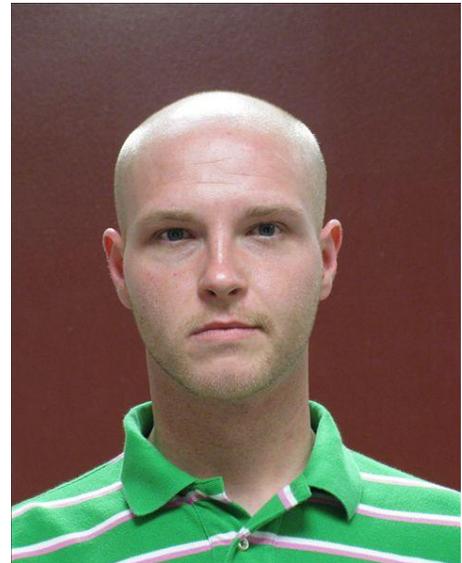


My Arrest Record

Just to set things straight for the record, I have never been arrested or charged with any serious crime. In fact, my negative interactions with the legal system have been minimal. I can recall two—or perhaps three—traffic tickets in my entire life, the last approximately thirty years ago when I was pulled over for doing 62 mph in a 55 mph zone. With that said, if you google me, you might think otherwise.

In America, we firmly believe in the concept of innocent until proven guilty. But I can show you at least a couple of folks out there who have the same name as mine and whose mugshots appear on the internet for all to see. If you don't know me, and in particular have never met me, you might easily think they are me. I've been aware of the problem for some time. I subscribe to Google Alerts, which sends me an email whenever my name appears on a new site on the web. I mainly use the service to keep up with reviews of my books, but over the past several years I've discovered there are several people out there whose name is the same or similar to mine, and who for whatever reason, have run afoul of the law.

Take the fellow whose photo appears to the right. I don't know him, and I don't think we are related. But his name is William Rawlings and—according to the internet—he was arrested in Tennessee on March 14th of this year for public intoxication, and again two weeks later for driving with a suspended license. On November 7th he was arrested for domestic assault and vandalism. There is no mention of whether or not the charges carried any validity, whether or not they were pursued in the court system, and whether or not he was found innocent or guilty. Nothing, simply the fact he was arrested and presumably booked, part of which involved the generation of a mugshot.



What raised my interest in this was a recent article in the iPad-based e-zine, *The Daily*. It seems that mugshots have become big business on the internet. While there appears to be some inconsistency across the country, arrest and booking records—including photographs—are commonly seen as being a public record, and hence in the public domain. Now, if I were arrested and my photo appeared in a public venue such as a newspaper or on-line I would, at the very least, be embarrassed. There are dozens of websites that specialize in showing mugshots. Look up www.mugshots.com or

www.bustedmugshots.com to see a sample. And it seems for a small fee, ranging from a hundred dollars or so to more than a thousand, the sites will gladly remove your photo.

The problem is this: What if you're wrongly accused and totally innocent? You shouldn't have to pay, right? Wrong! The mugshot stays there until you pony up. And worse, there is nothing whatsoever to prevent another and yet another internet mugshot purveyor from posting your photo again and demanding more money to take it down. It's extortion, pure and simple. Once that photo is out there on the web, it may be there forever. Yes, the websites do have a disclaimer (often in less prominent print) that the accused should be considered "innocent until proven guilty." Sure, we read the trite denials, but our suspicions are saying where there's smoke, there's fire.

What happens if, for example, you're arrested on some bogus charge, which is immediately dropped and you are set free shortly after being booked? Perhaps it was a clear case of mistaken identity. Problem solved? Probably not. Say five years later you apply for a plum new job in a distant city. You're asked to email your résumé to the agency that's handling the recruiting for the position. As is standard practice these days, they'll search the internet for any links to your name, and review your social media pages (e.g. Facebook, LinkedIn) to get a feel for who you are beyond the sterling character of your *curriculum vitae*. I don't think it would be any surprise to say they'd drop you in a minute as a job candidate based on the arrest record alone, no matter how erroneous it was.

Let me give you an example. My daughter, who is in college, was talking to me the other day about a friend of hers whom she insisted I'd met sometime last year. I couldn't recall exactly who he was, and asked if she had a photo to refresh my memory. She did. Within a couple of minutes she'd pulled up his mugshot from an internet site, apparently taken a while back when he was picked up for some minor offense near his university. Wonder how that will fly when he graduates and starts applying for jobs?

The internet has become an indispensable part of our lives. As a sometimes writer, I simply cannot function without it. Hardly a paragraph gets written without my doing a bit of fact-checking or researching some arcane issue. But the ready availability of unfiltered information cuts both ways. Ask many of those poor folks whose photos appear on the mugshot site. I am a staunch defender of free speech, and abhor any efforts at censorship. But in this case, in fairness to those who may be falsely accused, I think we should ban mugshots or require a prominent disclaimer emblazoned across the front of the photo. Not only that, but require that a final disposition of the case be posted, with the photo taken down if the charges are dismissed without a verdict or plea.