: Lack of Concern About White Gangs	28
Bibliography	33

1. Introduction: How is a gang database constructed?

A gang database is an information system, maintained by law enforcement officials that identifies details about individuals who are suspected or confirmed to be involved in illegal gang activity. Criminal justice information systems, such as gang databases, intend to help solve crimes that are committed (Department of Justice, 2019, b). When individuals are incorrectly identified as gang members, or continue to be suspects of gang crime when they are no longer involved in gangs, this creates what is referred to by Hoffman (2018) as *data violence*; Or data use that systemically leads to negative outcomes.

Each section of this paper is designed to answer one of the four research questions that guided this literature review. Section one, the introduction, explains how gang databases are constructed and the laws that regulate these information systems. Section two, What are the potential negative impacts of gang databases on the people they document, illustrates the potential unwarranted negative outcomes for the people that are documented in gang databases. Section three, what record keeping practices could mitigate negative impacts, details record keeping practices that could mitigate some of the harm that is illustrated in section two. Section four, how can librarians or knowledge from library science mitigate negative impacts, addresses the final research question of how can librarians or knowledge from library science can mitigate the negative impacts of gang databases. In this fourth section, a Fairness, Accountability, and Transparency framework is borrowed from library and information science in order to balance reform recommendations between the International Association of Chiefs of Police, the Department of Justice and information professionals.

The Role of the Information Life Cycle

Many of the topics in this paper are also organized around the *information life cycle*, also known as a way that information professionals collect, maintain, and discard information collections (Government of Canada, 2019). While much of the current criminal justice reform research overlooks the role of information maintenance, this paper argues that proper record keeping methods are crucial to ending the data violence that is often associated with the age of big data. The first step in the iterative information life cycle is identifying an information need and collecting data accordingly (Government of Canada, 2019). In the realm of gang databases this would be the act of recording information on any suspected gang member. The second step in the information life cycle is recording and sharing this information in a way that fits the information need (Government of Canada, 2019). Information professionals

working with gang databases would understand this step as recording potential gang member entries into the gang database and sharing the database with other law enforcement professionals working within gang-related units. The third step is to organize the information in a consistent manner that is easy for the information seeker to find (Government of Canada, 2019). In database work this means that the criteria that qualifies an individual as a gang member is clearly and consistently labeled and evidenced in the database. The fourth step is to when the information seeker uses the information recorded in the information system (Government of Canada, 2019). This fourth step is more applicable to law enforcement officers who are actively searching the database for useful information. In library science, librarians will use search terms, and circulation records to determine what information sources are being used the most and which sources may be discarded from the collection. The fifth step is to maintain and update any existing information in the information system (Government of Canada, 2019). In gang databases, updates could include additional information about the suspected member or criminal justice involvement of the individual. The final two steps in the information life cycle are the disposal of outdated information and analysis of the information quality and organization as a whole (Government of Canada, 2019). After these two steps are complete, the information life cycle starts all over again. Similar to librarians discarding unused information sources, law enforcement officers are required by law to discard any files about gang members that have not been adjudicated in five years (28 CFR Part 23, 1998). If law enforcement officers analyzed the commonalities between unused suspected gang member profiles, they might be able to utilize less racial profiling and more accurate indicators of gang membership.

The continuation of the information life cycle is essential to maintain relevant information. This is particularly true when the information represents the lives and livelihood of real people. In the case of gang databases the information life cycle provides an opportunity to better respond to the fluid nature of gang membership (DeVito, 2019; Vitale, 2018).

1.1.Current Major Critiques of Gang Databases

There are two predominant criticisms of gang databases that they are based on racial profiling and they are often inaccurate.

How to Get Included in Gang Databases

Unfortunately, there is not a consistent set of criteria that qualifies a person for entry into a gang database (Barrows & Huff, 2009). This lack of consistent criteria is partially due to inconsistent definitions of gangs between jurisdiction and states (Barrows & Huff, 2009). There is also the issue of inconsistent methodology for identifying gang members that further complicates inaccurate identification of gang members. It has been found that sometimes by merely being associated with a gang member (Smith, 2018), or living in a gang-afflicted neighborhood, is enough evidence to be included in a gang database (Chabria, 2019).

The Problems with Gang Databases Being Considered Intelligence

In the age of big data policing, gang databases intend to serve as a part of the intelligence process. According to the Office of Community Oriented Policing Services, *intelligence* is defined as, “Analysis of raw information to provide synergistic knowledge about a threat” (Carter, 2009, p. 10). What should be derived from the Office of Community Oriented Policing Services’s definition is that the mere entry of suspected gang members into a police database does not meet the qualifications for intelligence. In order for the database entry to be considered

According to The Gang Intelligence Strategy Committee, Global Intelligence Working Group, Criminal Intelligence Coordinating Council & Global Justice Information Sharing Initiative (2008), “the intelligence process takes different pieces of information and turns them into actionable intelligence” (p. 23). This statement implies that any information that is included within the database is usable within a criminal investigation or a court of law. This is particularly problematic when many journalistic exposés currently have shown that gang member identification practices are often based on racial profiling and not a widely understood or justified set of criteria (Winton & Puente, 2020; Sweeney, 2020; Dumke, 2019 Speri, 2018; Dumke, 2018a; Dumke, 2018b, Smith, 2018). This presumption is further complicated by the fact that gang definitions, and gang database regulations vary by state and jurisdiction (Barrows & Huff, 2009; The Gang Intelligence Strategy Committee, Global Intelligence Working Group, Criminal Intelligence Coordinating Council & Global Justice Information Sharing Initiative, 2008).

Scholars, as well as particular government agencies within the United States Department of Justice, have concluded that these varying definitions have created circumstances that are unfit for data sharing across state boundaries (Barrows & Huff, 2009; The Gang Intelligence Strategy Committee, Global Intelligence Working Group, Criminal Intelligence Coordinating Council & Global Justice Information Sharing Initiative, 2008). Despite this professional recommendation, there is substantial evidence that sharing the information contained in gang

databases is a regular practice (Chabria, 2019; Speri, 2018; Howell, 2011; del Bosque, 2019). Anna Lauren Hoffman (2018) describes the term data violence as “processes of gathering data and using algorithms ... that implicitly and explicitly lead to harmful or fatal outcomes (para. 15). Some identified forms of data violence that experts attribute to inclusion in gang databases include: unwarranted surveillance (Chabria, 2019), wrongful convictions (Speri, 2018), difficulty gaining employment (O’Neill, 2017), additional pre-trial detention time (Howell, 2011), and denial of asylum (del Bosque, 2019). It is also possible that there are more underreported forms of data violence that result from sharing gang database information. While proponents of gang databases may argue that there are systems in place to contest inclusion within gang databases, many victims of this particular form of data violence report that their requests to be removed from these databases are often denied (Speri, 2018; Attorney General, 2018). Denial of removal within these databases means that data violence continues to be perpetuated against individuals who are targeted by anti-gang policing.¹

1.2. What are the rights afforded to those who are included in gang databases

While many of those who experience data violence as a result of gang databases report difficulty getting access to the records at the crux of their systemic woes, the Freedom of Information Act and 28 C.F.R. Part 23 should enable victims to be able to disrupt this cycle of harm.

Freedom of Information Act: The Right to Know and the Right to Contest Gang Classification

The Right to Know

The Freedom of Information Act states that, “each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person.” (Office of Information Policy, 2016, para. 25). This law allows those that have been included in gang databases to request the police department to release any documentation held by their jurisdiction that indicates if the individual specified in the FOIA report is included in a gang database. The only reason that law enforcement may deny a Freedom of Information Act request is due to involvement in a current investigation or adjudication (Barrows & Huff, 2009).

¹ Anti-gang policing refers to any part of law-enforcement that is specifically dedicated to eradicating the presence of gangs. This includes both preventative and reactive measures. Katz and Webb (2004) found that Black and Latinx adolescents are predominantly targeted by these efforts. This is in spite of the fact that white gangs make up 40% of all gang activity in the United States (Ladd, 2018).

The language of this act, however, emphasizes the rights of those unjustly impacted by law enforcement intelligence. Specifically the Freedom of Information Act that the rights enabled by this legislation do not apply to

“records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual” (Office of Information Policy, 2016, para. 118).

What is particularly intriguing about the above paragraph is that it emphasizes the original intention of criminal justice information to support American citizen’s constitutional rights to a fair trial, and to privacy in the absence of a search warrant (Office of Information Policy, 2016). If, however, that criminal justice information or intelligence is obstructing these constitutional rights, then there should be a way to contest the information, regardless of the accuracy.

