

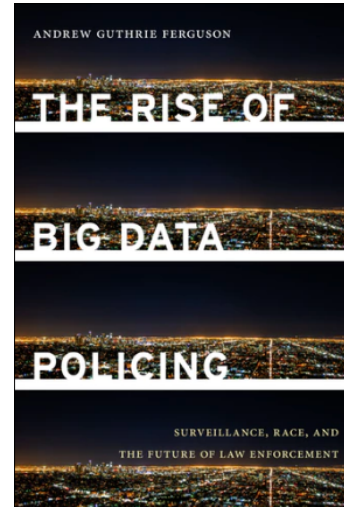
Andrew Guthrie Ferguson, **The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement**, New York, NY: New York University Press, 2017, 272 pp., \$28.00 (hardcover).

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In the Feige, Russo, and Russo (2014) film *Captain America: The Winter Soldier*, the villains attempt to enact “Project Insight,” wherein three helicarriers linked to satellites equipped with a data-mining algorithm preemptively eliminate people viewed as threats. While this normalization of constant surveillance and retributive justice is critiqued in superhero movies like *Captain America*, it is rarely critiqued as a policing practice. Across the globe, investment in predictive policing technology is growing. As of early 2019, there are 50 police departments across the United States and 14 departments in the United Kingdom using predictive policing technology. Alongside this, China is building its own “police cloud,” which, according to the Human Rights Watch, is designed to “predict the activities of activists, dissidents, and ethnic minorities” (HRW, 2017, para. 1). This normalization of predictive policing means critiques are rarely raised within police departments, but in early March of this year, Inspector General Mark Smith’s 52-page review of Los Angeles’s big-data technology critiqued the system, claiming it employed “inconsistent criteria” (Puente, 2019).



In this growing body of critique, Andrew Guthrie Ferguson attends to this issue in his 2017 book ***The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement***. Ferguson understands data to be the future of policing, the components of which he names “predictive policing, intelligence-driven prosecution, ‘heat lists’ of targets, social media scraping, data mining, and a data-driven surveillance state” (p. 2). Ferguson contextualizes the rise of data in policing as taking place within two cultural shifts: first, that the ability to center data in policing is no longer a Terminator-style futuristic concept: it is part of the present. Second, Ferguson identifies the framing of big-data policing as race neutral in response to the Movement for Black Lives that often centers on the murder of Black people by police. This understanding of the police’s violent relationship to communities of color exists as the grounding framework of Ferguson’s argument.

There are a handful of scholars thinking through the role of data and algorithms in our 21st-century lives, including Jessie Daniels, Safiya Umoja Noble, Cathy O’Neil, and Shoshana Zuboff among others. Of course, there are and have been many people critically thinking through the role of the police state, such as Angela Davis, Christian Parenti, Emily Thuma, and Alex S. Vitale to name a few. Ferguson, however, has published one of the first books to address the relationship between the police state and big data. Dr. Virginia Eubanks (2018) has expanded on this work with a class analysis through looking at social services in 2018’s *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*, and the upcoming edited volume *Captivating Technology: Race, Carceral Technoscience, and Liberatory Imagination in Everyday Life*

(Benjamin, 2019) looks to expand upon the racialization of technology and its contemporary usage in new and interesting ways.

Four things stand out in Ferguson's book: (1) his clear, accessible take on the topic, including his structuring of the book, and his focus on (2) black data, (3) blue data, and (4) bright data. His structure separates the book into three clear sections: First, what is data-driven policing, and why do police departments like it so much (chapters 1 and 2)? Second, whom, where, when, and how do we police, and how does big-data policing change this (chapters 3–6)? And, finally, what does it mean to use black, blue, bright, and no data (chapters 7–10)? This structure sets up a strong foundation, making the information accessible to anyone new to police studies, surveillance studies, or data studies.

Ferguson uses the concept of black data to gesture toward several key ideologies central to his argument. As he explains in the introduction,

"Black" as in opaque, because the data exists largely hidden within complex algorithms; "black" as in racially coded, because the data directly impacts communities of color; "black" as in the next new thing, given legitimacy and prominence due to the perception that data-driven anything is cool, techno-friendly, and futuristic; and finally, "black" as distorting, creating legal shadows and constitutional gaps where the law used to see clearly. (p. 3)

This construction of Blackness as multidimensional allows for a critical understanding of technology, data, and race within the text. Highlighting the racist history of policing in the United States and the ways in which this influences the data being used within the algorithms create an understanding of a system as inherently racialized through the racialized input. In an age where technology is consistently framed as neutral and objective, understanding its subjectivity is key to understanding technology. Another of Ferguson's key concerns, as a professor of law and as someone with a focus in making constitutional law accessible, is the effect big data could have on the Fourth Amendment. Ferguson clearly expresses concern over the ways in which "probable cause" has been used in the past and could be used in the future.

Ferguson's second key concept is that of blue data, or how big data technology can be used to surveil and improve the police, or as he refers to it "improving police effectiveness, reducing police violence, and strengthening training and accountability" (p. 143). Framed as an expansion of Obama's "Police Data Initiative," Ferguson implies that big data can assess the effectiveness and risk factors of officers' engagement with communities, and communities of color in particular. However, despite acknowledging that the police was founded in slave patrols (p. 133) and an acknowledgement that racism is *structural*, not the result of "a few bad apples" (p. 154), Ferguson never considers *abolition* as an alternative. The book never questions the idea that the police are integral to the foundation of the U.S. nation-state's justice system. While Ferguson's argument here maintains a critical analysis of the police's relationship to communities of color, it normalizes their existence and power by remaining complicit in the notion that police are necessary.

The closest Ferguson gets to critiquing the necessity of the police is in chapter 9, "Bright Data: Risk and Remedy," where he critiques the idea that "a crime problem needs a policing solution" (p. 167). Instead, Ferguson suggests bright data can be used to offer "smart" and "illuminating" solutions, which remain "agnostic

about the role of the police" (p. 167). Ferguson gives specific examples of ways that bright data can address *need* rather than *risk* and offers tangible solutions to some of them. However, he also names the privacy issues that arise from treating issues historically dealt with by law enforcement as public health issues.

Overall, Ferguson presents a necessary text that should be read by anyone with any kind of governmental power, and as he states in his conclusion, his "hope with this book is to clear a space on every police administrator's desk for reflection" (p. 201), and until we can have discussions around police abolition in the mainstream, I am right there hoping with him.

References

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