

THE CRIMINAL "LOOK":

INVESTIGATING BIAS WITHIN BERTILLONAGE

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In April 2020, a problematic viral trend took over millennial spaces on social media: the #mugshotchallenge. The "challenge" prompted users to style themselves (messy hair, smeared eyeliner, fake bruises, and nosebleeds) and then pose against a blank white wall—in both front-facing and profile positions—for photos that were then posted to various social media platforms (fig. 1). The trend was met promptly with backlash for a multitude of reasons, not least of which was that the challenge reinforced cultural biases of what a typical criminal looks like. This idea, that a criminal has a specific and identifiable appearance, stems from the work of French criminologist Alphonse Bertillon, who invented an "effective modern system of criminal identification" in the 1890s that "proliferated widely" across the Western world.¹ As evidenced in *Bertillon Card*, 1913 (fig. 2), Bertillon's

system combined photographic portrait with his uniquely developed and highly standardized anthropometric descriptors; his aim was to identify and separate habitual or professional criminals from singular offenders based on their physiognomy.² In this paper, I will examine how the Bertillon system of criminal identification may have bolstered racial and other ethnographic or socioeconomic profiling in the criminal justice systems of the late nineteenth and early twentieth centuries. I will determine the contemporary consequences of building these profiles based on appearances, and further, probe ideas set forth by Neil Davie, Jonathan Finn, and other experts regarding how the rigorous classification methods for archiving criminal identification records have contributed to reinforcing bias within criminal justice systems in the present. The *Bertillonage* system of criminal identification revolutionized modern processes of visualizing and categorizing the criminal body. As such, I will argue that this system served to perpetuate biases based on appearance, creating lasting and damaging effects in marginalized communities.

The effects of Bertillon's methodologies produced, for the first time, a visible construction of the criminal. As Josh Ellenbogen and Alison Langmead have pointed out, "Bertillon's system stands apart for the simple fact that the object it sought to catalog—the unique human body—was visual."³ Looking at how *Bertillonage* used visualization, classification, and organization as a means of merging physiognomy with criminal data provides insight into how the codified criminal body came to be. Investigating this new way of seeing the criminal, of assigning a corporeal presence to crime, will demonstrate the ways that anthropometrical data may have reinforced ethnographic and socioeconomic biases, which, whether implicit or explicit, frame our understanding of social groups and dictate our actions towards them. When it comes

to crime, bias based on social inequity and racial assumption complicates the Western refrain of "innocent until proven guilty," creating disproportionate incarceration rates worldwide.⁴ The capacity with which *Bertillonage* revolutionized the field of criminology cannot be underestimated. Bertillon's use of photography was significant; as a new means of representation, its popularity grew alongside the development of the criminological field. Finn notes that nineteenth-century advancements in mechanical reproduction were integral to the "construction of the modern criminal body" due to the speed and ease with which documentation was made possible.⁵ Though the photographic documentation of prisoners had been in the works since the 1840s, it had not yet proven itself to be an effective means of criminal identification.⁶ The vast collection of criminal photographs was not useful without a meaningful system of organization.⁷ After the advent of photography had taken hold of the collective social consciousness, Bertillon capitalized on this new technology by "combin[ing] photographic portraiture, anthropometric description, and highly standardized and abbreviated written notes on a single *fiche*, or card."⁸ There were eleven measurements in total: height, wingspan, sitting height, head length, head width, distance between cheekbones, length of right ear, length of left foot, left middle and little fingers, and crook of left elbow to outstretched left middle finger.⁹ Allan Sekula, whose seminal work *The Body and the Archive* is perhaps the most well-known investigation of Bertillon's techniques, relates how "Bertillon calculated [...] that the chance that two individuals might share the same series of eleven bodily measurements ran on the order of one in four million."¹⁰ By deconstructing the human body in a sequence of measurements, the individual was transformed from subject to object, making it possible to identify a person based not on the sum of their parts, as they were, but by each



Figure 1. James Charles. April 5, 2020, 7:25 PM. <https://twitter.com/PopCrave/status/1247202476639637504/photo/1>.