The Right to Contest

Gang databases are regulated by state definition of a gang member, and state procedure for removal. Not all states within the United States currently have systems for requesting removal from a gang database. Fortunately, California currently does have a process to request removal from law enforcement's gang database (Davis, 2019). It appears, however, that each police department has the right to implement their own process to request removal from the gang database (Davis, 2019). Davis (2019) reports that due to this inconsistency and some bullying tactics used by law enforcement requests for removal from gang databases have largely been under-utilized, ultimately leaving those impacted by gang databases powerless.

28 C. F. R. Part 23: The Right to Be Forgotten

The Department of Justice has an executive order entitled 28 C.F.R. part 23, that regulates how criminal justice information systems must be updated (28 CFR Part 23, 1998). The response for more specific legislation in order for criminal justice departments to satisfy the requirement of periodic review includes the following:

“The periodic review requirement is designed to insure that system information is accurate and as up-to-date as reasonably possible. When a review has occurred, the record is appropriately updated and notated. The explanation of decision to retain can be a variety of reasons including ‘active investigation’, ‘preliminary review in progress’, ‘subject believed still active in jurisdiction’, and the like. When information that has been reviewed or updated and a determination made that it continues to meet system submission criteria, the information has been ‘validated’ and begins a new retention period. The regulation limits the retention period to a maximum of five years without a review and validation of the information.” (28 CFR Part 23, 1998, p. 12)

In relation to gang databases, this executive order has been interpreted as, all gang database entries that have not been renewed as a result of a criminal investigation, conviction, or adjudication, must be destroyed after five years (Barrows & Huff, 2009, p. 693). It has been found, however, that records are kept well past this expiration date in Baltimore (Smith, 2018), Boston (Dooling, 2019), New York (Gullapalli, 2019), Cook County, IL (Dumke, 2018, b), Los Angeles (Chabria, 2019), and Portland (Bernstein, 2018). This finding is not just problematic because it violates the law and the rights of those who are included in gang databases, but it is an inaccurate form of police intelligence, that often has catastrophic results for those who are targeted by gang databases.

1.3. Where to Go From Here

Gang databases have been traditionally used as a law enforcement evidence justifying surveillance, and incarceration. Western (2018) points out, the criminal justice system currently targets individuals who have not been served through the educational systems, public health systems, family services, and other forms of social welfare. Public information institutions, such as libraries and schools, have historically disrupted cycles of incarceration by providing access to the appropriate public amenities such as education programs, instruction on how to fill out government assistance forms, and direction toward the appropriate social welfare programs. While information professionals do not have the authority to disband law enforcement’s gang databases, they do have the ability to hold educational programs that teach victims of data violence how to mitigate the negative consequences of being a part of gang databases. After those individual education paths are more clearly identified, information professionals are better able to identify appropriate partnerships with welfare organizations in order to lessen criminal justice system involvement.²

² This effort would be greatly supported by greater levels of transparency than the current system of filing Freedom of Information Act to disclose all requested records, which is permissible as long as the records are not a part of an active investigation (Davis, 2019; Attorney General, 2018).

2. Literature Review: What are the potential negative impacts of gang databases?

For this research, I used an iterative process as the research project evolved from a wide scope view of law enforcement documentation practices, to a more specific focus on gang databases and their effects on communities of color. The initial search term for this research was law enforcement documentation through history. This prompted academic articles predominately on immigration databases and gang databases. Of particular interest was how the legalization of gangs changed over time as the racial demographics of American gangs changed. This change in illegalization of gangs in the 1980s, prompted the creation of gang databases. Law enforcement's gang databases have repeatedly appeared in news for racial profiling. What is interesting about news articles' critiques of gang databases is that there are few information structure remedies offered, that are often discussed in information science. While abolition of racist systems is a necessary goal, it is potentially unrealistic to disband big data systems due to the power they provide institutions. Instead, the author recommends a stricter set of data management steps in order to mitigate the presence of data violence within law enforcement data.

In this section I address the cultural myths, history, and circumstances that led to gang databases overrepresenting adolescents of color. The primary cultural myth that will be explored in this section is that gang databases make communities safer. The following two subsections will explain the hyper criminalization and documentation of African-American adolescents, and the final subsection will illuminate why some adolescents in underserved communities rely on gangs for resources.

2.1. Gang Database Defenses: Public Safety

Barrows & Huff (2009) argue that while gang databases clearly have flawed documentation practices, they are necessary to protect the public from the violence of gangs. In this view Barrows and Huff (2009) assert that missing a dangerous gang member, by spending time and resources tracking those who are not gang involved but merely associates or misidentified, poses a significant threat to the public. Barrows and Huff (2009) therefore advocate for keeping gang databases but restructuring them in a way that accurately defines and identifies gang members. The authors of this paper address that their advocacy for restructuring gang databases, as opposed to removing these information systems altogether, violates the advice of many scholars (Barrows & Huff, 2009, p. 679). The primary argument for resisting the advice to ban the use of gang databases is the fear of violent offenders who are sometimes captured by gang databases (Barrows & Huff, 2009, p. 680). According to Barrows and Huff (2009), gang members are ““significantly more likely to have been arrested for violent felony offenses (42.5%

compared to 18.9%)’ than were documented gang associates, who were in turn ‘significantly more likely to have been arrested for violent offenses (45.3% compared to 28.5%)’ than were non-gang delinquent youth (Katz, et al., 2000, p. 429). The authors concluded that these findings suggest that gang information systems may be more helpful to the police than first believed (Katz, et al., 2000: 432)” (p. 680).

What is not captured by these findings, however, is if incarceration disrupts patterns of violence after the individual is released from prison or jail. While many argue that the public is safer with violent criminals incarcerated, this topic is still heavily debated by experts. Western (2018) argues that the criminal justice system picks up those who were not served by public welfare and inequitable economic structures. Individuals involved in the criminal justice system incur additional hardships such as finding a job, being able to leave the home before or after certain hours due to restrictions placed by curfews, and difficulty filing for particular forms of assistance such as student financial aid. With this consideration, it should become more apparent that incarcerating violent offenders could deepen inequality and the violence that follows. This would imply that incarceration is not the solution, but an additional stressor, creating a more extreme need for the large sums of money that illicit forms of work bring, and the violence that also follows.

2.2. When Gangs Were No Longer Funded By Local Government: The Rise of Gangs of Color

Gangs are currently associated with low-income neighborhoods of color within the public consciousness. Gangs originally began, however, as a way for European immigrants to work for local politicians as an unofficial police force (Adamson, 2000). In this way, local government was able to enforce racial segregation, spend less of the municipal budget on law enforcement, and not take on responsibility for any unofficial law enforcement measures that the public didn’t approve of (Adamson, 2000). While these local politicians that funded European immigrant gangs did not approve of some of the actions that these young people performed, politicians treated gangs as a necessary evil in order to achieve law enforcement goals (Adamson, 2000).³ By reinforcing the racial order in neighborhoods, as prescribed by these government officials, immigrant populations were able to achieve “whiteness” in America (Adamson, 2000). Additionally the money made in this role allowed for immigrant populations to make wages higher than they would have made in legitimate work settings due to the prevalent discrimination against immigrant workers at the time (Adamson, 2000).

³ What those law enforcement goals are remains uncertain due to the unofficial nature of this type of organization.

As White immigrants gained more wealth, many of these populations moved out of the sometimes violent city, and into suburbia (Adamson, 2000). This vacancy allowed many African-Americans from southern states to begin moving into these neighborhoods and gang-related occupations. Since politicians in these neighborhoods used gangs to segregate, and oftentimes further oppress people of color, there was not much interest in funding young people of color to function as unofficial law enforcement the way that European immigrants previously functioned (Adamson, 2000). There was still, however, a market for many of the illicit activities that gangs performed, especially with street territories opening up as white flight became more prevalent throughout urban neighborhoods (Adamson, 2000). This financial opportunity was especially attractive as funding for public assistance became increasingly depleted (Adamson, 2000).

While particular gang activities have almost never been celebrated, Caucasian gangs were tolerated, while African-American gangs were demonized (Adamson, 2000). The sensationalized view of these young African-American gang members being irrational and senseless killers, and not the necessary evil that White gangs were, came with racial transition of inner-city gangs being predominantly black and hispanic participants instead of european immigrants attempting to gain whiteness (Adamson, 2000).

