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Chapter XII

Digital Government and Criminal Justice

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ABSTRACT

This chapter outlines the history of digital government in criminal justice, starting with the Johnson Administration's findings concerning automation in its report, "The Challenge of Crime in a Free Society," the development of the national criminal justice network, and the creation of SEARCH Group, a consortium of states that led the effort to create computerized criminal histories of individual offenders. A brief discussion of the issues these efforts attempted to solve will be developed.

The narrative will describe how these initial activities created the basic parameters for all subsequent developments in the area of criminal justice automation. Several major problems and controversies of criminal justice automation will be described and placed in their historical context. Examples of criminal justice initiatives will be provided and their success in solving some of the problems discussed will be described. The chapter concludes that it is time to rethink the older criminal justice digital government paradigm from the 1960s and create a new model more in tune with today's developments in a highly mobile, digital and integrated society. Questions about the impact of this new model on traditional constitutional safeguards, including individual liberty and privacy will be raised.

DIGITAL GOVERNMENT AND CRIMINAL JUSTICE

Criminal justice has been one of the public sectors in the forefront of the move toward automation and digital government. By digital government, it is implied that the use of automated systems assists governmental entities to perform their legally mandated duties and responsibilities. The current e-government focus on citizen access is a vital part, but only a part of the larger digital government story within criminal justice. The effect of computerization on American criminal justice has been profound and it has transformed the criminal justice process in many fundamental ways. The major literature tracking this entire process is mainly found in task force reports, government publications, reports from state initiatives, and a few secondary source books mainly related to legal issues. Perhaps the best sources for information on the large-scale trends in this field are the various reports and analyses developed by SEARCH Group for the U.S. Department of Justice. A major factor in criminal justice systems since the beginning, SEARCH through its documents addresses the entire range of criminal justice systems and issues. Rereading many of these documents reminds one of the many miles we have traveled since 1967. This chapter is designed to cover those miles; to relate how criminal justice automation began, how it has evolved, its major controversies, problems, and issues, how solutions for these difficulties were devised and implemented, and what problems remain today. The chapter concludes with a brief set of suggestions for the future development of digital government in criminal justice.

To understand the current state of digital government in American criminal justice, we have to go back in time. Back beyond the Internet, local area networks, even back beyond the advent of personal computers in the 1980s. We must seek the origins of our current justice systems in a world of a few massive and costly computer systems of limited capacity with primitive networking capabilities. This world did not know of Bill Gates, Microsoft or CNN. Television, dominated by the big three networks, carried nightly vistas of death and destruction from far off Vietnam and from the streets of America's major cities. The assassination of President John Kennedy was still a recent scar, Lyndon Johnson was President and many Americans still hoped that Robert Kennedy would soon occupy the Oval Office.

Clearly, this era, known to historians as the Sixties, was one of turmoil and violence. It was also, however, an era of many sweeping reforms. The Civil Rights Movement, War on Poverty, and the Great Society shared the stage with emerging issues of feminism and environmentalism. Many Americans still believed that large-scale governmental intervention could solve the nation's social problems. Chief among those social problems was the issue of urban violence and crime. Therefore, it was natural that the Johnson Administration turned to a national solution for what had traditionally been seen as a local problem; the prevalence of crime and violence in the American society (Dallek, 1998, pp.405-407, 409-411).

The Johnson answer was a large government commission with numerous task forces, charged with ascertaining the causes and nature of crime, the state of the American criminal justice system, and the needed reforms, programs, and policies required to meet the threat. The commission's recommendations were contained in a lengthy series of reports listed under the long official title of *The Challenge of Crime in*

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