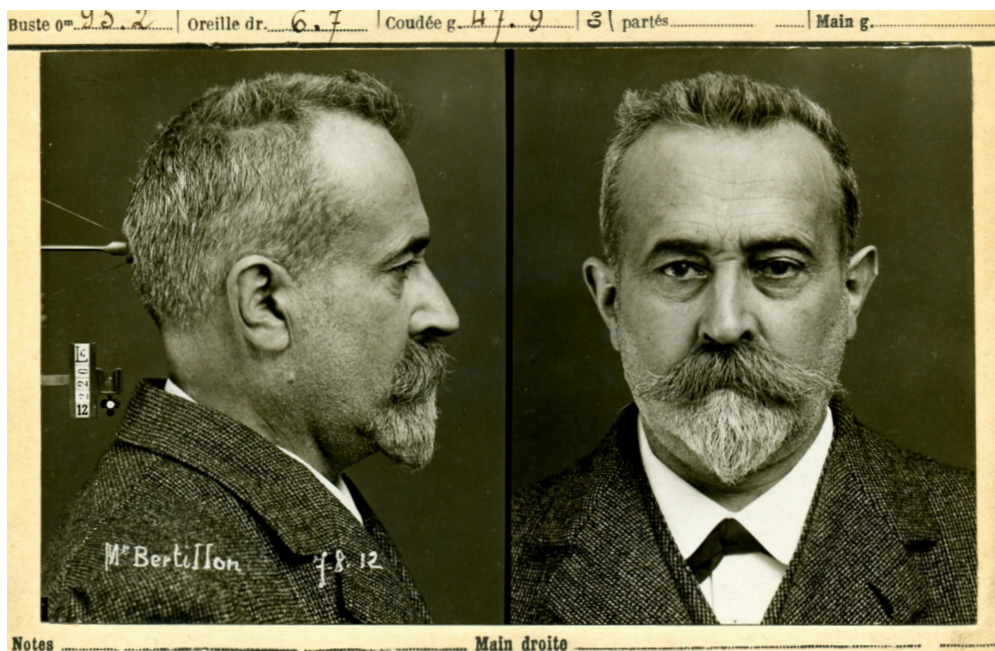


Figure 2. Anthropometric data sheet (both sides) of Alphonse Bertillon, 1812, Wikimedia Commons, [https://commons.wikimedia.org/wiki/File: Bertillon,_Alphonse,_fiche_anthropom%C3%A9trique_recto-verso_-_crop.jpg](https://commons.wikimedia.org/wiki/File:Bertillon,_Alphonse,_fiche_anthropom%C3%A9trique_recto-verso_-_crop.jpg).

feature individually. The measurements were then further supplemented with a series of uniquely developed short-hand descriptions.¹¹ Any unusual markings, such as scars, tattoos, or birthmarks, were included in a "Descriptive Information" section, while an additional section under the heading "Statement of Peculiar Marks" focused on the "demographic and sociological information associated with the individual."¹² Finally, two photographic portraits were added to the card—one frontal and one profile—before it was filed away according to the protocols of Bertillon's comprehensive filing system.¹³

Nineteenth-century pseudo-science, based on the anthropometrical measurements of the body, puts stock in outward appearances as a testament to constitution of character. It was Bertillon's assertion that collecting these individual anthropometric sets, and merging them with photographic portraiture, would enable a foolproof system of "quarantine" for the professional or habitual criminal.¹⁴ In essence, the system worked. *Bertillonage* changed the systematic structure of criminal classification and identification. As Jonathan Finn has said, "The photograph as representation gave way to the image as inscription, with the result that images became a central feature in the study and understanding of crime and criminality."¹⁵ However, in tandem with this new operational standardization of information, criminal data management became less a method of serving the community by recognizing repeat offenders, and more a method of controlling the community; there was now an impetus to look for physical attributes that could be corroborated within a vast archive of anthropometric criminal data. It also allowed for the possibility of efficient and "predictable communication within and between institutions," creating even greater potential for organizing the visible body within pre-existing social frameworks.¹⁶