The Birth of the Superpredator

When racial demographics in major northern American cities began to change and many southern Black people relocated to northern cities in the hope for more opportunities, also known as white flight from 1940s-1970s, the connotations of gangs also began to change (Adamson, 2000). Since these young white immigrants moved onto suburban life and primarily gave up gang activities, there was suddenly very lucrative gang control and business opportunities available in certain city streets and neighborhoods. Simultaneously, the racism that many African-Americans had hoped to escape in the North was still very prevalent, particularly in relation to the resistance of white employers to hire people of color (Adamson, 2000). This resistance created large populations of unemployment and poverty in African-American communities that were simultaneously being attacked by white gangs that were attempting to maintain the old racial order in these city neighborhoods (Adamson, 2000). These

potentially lethal⁴ conditions led to the creation of Black youth gangs as a measure of protection against poverty, and violence from white gangs (Adamson, 2000).

Due to the fact that politicians did not fund these gangs, the adolescent organizations became a problem for the city to deal with. One way the major cities addressed the increasing presence of Black gangs, was to create a divergence between white and Black gangs. Media outlets and racist researchers picked up on this story as a way to sell newspapers, magazines, and stories. Note, there was minimal work demonstrating how to address this problem (Vitale, 2018), merely fanatical accusations of these young Black people as antisocial killers (Vitale, 2018). Of particular popularity was the writing of James Q. Wilson in the 1990s, “He described these young people as hardened criminals: ‘radically impulsive, brutally remorseless... elementary school youngsters who pack guns instead of lunches’ and ‘have absolutely no respect for human life.’ (Vitale, 2018, p. 56). This became known as the superpredator phenomenon amongst believers of this extremist media (Vitale, 2018). It became extremely influential not only among the public, but also amidst lawmakers (Vitale, 2018). Perpetrators of this superpredator fallacy argued that there was nothing that these emotionally disturbed young people were beyond help and the best possible outcome was to separate these populations through incarceration (Vitale, 2018, p. 56). Ultimately the social pressure that these falsehoods created resulted in legislation that made it easier to try young people as adults, and have heavier police presence in schools, which reinforces the us vs. them mentality that prompts gang membership in the first place.

2.3. Adultification and Criminalization of African-American Adolescents

The legacy of disparate treatment of African-American gangs, and White gangs has continued into present day. Some psychologists theorize that this difference in treatment is partially due to Adultification, also known as the process by which adolescents are given the expectations and responsibilities of adults (Nebbitt and Lombe, 2018). Nebbitt and Lombe (2018) theorize that African-American adolescents report the highest rates of adultification as a result of being most likely to live in impoverished neighborhoods.

Perceiving African-Americans as older and more responsible than their white counterparts, has serious ramifications for their involvement in the American criminal justice system. In a government report published by the

⁴ While street gangs, comprised of young people of color, are a manner for young people in neglected neighborhoods to get the resources that these neighborhoods are seriously lacking, white supremacist gangs are designed with the goals of killing an entire race of people.

National Gang Center in 2010, this adultification can be seen in the way the government regards gang activity to be more dangerous when it is perpetrated by adolescents of color, when compared to their white counterparts. While violence asserted by white gangs was described as “‘They engaged in violence, but violence was a normal part of their always-contested environment; turf warfare was a condition of the neighborhood’ (Sante, 1991, p. 198). Gangs formed the ‘basic unit of social life among the young males in New York in the nineteenth century’ (Sante, 1991, p. 198)” (Howell and Moore, 2010, p. 2). However when gang activity of Latinx and African-American people is described, the violence is considered to be inherently criminal, with an automatic association with drugs and other illicit activity(Howell and Moore, 2010, p. 2). This clear disparity in tolerance of violence in association with gang activity, demonstrates how the criminal justice system holds Black adolescents with higher levels of responsibility and punishment as a result of adultification.

While particular gang activities have almost never been celebrated, caucasian gangs have been tolerated, African-American gangs have been demonized (Adamson, 2000). The sensationalized view of these young African-American gang members being irrational and senseless killers, and not a necessary evil fails to recognize the human needs that the formation of gangs respond to. Where White gangs are granted forgiveness for inhabitable conditions as immigrants, Black gangs are surveilled and punished.

2.4. What Gangs Provide Adolescents in Historically Marginalized Communities

There is currently a lack of consideration that gangs are most often a result of providing necessary means for survival to adolescents that have been grossly underserved (DeVito, 2019). The missing resources to survive can be absent from both inside and outside the home (Devito, 2019). In this section consideration and explanation is given to *push factors*, or social circumstances that lead people to get involved in gang activity. Two major push factors that are discussed are neglectful families and police brutality. Focus is given to these two push factors due to the fact that families and law enforcement are intended to provide the young person protection instead of the trauma that they experience. This systemic trauma fuels what Vitale (2018) refers to as the *Us versus the World Complex*; this phenomenon is when a young person bonds themselves with other neglected and police-targeted adolescents, which turns into involvement in gang activity. The final topic for this section combats the myth that gang involved youth are invested in gangs for the rest of their life. This is essential for consideration, especially as the superpredator myth still creates adverse circumstances for former gang members.

Gangs Form as Protective Measure

While gangs have lost their appeal and respect among local politicians (Adamson, 2000), they still serve a number of protective measures for residents of poverty-stricken neighborhoods throughout the United States (Alleyne & Wood, 2014; Vitale, 2018; DeVito, 2019). In order to understand the range of wide-reaching public services, it is critical to remember that when it was light-skinned immigrants occupying these same neighborhoods the municipality would find ways to provide public services for these people (Adamson, 2000). Now that local governments have reallocated funding for public assistance to police forces (Vitale, 2018), who are overwhelmingly trained to react as if these young people are deadly killers (Patriot Act, 2019), it makes sense that young people who are neglected by their families, and government, band together with other targeted adolescents experiencing similar circumstances (DeVito, 2019).

Neglectful Families

DeVito (2019) conducted a study that explored how young people involved in gangs could benefit from psychological knowledge in attachment theory.⁵ In this study DeVito (2019) found that gangs would often provide family structures for young people who lacked that support (p. 3). Specifically, participants noted that gangs allow them to feel safe, receive positive affirmation and affection, and give the individual a sense of belonging (DeVito, 2019, p. 3). This ability to meet underserved adolescents' emotional needs is particularly attractive due to the fact that people residing in low-income neighborhoods, "experience more stressful life events as compared to those who are more affluent, including family conflict, violence, discrimination, traumas, and frequent moving (Santiago et al., 2011). If one does not have means for basic necessities, it can cause significant stress, feelings of demoralization, and a lack of hope in life (Santiago et al., 2011). Fewer options could lead to turning to a gang to earn income to help family" (DeVito, 2019, p. 2-3). In the study conducted by DeVito (2019) researchers found that poverty made it difficult to both be physically present in the household due to working multiple jobs, as well as emotionally present due to issues like addiction (DeVito, 2019, p.6-8). Most of the participants in this study reported that gang members functioned as a replacement family due to the fact that "they were willing to offer protection, unity and love to one another" (DeVito, 2019, p. 8).

⁵ Attachment theory is a psychological explanation for why a given individual chooses to develop relationships with certain people and not others (McLeod, 2017).

Police Brutality and Neighborhood Violence

In neighborhoods plagued by high crime rates, high levels of policing and high levels of incarceration, it can be fairly difficult to form meaningful and emotional bonds with fellow community members (DeVito, 2019, p. 3). DeVito (2019) also notes that “those with insecure attachments [to caregivers] may have difficulty with affect and emotion regulation, which can lead to behavior problems (Blwby, 1988; Parrigon et al., 2015)” (p. 4). This difficulty with affect and emotion regulation, while considered a problem outside of gangs is an asset in a warzone-like⁶ environment such as gang-afflicted neighborhoods.⁷ Many of the participants in DeVito’s (2019) study reported that they did not feel like they had a choice but to join a gang due the large percentage of community members that were also involved in gangs (P. 11). One participant said that due to the fact that police officers patrolling the neighborhood assumed that he was part of a gang, he felt unsafe and didn’t know who else would protect him if he didn’t join a gang (DeVito, 2019, p. 11). A different participant reported similar sentiments of not feeling safe if he didn’t join a gang, “I didn’t choose to grow up [where I did]. At the end of the day, walking up and down the streets, I was going to have to pass by the gangs. And eventually, I did the one thing that I always said when I was a kid I wouldn’t do and it was to join the gang. ‘Oh, I’m not going to join the gang. I’m not going to put them in charge of my life.’ And bam” (DeVito, 2019, p. 11).

When It is Time to Leave the Gang: Push and Pull Factors

While Hollywood, and gang databases alike, have illustrated gang membership as a lifelong commitment that requires serious danger and violence to escape, this is usually not the case (DeVito, 2019; Alleyne & Wood, 2014; Esbensen, Winfree, He, & Taylor, 2001). Many criminologists have found that not only are gang hierarchies very fluid (Esbensen, Winfree, He, & Taylor, 2001), but involvement in gangs changes as their members grow older (DeVito, 2019). DeVito (2019) found that there were a multitude of reasons that former gang members left the gang lifestyle including but not limited to:

“getting tired of the gang lifestyle, being a victim of violence, witnessing violence, gang disillusionment, stable employment and relationships, moving away, and aging and maturing, which will promote marriage, having children, and family responsibilities (Berger et al., 2017;

⁶ Once again returning to Vitale’s (2018) concept, that every time a youth is not accepted into communal life such as schools it reinforces the concept of us against the world that pushes young people into gang life.

⁷ One participant in DeVito’s (2019) study reported, “The gang I’m from, you’re taught you don’t love nobody and you don’t trust nobody because anybody can be your friend one minute and be ready to kill you the next over money, or cars, or jewelry, so they wasn’t my family members” (p. 10). While this deviates from the theory that gangs provide a sense of family, in this instance the gang provides a sense of purpose and acceptance for a social affect that would otherwise be considered inappropriate.

O'Brien et al., 2013; Pyrooz and Decker, 2011). Former gang members may have been searching for an attachment figure initially in gangs but realized that this lifestyle could not continue forever. All participants wanted a life where they were not in danger of getting killed or incarcerated. All participants reported experiencing incarceration for crimes and suffered abandonment by fellow gang members, creating a sense of disillusionment. Their search for a more stable attachment figure did not end positively. In leaving, all participants wanted a better life and to bring something positive to the world" (p. 14).

All of these reasons for leaving are recognized as *pull-factors* because they encourage individuals to get involved in gang activity out of this particular lifestyle (DeVito, 2019). Social elements that encourage gang activity such as giving participants a sense of family and protection, are push factors because they push young people into gang activity (DeVito, 2019).

Gang databases that justify and encourage police to surveil, and question people for living in a gang-afflicted neighborhood is a push factor, even for people who have left the gang lifestyle. A former resident of a gang-associated neighborhood in Los Angeles describes this sentiment of being associated with gangs, even though he was never involved in gang activity, and merely resided in a gang-afflicted neighborhood decades earlier (Chabria, 2019).

3. Analysis: What record keeping practices could mitigate negative impacts?

This section aims to pair the three most prevalent critiques of gang databases with the data best practice that could serve as an intervention. At the beginning of any information cycle, there is data entry. The Department of Justice recommends that data entry begins with clear communication to all data collectors what information to look for, and by what means it is appropriate and legal to do so (Department of Justice, 2019, b). Despite this urging, a consistent theme in reporting on gang databases, is that people of color are often profiled as gang members without sufficient evidence, also known as racial profiling. After data is entered into an information system, the data should not be left there forever without maintenance. In the same way that librarians follow the guidelines of the American Library Association in order to know when a book should no longer be in circulation, law enforcement is guided by the laws set forth by the Department of Justice in order to know how to maintain and purge database records (Department of Justice, 2019, b). Despite these laws, it has become apparent in many cities and jurisdictions that these guidelines are not being followed, and disastrous data violence has followed in the wake of this negligence (Winton & Puente, 2020; Sweeney, 2020; Chabria, 2019; Dumke, 2019; Vitale, 2018; Dumke, 2018a; Dumke, 2018b; Speri, 2018; Bernstein, 2018; Smith, 2018; Kravets, 2016). In the following two sections, missteps in the

information lifecycle will be reviewed in order to examine possible places of intervention within the discussion section of this paper.

3.1. Data Entry & Racial Profiling

In the report, *Police Response to Gangs*, Katz and Webb (2004) reported that, “almost all individuals stopped by the gang unit during our observations were minority residents” (p. 276). When asked about the apparent bias that goes into questioning someone’s gang involvement, a sergeant replied, “You have to walk a fine line, because we do target particular kids. While there are White, Asian, etcetera, gang members, we just do not run into them. We primarily deal with Blacks and Hispanics. You have to have an administration that backs you up and our department does. It is a very tough issue.... If you have 15 Black kids hanging out on a corner and 15 white kids also hanging out on a corner, the Blacks are more likely to be questioned” (Katz & Webb, 2004, p. 276). There are two immediately apparent problems with this response. The first dilemma is that the sergeant fails to address that neighborhoods of color are strategically targeted, and this level of targeting is made easier due to the fact that neighborhoods in the United States are more segregated than ever before (Vitale, 2018, p. 171). This sergeant, not unlike many law enforcement responses to this question, address the issue of racial profiling as if it happened by accident. Given, the amount that the amount of nationwide protests, newspaper articles, sousveillance of racial profiling and police brutality, academic papers on the prevalence and effects of racial profiling (Dumke, 2018; Legewie, J. & Fagan, J., 2019; Dumke, 2019; Sweeney, 2020), it seems unfathomable that this is the first time that the officer has been asked to consider the role of racial profiling of young men of color. The second matter in this response that urgently needs addressing, is that it reveals a presumption of white innocence. Given, the drastic overrepresentation of people of color in these gang databases it is clear that the instances of racial profiling have not ceased despite various media outlets condemning the practice (Chabria, 2019; Dumke, 2019; Vitale, 2018; Dumke, 2018; Bernstein, 2018; Smith, 2018)

While law enforcement underestimates the pervasiveness of White gangs, gangs made up of caucasian people are silently growing in rural locales, beyond the attention or perception of gang suppression efforts (Ladd, 2018). In national surveys of young people who identify as gang members, studies have shown that approximately forty percent are white (Ladd, 2018). It has been reported, however, that law enforcement often underestimates the prevalence of white gangs. Studies show that police report approximations of ten to fourteen percent of gang members in the United States identifying as White (Ladd, 2018). It has also been shown from a 2012 study that

documentation patterns within gang databases plays a significant role in a police officer's perception of White gang membership; since White gangs are overwhelmingly underreported in gang databases, officers assume they are less prevalent than they actually are. The underreporting, however, is a result of racial profiling that overwhelmingly targets people of color. There are three recognized groups of organized crime:⁸ white supremacist prison gangs, outlaw biker clubs, and criminal street gangs (Ladd, 2018). Unsurprisingly, street gangs are not only written as more dangerous, but they also receive harsher judicial judgments, sentences, and charges (Ladd, 2018). White gangs are just as violent as inner-city gangs but receive less media attention (Ladd, 2018) due to the fact that whiteness falls outside of the cannon of presumed Black criminality.

3.2. Data Maintenance & Removal of Outdated Entries

While it is unfair to presume that law enforcement officers are trained as data scientists, it is impossible to have effective data-based methods without guidelines advising consistent practices across various police departments, jurisdictions, and states. Consistent practices become exceptionally important when sharing this data with venues such as: courts, private attorneys, schools, and immigration. Some of these prospective data recipients are unaware of the breadth of these inconsistencies and might judge gang data from one police department, based on another jurisdiction, or state's guidelines. The two most consistent outcries from journalists are ridding of old data after a certain amount of time, also known as data cleaning, and inconsistent definitions of gangs. While the Department of Justice has recommended that law enforcement agencies share the information they capture with other law enforcement and intelligence agencies (Department of Justice, 2019, b), this becomes inadvisable when the laws regulating this information encourage inconsistent capture of data that when compiled contradicts the other data included in the set. .

Data Cleaning

In order to have effective data-based initiatives, there needs to be extensive data cleaning measures taken in order to mitigate the bias in a dataset. If these data cleaning measures are not taken, what will result is a dangerous feedback loop that repeats historical patterns of over-policing people of color living in low-income neighborhoods (Lum and Isaac, 2016, p 16). The Department of Justice has a law entitled 28 C.F.R. § 23, that states all gang database entries that have not been renewed as a result of a criminal investigation, conviction, or adjudication, must

⁸ Interestingly enough, many of the historically notorious white gangs such as La Cosa Nostra, also known as the Mafia, are not officially considered organized crime the way other street gangs that Ladd (2018) describes are.

be destroyed after five years (Barrows & Huff, 2009, p. 693). In 2018 Illinois Propublica found that police were utilizing a gang database in Cook County that had not taken measures to remove data entries much older than the five year limit would allow (Dumke, 2018, a). This lack of attention to the police dataset led to continuous surveillance of individuals well into their 70s and 80s, most of whom left gang life or never even participated in gang activity (Dumke, 2018, a).