Already we can see the reduction of the

body to a series of statistics—a data set meant to individualize the body, yet, by nature of the data's function, which codified the individual body to be categorizable within a set of predetermined classifications, and thus readable within a bureaucratic network of crime management. In reconstituting the body as a criminal statistic, a person was stripped of history and tenability, and denied an accounting of circumstance or positionality, reducing them to a set of measurements instead of a human being. This newfound capacity to organize criminals, based not on the crime committed but on physiognomy, effectively merged criminal activity with appearance, which created a codified, identifiable, and criminalized body. This codification underpins three aspects of Bertillon's system: visualization, classification, and organization.

When visualizing the criminal body, the anthropometrics of each Bertillon card function as surface level guideposts for how to read physical anatomy. However, it is the underlying signaletic values of each measurement that work to code the body and impart criminal designations. Neil Davie explains how certain physical measurements and attributes were thought to indicate an individual's predisposition to committing crimes. Davie asserts that certain "categor[ies] of the criminal population [were] condemned to wrong-doing by inherited biological defects, [and] those defects could be identified through distinctive anatomical and physiological body traits."¹⁷ Thus, the late-nineteenth-century notion that many in the criminal class shared a distinctive physiognomy was perpetuated just by way of the *application* of the measurements to the individual body. Adding photographic identification to the card fastens any less than desirable anthropometrics to a person's individual likeness; this visual representation also functions as inscription—it "reduce[s] live bodies to a standardized, two-dimensional document, a material representation to be

combined, analyzed, and exchanged in a network of similar representations.”¹⁸

As a “standardized two-dimensional document,” the Bertillon card created new channels of classification when it came to the likeness of an individual. Categories such as “race” and “skin colour” were included for criminals who fell into the “exotic” classification.¹⁹ The need to create such categories was undoubtedly important for *Bertillonage* as it contributed to the expediency with which one could identify a suspect. However, the conflation of race, skin colour, and signifiers such as “exotic” with other identifying features that were assumed to indicate criminal predispositions is undeniably problematic when it comes to the sociocultural development of implicit bias. As Nicole Hahn Rafter describes, there was an “inherent discrimination” when it came to the hierarchical classification of bodies:

At the bottom of the scale is the born criminal, rough in appearance and manners, a foreigner or Negro ... uneducated, of poor background, a drinker. At the top stands ... [the] gentlemanly normal offender, anomaly free, a product of not heredity but

environment, intelligent and skilled, conscience stricken and reformable.²⁰

While the race or skin colour of the “gentlemanly” and “normal” offender is not specified, and are therefore unreformable—a clear indication that many of these modes of classification are tied to contemporary socioeconomic and sociocultural biases. At the turn of the nineteenth century, the body was “imbued with enormous social meaning and significance.”²¹ Discourses about bodies were also often tied together through the “metalanguage” of race, which determined their subsequent interpretation and treatment within society.²² While *Bertillonage* was refined in Europe, European colonizers in North America were leaning further into scientific racism to differentiate themselves from African slaves and Indigenous populations; scientists pushed the notion of biological destiny, purporting that “corporeal differences” between whites and non-whites were “immutable.”²³ Melissa N. Stein, professor of gender studies at the University of Kentucky, has written about this at length. The body, she claims, “was the primary site on which [racial] scientists examined the moral character and intellectual capacity of [the non-white population] outside of the dominant white nexus of power and ‘respectability’ in the nineteenth and early twentieth centuries.”²⁴ Notably, the black male body was said to have longer arms due to a more direct lineage to primates, and “demonized” as a threat—especially to the white female—due to a “dangerous, menacing presence” and a propensity for “sexual vice[s].”²⁵ The capitalization on the trope of the “black beast rapist” by advocates for castration and lynching exemplifies how biology was yoked to presumptions of innate criminology, again mapping a criminal identity onto a body matching a specific set of physical traits.²⁶