Cook county was not the only place in which law enforcement officers were found to be not maintaining their databases. Similarly flawed databases have been found in Baltimore (Smith, 2018), Boston (Dooling, 2019), New York (Gullapalli, 2019), Cook County, IL (Dumke, 2018, b), Los Angeles (Chabria, 2019), and Portland (Bernstein, 2018). If datasets are not maintained to reflect the fluid nature of gangs, then the databases are not only violating law, but also serving as justification to punish anyone who has ever lived in a gang-afflicted neighborhood as if they had committed crimes of gang violence (Chabria, 2019).

Data Labeling

The Department of Justice (2019, b) recommends that any data-based policing initiatives identify the type of data that will be collected, the reason for its collection, and the methods that are appropriate to assemble this data before any data enters the information system. This homogeneity in data collection, entry, and labeling processes mitigates the potential for flawed analyses that result from unreliable data, or maintenance processes. Barrows & Huff (2009) assert a prudent precaution in regard to the varying definitions of gang members across various states. While the Department of Justice (2019, b) encourages the sharing of law enforcement data across state lines, this is extremely problematic when the criteria that qualifies a gang member in each state varies greatly from one another (Barrows & Huff, 2009). This is particularly true in the age of artificial intelligence's incorporation into the United States Justice system. If inconsistent gang data is entered into artificial intelligence sentencing, probation, or parole algorithms, there can be catastrophic consequences for those who are identified as a gang member in these databases. This is particularly true, when being a known gang member is listed as a risk factor for recidivism in these algorithms, which results in harsher forms of sentencing, probation and parole (Vitale, 2018; Hutson, 2018; Barrows & Huff, 2009). Therefore, if an individual is identified as a gang member in one state, and is tried for a crime in a different state, the accused individual can suffer extremely harsher punishments due to the fact that they have been labeled as a gang member from inconsistent criteria (Barrows & Huff 2009).

4. Discussion: How can librarians or knowledge from library science mitigate negative impacts?

This discussion section looks to identify some of the specific forms of data violence that result from these gang databases and potential interventions to mitigate these consequences. A brief review of Ida B. Wells and the National Black Census serves as an illumination as to how community based data efforts have helped mitigate systemic oppression in the past. These examples will serve as frameworks for how community information centers such as libraries can function as mitigators of data violence.

4.1. Consequences of Being in A Gang Database

Since the incorporation of automation and computers into criminology and law enforcement, these common and incomplete datasets are fed into algorithms and create more incomplete and misleading datasets. Additionally, due to data sharing these gang databases are becoming a more pervasive and interconnected problem (Del Bosque, 2019; Hutson, 2018; Kravets, 2016; Howell, 2011; Jacobs, 2009). While information professionals, have long argued that sharing unverified data can potentially violate individuals' civil liberties (Jacobs, 2009), law enforcement continues to create, implement and share these databases (Winton & Puente, 2020; Sweeney, 2020; Chabria, 2019; Dumke, 2019; Vitale, 2018; Dumke, 2018a; Dumke, 2018b; Speri, 2018; Bernstein, 2018; Smith, 2018; Kravets, 2016).

Pre-Trial Detention, Bail

While a person might not receive a harsh sentence or conviction as a gang member, an area that is often overlooked in the impact of gang databases is the negative consequences that result from pre-trial detention. Howell's (2011) surveyed sixty four defense attorneys from forty jurisdictions in twelve different states regarding the impact of gang association allegations on bail outcomes. Howell (2011) found that even in the court of law gang allegations are typically not verified through evidentiary hearings. Additionally, the study found that eighty percent of the accusations of gang association were levied against defendants who were not gang involved (Howell, 2011, p. 632). Oftentimes these allegations of gang affiliation were a legal tactic to ask for a higher amount in bail (Howell, 2011, p. 632-633).⁹ When the bail is so high that a person may not be able to afford it, as is typical for someone living in a low-income, and gang afflicted neighborhood, the defendant is more likely to take a plea deal (Howell,

⁹ This frequently occurs despite the fact that non excessive bail is a constitutional right (Howell, 2011, p. 641-642).

2011, p. 642-643).¹⁰ If the defendant accepts the plea deal, that often means that they must carry around a criminal conviction (Howell, 2011, p. 642-643). If the defendant does not accept the plea deal, however, that could mean that the individual is stuck in jail for years (Howell, 2011, p. 643). This additional time in jail could result in a loss of an income, which can be catastrophic in low-income families.

Immigration and Asylum

Sensationalist journalism, and uninformed political leaders like Donald Trump,¹¹ would lead Americans to believe that gangs are predominately made up of immigrants and asylum seekers that are the greatest threat to American prosperity. For this reason, asylum seekers and immigrants are often entered into gang databases without any involvement or association with gang activity (Del bosque, 2019). What is frequently misunderstood about individuals who are seeking asylum, is that they are doing so because, ““their own government can’t protect them or is complicit in the [gang] violence [prevalent in foreign countries]”” (Del Bosque, 2019, para. 20). This systematic violence, in which international governments are either associated or defenseless, allows for police to become extensions of organized crime and brutality (Del Bosque, 2019). In particular, those who resist the power of organized crime may find themselves on a retaliatory list, ironically referred to as a gang database (Del Bosque, 2019).¹² Due to the non-existent inclusion criteria for gang databases, it is very easy to include a person’s name with no justification as to why it is believed that they are a gang member (Del Bosque, 2019). In 2017, the United States funded a fusion center for all of this problematic data called, Grupo Conjunto de Inteligencia Fronteriza (Del Bosque, 2019). This center limits the mobility of anyone listed in these gang databases, under the presumption that they have been correctly identified as a gang member by their local law enforcement (Del Bosque, 2019). This unverified, and rightfully suspicious information is shared both with United States border patrol, and local United

¹⁰ The jail conditions that an alleged gang member faces are often much harsher than that of a non-gang affiliated member (Howell, 2011, p. 635). Oftentimes these defendants are placed in jails where they are locked in their cell for 23 hours of the day, which has been proven to cause severe mental distress (Howell, 2011, p. 635).

¹¹ Trump has a long documented history of misreporting the prevalence of central american and southern american gang members attempting to cross the border and claim asylum (Dreier, 2018). Ultimately these speeches prove to be racist scapegoating.

¹² ““There’s a lot of gang infiltration and influence on the police force in El Salvador,” said Geoff Thale, vice president of programs for the Washington Office on Latin America, a nonprofit human rights group. ‘Do I think there’s retaliatory data that gets entered because cops are pissed off at somebody or because a street guy is paying off a cop to only put down names of his rivals on the gang list? Yeah, I think that’s very likely,’ said Thale, who has worked on issues involving human rights, security and law enforcement in El Salvador since the mid- ‘80s” (Del Bosque, 2019, para. 13-14).

States police departments (Del Bosque, 2019). This essentially gives police reasonable suspicion to continue to question an asylum seeker's criminal history, without any evidence of previous crime. This is a violation of due process as it applies to United States law (Jacobs, 2009). If someone received a criminal classification without notice, a hearing or the ability to appeal this classification and the individual is still able to land in a detention center without evidence that they committed a crime, then it is a violation of due process (Jacobs, 2009).

Data Violence Comparison: Holocaust and Immigration Detention Centers

Experts note that the holocaust did not begin with genocide but with discussions of asking Jewish people to emigrate, and when they did not placing them in concentration camps (Beorn, 2018). By describing the majority of Latinx immigrants and asylum seekers as dangerous gang members, Trump is creating an *ethnic myth* that Latinx people are inherently dangerous and thereby justifying placing them in immigrant detention centers. Beorn (2018) states that the warehousing of an ethnic or racial group in often inhumane conditions, based on an ethnic myth, is what allowed many of the atrocities of the Holocaust to occur. Many experts in Holocaust studies claim that this is a keen and important comparison due to the fact that hateful chapters of history rarely start with genocide (Beorn, 2018). Often eugenicist movements begin through scapegoating a particular group that can be blamed for a large social issue such as unemployment (Beorn, 2018).

4.2. Lessons to Be Learned From Good Data Keeping and Counter Story-Telling

In this section Ida B. Wells and the National Black Census serve as examples that illustrate how communities of color have historically kept their own records, in order to counter stories within mainstream policing and academia that were used to justify the systematic oppression that government structures placed on their communities. These examples are useful references for community organizations that are looking to disrupt the data violence that gang databases create in their communities.