After human identity was transcribed into this new signaletic language of notation,

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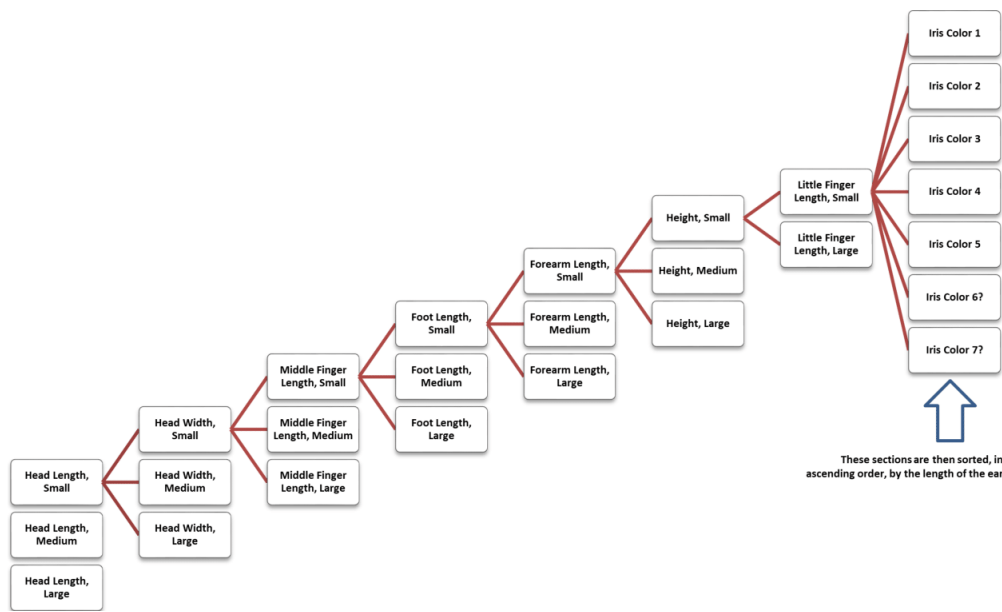


Figure 3. Alison Langmead. *Classification for the Anthropometric Files*. In Josh Ellenbogen and Alison Langmead, "Forms of Equivalence: Bertillonage and the History of Information Management." *Technology and Culture* 61, no.1 (January 2020): 220.

it was then organized within a system that could be "accessed at will."²⁷ Bertillon is notorious for boasting that his system made it possible to determine within minutes whether a "suspect's profile matched an individual already on file."²⁸ The filing and retrieval procedure developed by Bertillon made individual analyses of the criminal body unnecessary and obsolete. Upon presentation at a police station, a suspect would undergo the standardized procedures of anthropometric measurements. At that point, officers would use the measurements

collected to locate matching data from the card files of criminals already organized within the system. Starting with the size of the head and ending with the length of the ear, officers could work through a search tree in order to produce a collection of cards containing similar information, at which point the front and profile photographs served as the last step in the identification process (fig. 3).²⁹ The systematic collection and archiving of anthropometric measurements, the signaletic values those measurements produced, and the assignation

of those values to a photographic identifier worked together to break down the individual body into written code, to only then build it back up again within the schema of a criminal one. The construction of this new body made visible a criminal identity that was easily detectable, within both an archival system and the broader social sphere.

This new way of visualizing the criminal reinforced physical and socioeconomic stereotyping, perpetuating bias based on appearance. Davie notes that Bertillon included a section in his

"THIS MOMENT EXPOSES A CULTURE IN WHICH SOCIAL BIAS STILL MANIFESTS IN THE CREATION AND REINFORCEMENT OF CRIMINAL APPEARANCE— AND WORSE, GLAMORIZES AND EXACERBATES THESE BIASES BY WAY OF MIMETIC REPETITION OF THE STEREOTYPE."