Counter Storytelling Exemplars

Ida B. Wells

While academics like Frederick Haller and Nathaniel Shaler attempted to justify inequality towards African-Americans as a result of biological inferiority through incomplete data that failed to highlight the inequitable conditions that African-Americans and Caucasians lived in, Ida B. Wells kept accurate records highlighting these inequitable instances of violence toward the African-American community. This act of counter-

story telling prevents these historical white supremacists from being the only historical records. Wells' work exemplifies the importance of community collected data. This level of data collection allows for data that is important to the community to be collected.

National Black Census

The National Black Census is a survey that seeks to highlight the trends, beliefs, and concerns of Black people living in the United States (Black Futures Lab, n.d.). Some of the themes reviewed in this survey include: concerns of economic disparity, desired changes within current criminal justice system protocol, and responses to political parties (Black Futures Lab, n.d.). Within the most recent report done by the National Black Census in 2019, Gun violence is highlighted as a major concern (Black Futures Lab, n.d.). In particular, African-Americans are twice as likely to die from gun violence than their white counterparts (Black Futures Lab, n.d.). This concern is often manipulated into political figures spewing anti-black narratives that paint communities of color as the problem (Black Futures Lab, n.d.). Using gangs as the sole perpetrator of gun violence is a fairly common scapegoating method that does not hold law enforcement shootings as a contributing factor responsible for perpetuating systems of gun violence within Black communities (Black Futures Lab, n.d.).

4.3. Outlets for Intervention

Corruption of data is not currently detailed in any legislation or code of ethics guiding law enforcement. In the era of what Hooper (2014) refers to as the information age of policing, it seems particularly pertinent that law enforcement be guided on best practices of data collection, storage, cleaning, and reporting. Fairness, accountability, and transparency (F.A.T.) is a public accountability framework that is particularly relevant in machine learning and artificial intelligence contexts (Malliaraki, 2018). The F.A.T. acronym allows creators of machine learning and artificial intelligence programs to measure: if the positive and negative outcomes are distributed evenly across demographic groups, fairness, if there is a way to report and remedy systematically unfair outcomes, accountability, and if there is a way to for users to know how the program came to the result that it did, transparency (Keyes, Durbin, Hutson, 2019). While the F.A.T. acronym has traditionally been related to artificial intelligence and machine learning, F.A.T. also lends itself well to big data collection with life-altering ramifications, as can be seen within gang databases.

Fairness: International Association of Chiefs of Police

In response to this differentiation in both legislation and expectation, the International Association of Chiefs of Police (I.A.C.P.), an organization that acts as a leading organization in law enforcement ethics, published a code of ethics that many law enforcement agencies adopt into their department's oath of policing¹³ (International Association of Chiefs of Police, n.d.). The I.A.C.P.'s code of ethics emphasizes the primary duty of police officers to serve the community and avoid any action that would detract from responsibility (International Association of Chiefs of Police, n.d., para. 2). Some of the examples of corruption within their code of ethics include: activities in their personal lives, self-control, following all legal precedents, not breaking confidentiality, engaging in bribery, witnessing other law enforcement officers engage in corruption and not reporting and, using unnecessary force (International Association of Chiefs of Police, n.d., para. 2). As law enforcement transitions to rely more heavily on data-based initiatives, it would be wise for I.A.C.P to expand their code of ethics to include data best practices so that positive and negative outcomes are distributed evenly across demographic groups.

Accountability: Department of Justice and the Community

The Department of Justice has both a set of best data practices for law enforcement that deals with gang data (Department of Justice, 2019, b; The Gang Intelligence Strategy Committee, Global Intelligence Working Group, Criminal Intelligence Coordinating Council & Global Justice Information Sharing Initiative 2008), and an established set of consequences for law enforcement departments that do not comply with these best practices (Department of Justice, 2019, a). The question remains these standards already exist, why are inconsistent criteria continued to be utilized by law enforcement who wish to establish a gang database? Journalists in Chicago, have come out with new stories for the last two years, reporting that despite being charged by the inspector general to fix the flawed data collection and maintenance practices in their gang databases, these information systems continue to flourish with inaccuracies fueled by racial profiling (Dumke, 2018; Dumke, 2019; Sweeney, 2020). New York City (Gullapalli, 2019; Sweeney, 2020) and Los Angeles (Chabria, 2019) have similarly horrifying stories demonstrating the ceaseless nature of data violence erupting from law enforcement's gang databases.

¹³The Oath of Policing is supposed to act as a guiding ethical light for police officers. Similar to the way that the Hippocratic Oath is intended to remind healthcare professionals what their primary concern should be while on the job.

The Changing Role of The State Attorney General

Before Donald Trump nominated Jeff Sessions to serve as the United States Attorney General, the process for investigating practices of inequitable or unlawful conduct was handled through consent decree (Madigan, Hendrickson, & Bass Ehler, 2020, p. 133). Sessions changed the role of the Department of Justice in police accountability by placing this responsibility on state, local, and tribal law enforcement leaders (Madigan, Hendrickson, & Bass Ehler, 2020). According to Madigan, Hendrickson and Bass Ehler (2020) “Sessions’ view was that police misconduct is not systemic or structural but is limited to a few bad cops” (p. 133). This current policy urges the state to deal with instances of police misconduct (Madigan, Hendrickson, & Bass Ehler, 2020).

While data management is not always one of the primary examples of police misconduct it is an inequitable policing practice that would typically be handled by the Department of Justice. By disaggregating the responsibility of handling systemic police misconduct to the state level, both the responses and the data that results from these resolutions becomes more disparate and difficult to evaluate on a national scale. By charging state and local leaders with the responsibility of managing policing practice it becomes exceptionally more difficult for researchers to evaluate the effectiveness of these reforms on the national scale. The same issues with lack of uniformity in definition, labeling, and data cleaning in gang databases is likely to arise with police misconduct data. Without acknowledging that many inequitable policing practices actually come from other law enforcement departments across the country, law enforcement agencies will inevitably be held to different standards of performance and equity.

Transparency: The Role of Information Professionals

While the Department of Justice currently negates the part of their mission that holds law enforcement agencies accountable, State Attorney Generals must advocate for the necessary support needed in order to hold law enforcement practices to the highest standard. In many instances information professionals and institutions could potentially fill that role by teaching community members how to tell if they are victims of data violence, and teaching law enforcement best data practices.

Libraries and Victims of Data Violence

In the age of big data and e-government, the role of libraries has changed from book warehouses to information centers of public amenities. While the traditional services of loaning out books and media are still

available, there is a lot more opportunity for librarians to intervene with social injustices that are seen in their respective communities. While the American Library Association prevents legal librarians from providing patrons with legal counsel (Maryland Courts, 2020), librarians are encouraged to show patrons how to find the information they are looking for. Oftentimes certain information needs in the community are so prevalent that librarians will hold information sessions within public libraries to show or teach skills such as how to file for public assistance, resume building workshops, etc. Filing a Freedom of Information Act request could be a daunting task for someone who has never done so before. Library programs that teach community members what their rights are under the Freedom of Information Act, what the limitations of this law are, and how to file a Freedom of Information Act request could be an additional layer of transparency that empowers a community to mitigate data violence committed against them.

Libraries and Law Enforcement Professionals

While it is popular and common for witnesses of data violence to retort that the criminal justice system is broken, that sentiment alone doesn't provide reparations, mitigation, or restoration to those who are targeted by these information systems. It is possible to presume that the Department of Justice is overwhelmed by police departments inundated with *information illiteracy*, or not knowing the best source for an information need. In this context, the information needed would be what Barrows and Huff (2009) refer to as accurate gang member identifiers. In order to truly be able to understand this problem in its entirety, additional research would have to be done to identify the information seeking habits of law enforcement professionals who work for units that are specifically concerned with gang violence in order to see how the varying definitions of gangs (Barrows & Huff, 2009), impact this trend of racial profiling that is currently seen in gang databases (Winton & Puente, 2020; Sweeney, 2020; Dumke, 2019 Speri, 2018; Dumke, 2018a; Dumke, 2018b, Smith, 2018). If that research is conducted there could be a unique opportunity for information professionals to cultivate and lead community restorative justice interventions regarding the appropriate use of collection, and use of data in a criminal justice context.

5. Future Research: What Other Public Institutions are Creating Condemning Datasets on Youth of Color?

Various whistleblowing reporters (Winton & Puente, 2020; Sweeney, 2020; Chabria, 2019; Dumke, 2019; Vitale, 2018; Dumke, 2018a; Dumke, 2018b; Speri, 2018; Bernstein, 2018; Smith, 2018; Kravets, 2016) have given

community readers insight into an institutional form of data violence¹⁴ that are currently being kept in the form of gang databases. What remains unclear, however, is what additional public institutions are sharing data with law enforcement, and the longitudinal effects of this form of data sharing on young people.¹⁵ As Ferguson (2017) points out in this sixth chapter of *The Rise of Big Data Policing*, there is a myriad of data sources that are known contributors to law enforcement information including but not limited to: cell phone application metadata, website metadata, cell phone location data, social media profiles, and social media user metadata.¹⁶ What remains unclear is what public institutions (schools, hospitals, government assistance programs, child welfare agencies, etc.) are participating in this current era of data sharing. Future research should also look into the developing legislation guarding against data sharing amongst public institutions in the age of big data.

In particular, there are risks of certain classifications within mental health services, special education, and academic remediation to serve as an increased risk factor for early involvement with the criminal justice system. Students of color who are special education students are statistically more likely to become involved in the criminal justice system (Sullivan, 2017).¹⁷ Since special education, however, is such a large field, it is exceptionally difficult to disrupt the school to prison pipeline without knowing which classifications are leading to various types of

¹⁴ Anna Lauren Hoffman (2018) describes the term data violence as “processes of gathering data and using algorithms ... that implicitly and explicitly lead to harmful or fatal outcomes (para. 15).

¹⁵ While some app developers have argued that the consumer is responsible for reading their end-license user agreement and should be aware that metadata is being shared on the regular, “Brian Wong, chief executive of Kiip, a mobile ad firm that has also sold anonymous data from some of the apps it works with, says users give apps permission to use and share their data. ‘You are receiving these services for free because advertisers are helping monetize and pay for it,’ he said, adding, ‘You would have to be pretty oblivious if you are not aware that this is going on.’”(Valentino-DeVries, Singer, Keller, & Krolik, 2018, para. 31). It is exceptionally difficult to argue that consent has been given when companies fail to disclose how the information will be used (Valentino-DeVries, Singer, Keller, & Krolik, 2018). Elizabeth Warren proved this point in her own studies of overly complicated language used in predatory loan agreements. She proved that when people understand the terms of the agreements that they are signing they are less likely to sign these loan agreements (Warren, 2014).

¹⁶ Instances of law enforcement continuing to utilize cell phone location data despite the Supreme Court ruling that this is a violation of Americans’ fourth amendment rights (Liptak 2018) is frighteningly common (Valentino-Devries, 2019; Ferguson, 2017; Bates, 2017). This is especially true when local police departments have been purchasing Stingray technologies that have the capability of tracking individual cell phones without a warrant (Bates, 2017). What is most problematic about this purchase is that the F.B.I. has been selling it to police stations under the condition of a non-disclosure agreement, even in a court of law. acquirement of Stingray technologies into law enforcement communities (Bates, 2017).

¹⁷ There are a couple of different theories as to why this may be. Some argue that students of color are more likely to be labeled with a behavioral learning disability as a result of the predominately white teaching staff not understanding cultural differences (Levy-Pounds, 2018, p. 202; Sullivan, 2017, p. 245). Other scholars equate this disproportionality to be more formulaic. This theory states that when special education students, who are predominately students of color, are more frequently suspended, the suspended students are more likely to fall behind in school, weaken their bond to the educational environment, and increase the likelihood of becoming involved in illicit activities (Bal, Betters-Bubon & Fish, 2019, p. 248).

involvement with law enforcement. Sullivan (2017) has made the point that the special education classification of Emotional Disturbance does not have a specific definition or a quantifiable list of criterion associated with this classification (Sullivan, 2017, p. 246-247). This means that for students who carry this label, there is no consistent way to give accommodations. Instead Bal, Betters-Bubon, and Fish (2017) found that a diagnosis of Emotional disturbance resulted in more suspensions from school, during which time adolescents were more likely to become involved with the juvenile justice system (p. 1-2). This is one illustrative example of how classification systems are resulting in data violence against our youth. In order to protect adolescents, who may be unaware of the data violence being incurred against them, information professionals must advocate for the role of consent in data sharing.

Appendix A

Law Enforcement Code of Ethics

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement” (International Association of Chiefs of Police, n.d., para. 2-7).

Appendix B

Lack of Concern About White Gangs

It is worth noting that when it comes to labeling predominantly white gangs, (i.e. white supremacist prison gangs and outlaw biker clubs, there are boundary words¹⁸ associated with the group such as biker or prison. These assigned boundary words mislead the reader to understand that these groups typically don't operate outside of their assigned boundary word. These misleading terms not only understate the prevalence of white gangs, but they overstate the danger of Black gangs. Since most people in the United States will have to interact with a street at some point, the phrase street violence seems more pertinent to everyone's safety and attention. Whereas smaller populations deal with large groups of bikers, and even smaller percentages of people are regularly faced with the violent dealings inside a prison system. Through this misinformed logic, some will conclude that Black street gangs are a more important focus for law enforcement than white gangs. In reality, however, street gangs are more likely to commit violence between gangs than against civilians (Ladd, 2018). This trend is greatly contrasted with the principle of white supremacist groups who often form with the primary intention of targeting uninvolved minorities, in the name of racial cleansing or purity. The fact that these gruesome acts of violence do not have a database for the purpose of tracking their daily movements speaks not only to the underlying principle of white innocence (Garcia-Rojas, 2014), but also shows evidence of how law enforcement understands violence committed by white people as an individual acts, and violence committed by people of color as an epidemic (Ladd, 2018).

The following sections will explore two impactful, but often ignored, instances of white gangs. This discussion is essential to consider how discussion of gang violence, and criminality have been predominantly associated with people of color. This proves to be problematic as, white populations are also fairly involved in gangs throughout America and data collection protocols do not reflect this reality. This will support a later discussion that police officers operating as data collectors need continuous training in the scientific methods, so that they don't implement their own biases into gang databases. This is especially important when considering how this data is, implemented in predictive policing software. The first discussion looks into the cost of white collar-crime that is predominantly committed by white men in their mid thirties to early forties (Klenowski & Dodson, 2016). Then I

¹⁸ Boundary words like prison gang or biker gang refer to the presumed locale that they operate in. Prison gangs are thought to have originated in prison, but oftentimes they have influence both inside and outside of the carceral system. Biker gangs are thought to only operate on motorcycles, as that is how they are identified. Oftentimes, however, biker gangs operate without their motorcycles.

will discuss how Southern Italian immigrants created the blueprint for utilizing gangs to achieve generational wealth, after gangs were no longer funded by local politicians (Adamson, 2000). This is essential in order to understand why this cycle of gang involvement continues to this day, despite increased levels of incarceration.

Southern Italians¹⁹ as an Important Case Study

While contemporary Black and latino street gangs are commonly condemned, it is important to remember to remember that American history has not painted in the same manner. Gangs in America began as a way for immigrant populations to gain a respectable status from well-respected politicians,²⁰ and community members by acting as unofficial forms of law enforcement (Adamson, 2000). In this unofficial capacity gangs overcame the weaknesses and corruption that were overwhelmingly present in urban police forces across the country (Adamson, 2000). It was not until until the second great migration in the mid twentieth century, when large populations of African-Americans were moving into previously white, immigrant neighborhoods that Gangs became an opportunity for social mobility in Black and Brown neighborhoods. Before white flight presented these territory-based opportunities, the aforementioned neighborhoods were largely occupied by Italian and Irish immigrants who laid the blue-print for how to gain respect and status through gang life.

La cosa nostra, also commonly referred to as the mafia, receives a fair amount of glorification throughout popular culture with the justification that this group is an issue of the past. This is simply not true. Docuseries like, *Inside the American Mob* (Druckerman et. al, 2013) allude to the Italian Mafia as an issue of the past. Criminologists discuss how the responsibility of classifying and monitoring the Mafia has been moved to the level of FBI (“How

¹⁹ There has been a significant rift between Northern and Southern Italian cultures and economies. Southern Italians in particular have been living in extreme poverty for the last 250 years (Favarretto, 2018). Some of the reasons that this poverty has been secluded to Southern Italy include: an agriculturally based economy that has not advanced with time, no places for the most intelligent members of the community to study, presence and influence of organized crime within the government, extreme levels of corruption amongst government officials, large populations of undocumented immigrants not paying taxes, ineffective nature of law enforcement (Favarretto, 2018). While these factors can be difficult to prove through empirical study, it should be noted that the presence of these circumstances are prevalent in many other low-income communities that have high emigration rates.