"book of signaletic instructions" stating that it was "often possible to differentiate 'without exactly knowing how'" between different social and economic classes of individuals, adding that the impressions taken from each individual "were 'the direct result of [their] race, nationality and social background, together with their upbringing, education and occupation.'"³⁰ It would seem, then, that Bertillon knew *precisely* how he was differentiating between different individuals: appearance, class, or a combination thereof. The problems that arise from making assumptions based on appearance and social status are not revelatory now, nor were they in the late nineteenth century. However, when criminality is considered in conjunction with appearance, *Bertillonage* absolutely changed the dynamics of the way that those assumptions factored into the common consciousness about what a criminal looked like. Finn explains: "the criminal body was defined in terms that reflected racial and gender biases and that supported existing social theories and hierarchies. This knowledge in turn influenced further law enforcement and criminal identification practices."³¹ He goes on to detail how the production of biased visual knowledge within the criminal justice system normalized the white male body (calling to mind the "gentlemanly" offender that Rafter describes) while stigmatizing the othered body as abject and deviant.³²

It is difficult to look at our criminal justice system today and not see how the embedding of visual analysis in the criminal identification process has left a lasting impact. In the United States, for example, when "disaggregated by race, gender, and age," one in sixteen black males between the ages of thirty and thirty-four is imprisoned on any given day.³³ In Canada, Indigenous peoples, while only accounting for 3 percent of the country's population, make up 30 percent of the federally incarcerated.³⁴ Bertillon had set up a system designed to

teach us what a criminal body looks like so that it can be easily identified. However, George Pavlich argues that when making allegations about criminal appearances, one must consider the various ethical and political practices attached to determining criminality. Without these concerns, accusations reveal an "inordinate faith in a justice system's definitions."³⁵ We cannot attempt to reconcile today's disproportionate incarceration rates between white and non-white individuals until we confront systems, like Bertillon's, that taught us to map a criminal identity onto a racialized body.

Bertillonage and the anthropometric system were eventually surpassed by the advent of fingerprinting, but legacies of Bertillon's techniques are the data management and modern surveillance systems of today—all of which are topics that the authors cited here have expounded on. Most interesting, however, is the way that *Bertillonage* has manifested in subconscious and inherent biases that perpetuate discourses surrounding criminality as it relates to race. The accessibility of the visible criminal body represented in current "social and scientific" realms has remained constant since the nineteenth century.³⁶ The "criminal" now holds as much interest as the crime committed, which can be seen in the rising popularity of true crime in pop culture. Netflix's *Making a Murderer* and the podcasts *Serial* and *Criminal* all rely on the audience's ability to visualize—and, thus, know—these individual criminals. The ability to see the criminal makes it possible to look for the criminal. And while pop culture true crime narratives are engaging, the repercussions of dramatized criminal visibility have enabled a new era of citizen journalism that relies solely on "seeing." The "see something, say something" campaign, for example, makes criminal visualization an actionable quest in pedestrian contexts, and further reinforces social bias in implicit ways. Citizen-driven crime prevention programs, coupled with

the hyper-visibility of mugshots—made possible by the Internet age—have led to a perpetuation of fear and bias based on appearance. Publishing mugshots of 9/11 hijackers or Islamic terrorists has certainly done more to perpetuate racial bias than to mitigate terrorist activity.³⁷ Racial bias persists even in the “novelty” realm of celebrity mugshots as it is well known that O.J. Simpson’s mugshot was darkened on the cover of *Time*.³⁸ There is only one reason for this, really, and that is to make him look more like a criminal—a “look” that would not exist were it not for the signaletic history of criminal identification established over a century ago by Alphonse Bertillon.

Returning to the problematic viral trend of the #mugshotchallenge, the remnants of *Bertillonage* are demonstrated in the way that the challenge required its subjects to “look” like a criminal. No parameters or guidelines were set forth because it was not necessary to do so. The very nature of the challenge suggested that all who chose to participate had seen a mugshot and were able to replicate it based on preconceived ideas about who the “criminal” that they chose to embody was. Social media users did not choose to pose as white-collar “gentlemanly” criminals—no, the criminal “looks” created for the challenge were not so much “insider trading” than they were of the “D.U.I. / bar-fight / substance abuser” variety. One of his primary goals was to “embed the photograph in the archive.”³⁹ Well, mission accomplished.