²⁰ This dynamic was complex in that, “Politically powerful adults did not approve of many of the things that white gangs did, such as breaking windows, reporting false fire alarms, cutting cable lines, defacing street signs, disturbing the peace at night, insulting people on the sidewalk, pilfering from stores, breaking into private dwellings, and looting factory yards and construction sites (Philpott 1978, p. 73). Nevertheless, those adults sponsored white street gangs, and rewarded them for playing a key role in neighbourhood defence, especially since urban governments and police forces were weak, ineffective and often corrupt. While adults frowned on activities which undermined the quality of community life, they approved of the youth gang’s role in keeping strangers, especially Blacks, off their streets and beaches, and out of their parks, baseball diamonds, swimming pools, saloons and dance halls (Spear 1967, p. 206; Kusmer 1976, p. 185)”(Adamson, 2000, p. 278).

The Mafia Has Survived And Is Involved In International Crime Today,” 2019). While some may attribute this lack of concern by local police to the decrease in street killings by the Italian Mob (Jackman, 2019), I would argue that this decreased concern is more likely due to the changing racial identity of Italian people in America²¹ (Staples, 2019), and the mafia’s ability to infiltrate legitimate business and influence local police forces (Staples, 2019).

What is most important in the comparison between Italian immigrants, who came to the United States before 1900 when the Italian-American racial identity experienced a shift toward whiteness (Adamson, 2000), and African Americans residing in gang-afflicted neighborhoods today is how organized crime allowed individuals to jump economic and social strata within the United States. When Southern Italians came to the United States, they were escaping levels of poverty so extreme that locals described as “la miseria” in order to illustrate, “not just poverty, but the seemingly unbreakable vicious circle of precarious employment, inadequate housing, and sanitary facilities, malnutrition, disease, and illiteracy that relegates them to a permanent position of marginality and subordination with respect to the rest of society and inexorably shapes the passivity and fatalism, broken only by spontaneous but short-lived rebellions which characterize their outlook on life and politics” (Chubb, 1982, p. 159-160). When Italian immigrants came to the United States not only were they met with xenophobia, but they were also associated with African Americans due to a long standing tradition of southern Italians working on plantations²² along-side African American slaves. It was through the organization, advocacy and generational wealth created by organizations like la cosa nostra that Italian-Americans were able to break this long-standing association and the systemic oppression that came with this alliance.

As Italian-Americans began to gain more status and respect in American society, residents of Italian urban neighborhoods began fleeing the city for suburban life (Adamson, 2000). After these light-skinned immigrants left impoverished city neighborhoods, politicians funded community resources even less than they did before white flight (Adamson, 2000). In place of the meager community resources provided through government funding, and

²¹ At the height of Mafia crime in the 1970s and 1980s, there was still a hefty amount of discrimination against Italian people, which ultimately spurred more young Italian-American men to join La Cosa Nostra (Druckerman et al, 2013). This, of course, affirms Vitale’s (2018) ideas that police harassment breeds gang cohesion and further development of “us against the world” mentality (Vitale, 2018, p. 162).

²² It is unclear if these Italian people were working as indentured servants, slaves, or poorly paid workers. It is likely that Italian immigrants were paid meager compensations, but were ultimately given freedom of movement, due to the fact that many came to the United States of their own volition, and not abducted and forced into slavery as African-American slaves were. While this is a very important distinction, it is essential to remember that African-Americans and Southern Italians were associated with each other, through communal work, living, and a common culture that arose from similar mistreatment (Staples, 2019).

white gangs like la cosa nostra, local politicians advocated for increased funding for militaristic surveillance and broken-windows policing²³ that ultimately criminalized everyday life (Adamson, 200). This new community structure created an even greater need for gang protection in low-income city neighborhoods as African-Americans from southern states began occupying formerly immigrant neighborhoods (Adamson, 2000).

If governments wish to condemn the current state of gangs in urban life, there must be a recognition in the roles that governments played in creating circumstances in which gangs filled a need that the government no longer provided through social services (Adamson, 2000; Vitale, 2018). It is impossible to eliminate the influence of gangs in American without first reconciling the structural racism that has made gangs an essential part of survival. It is also crucial to reflect on the fact that this tradition of gangs did not receive a criminal classification until it was adopted by people with a darker skin color (Adamson, 2000). When it was light-skinned immigrants, like Italian-Americans, not only were these groups funded by local politicians, but it was ultimately accepted by locals as a necessary evil (Adamson, 2000).

The Cost of White Men Committing White-Collar Crimes

In a provocative talk given at Data and Society, Dr. Ruha Benjamin poses an interesting question in regards to the hyper-racialized definition of what types of crime are harmful (Data & Society Research Institute, 2019).

“One of my favorite examples of what we might call a Bellian racial reversal is this parody project that begins by subverting the anti-Black logics embedded in hi-tech approaches to crime prevention. Instead of using predictive policing techniques to forecast street crime, the ‘White Collar Early Warning System flips the script by creating a heat map that flags city blocks where financial crimes are likely to occur. The system not only brings the hidden, but no less deadly, crimes of capitalism into view, but includes an app that alerts users when they’ve entered high-risk areas to encourage citizen policing and awareness. Taking it one step further, the development team is working on a facial recognition program to flag individuals who are likely perpetrators and the training set used to design the algorithm includes the profile photos of 7,000 corporate executives downloaded from LinkedIn. Not Surprisingly, the average face of a criminal is white and male. To be sure, creative exercises like this are only comical when we ignore that all of its features are drawn directly from actually existing practices and proposals in the real world, including the use of facial images to predict criminality. (Data & Society Research Institute, 2019, 19:07-20:24).

While Benjamin presents this “parody project” as a way to examine the implied racial disparity in presumed criminality, this exercise also allows the audience to ponder the inherent classism embedded into the criminal justice

²³ Broken windows policing is eloquently described by Byfield (2018), “the concepts behind ‘Broken Windows’ policing, according to Kelling and Wilson (1982), separated the idea of ‘safety’ from the concept of ‘the crime rate’; and separated at the community-level ‘disorder’ from the concept of the ‘the crime rate’”. Emphasis would be placed on order maintenance (as opposed to law enforcement) because minor crimes were seen as a main contributor to disorder, which would lead to the eventual breakdown of the community” (p. 94).

system. Research has shown that white-collar crimes, committed predominantly by white, citizen men, with gainful employment in their late thirties to early forties (Klenowski & Dodson, 2016), have much more impactful and far-reaching effects than street crime that is usually contained to a particular neighborhood. When economists calculate the annual victimization costs in the United States of white-collar crimes,²⁴ against those of street gang crimes they found that white collar crime costs society a great deal more than street crime does (Cohen, 2016, p, 76). Cohen (2016) even asserts that due to “avoidance behavior, precautionary expenditures, and other costs are not fully accounted for” (p. 79),²⁵ it becomes impossible to determine how much more white collar crimes cost communities than street gang crimes.

The powerful positionality of these white-collar criminals, even after conviction of crimes committed, is most likely due to many of the affordances built, for wealthy white people,²⁶ into the United States criminal justice system. Regardless if one examines this issue from a communal impact perspective, or the potential revenue that the criminal justice system seeks to gain from offenders of gang crime the ideal target would be white collar gangs, that are readily visible in dominant culture. This should prompt citizens to question what the actual goal of our criminal justice system is, to subordinate and control historically marginalized populations or is it to protect the community that is affected by crime. If one takes this often disregarded impact of white-collar crime into consideration, the values of gang suppression efforts begin to come into question.²⁷

²⁴ This study defined white-collar crime as, “an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage” (Edelhertz 1970, p. 3)” (Cohen, 2016, p. 80).

²⁵ It should be noted that these measures can only be achieved through high-levels of social positionality, expensive lawyers, and with membership among more privileged visible identities.

²⁶ Continuous demographic and ethnographic studies of white collar criminals show that these criminals tend to identify as middle to high class, caucasian men with gainful employment in their mid thirties to forties. Due to the increasing presence of biased algorithms in sentencing these white upper-class defendants are serving shorter sentences (Angwin, Larson, Mattu, & Kirchner 2016).

²⁷ The widely accepted gang definition benchmarks described Esbensen, Winfree, He, & Taylor (2001) poses an interesting question, “(1) youth status, defined as an age classification ranging between 10 and the early 20s or even older, and (2) the engagement by group members in law-violating behavior or, at a minimum, ‘imprudent’ behavior” (p. 106). White collar criminals, who often don’t commit their crimes alone, should be considered a gang since their criminal activities cost communities much more financial and therefore social destruction (Cohen, 2016).

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