A collection of the self-produced mugshots in the online publication *Mashable* showcases young adults sporting messy hair, fake bruises, bloodied faces, smeared makeup, and a palpable sense of attitude. Another common denominator among the participants? Whiteness. *Mashable* rightly points out the problematic glamorization of incarceration by a predominately white user base while incarceration rates disproportionately affect racialized

individuals.⁴⁰ The dramatized embodiment of the criminal by white users seems to be a better demonstration of white privilege than genuine criminality. The ability to joke about getting arrested comes easily when one’s chances of incarceration are slim, and the mugshot becomes a beauty trend rather than the mark of a criminal. One user goes so far as to caption her photo with “I might just be cute enough to get arrested” following a kiss-face emoji. Comparing that sentiment to O.J. Simpson’s manipulated mugshot highlights the flippancy with which the privileged can relate to the criminal justice system. Think about that caption in relation to what may have been written in the description section of a Bertillon card—the racial and socioeconomic descriptors. Take into consideration remarks by former U.S. president Donald Trump about asylum-seeking migrant caravans being filled with criminals and rapists. When we think about criminals, the truth is that the “criminal” has become conflated with a specific appearance that does not align with the users who participated in the #mugshotchallenge. This is a problem—especially when it is amplified by someone like James Charles, a social influencer who, at the time of this publication, has over seven and a half million followers on Twitter. Though Charles did make a name for himself as a makeup artist, and he is arguably displaying his makeup skills in his #mugshotchallenge entry, the criticism he received was warranted. This moment exposes a culture in which social bias still manifests in the creation and reinforcement of criminal appearance—and worse, glamorizes and exacerbates these biases by way of mimetic repetition of the stereotype.

The mugshot in popular culture does occasionally work to subvert bias and bring attention to social causes in a positive way. Jane Fonda famously raised her fist in a sign of protest and solidarity against the Vietnam War in her mugshot from 1970, an image that has become emblematic of an era in which

feminism, civil rights, and social justice took centre stage.⁴¹ Currently, for every celebrity DUI mugshot, there is another representing a celebrity or influencer calling for action against climate change, protesting pipeline construction on Indigenous land, or joining anti-racist demonstrations in support of the Black Lives Matter Movement—all causes which gained considerable traction through social media. It is still worth noting, however, that most celebrity mugshots popularly associated with minor offenses such as activism and protest are predominantly white, whereas those associated with more serious charges such as assault and possession are predominantly non-white. Needless to say, the #mugshotchallenge did not promote images of social justice activists. Rather, the challenge promoted the appropriation of criminal stereotypes based on appearance and biology—stereotypes that have been consistently reinforced within the criminal justice system since the development of *Bertillonage*.

It is clear that Alphonse Bertillon revolutionized the criminal identification system, the ramifications of which persist in current criminal justice discourses; one only need to look at the ongoing police brutality against unarmed Black individuals in the United States for an example. Bias based on appearance can be directly attributed to Bertillon's embedding of photographic portraiture alongside signaleptic indicators of physiognomic predisposition to crime. Undoubtedly, Bertillon's system helped to organize a criminal archive that has been instrumental in crime prevention and criminal identification. Yet, further study of the persisting social and economic disparities, which disproportionately affect marginalized communities, is warranted if the current criminal justice system hopes to move beyond a superficial visualization of what a criminal class supposedly looks like. *

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NOTES

1. Allan Sekula, "The Body and the Archive," *October* 39 (Winter 1986): 18, doi:10.2307/778312.
2. Sekula, 19.
3. Josh Ellenbogen and Alison Langmead, "Forms of Equivalence: Bertillonage and the History of Information Management," *Technology and Culture* 61, no. 1 (January 2020): 209, doi:10.1353/tech.2020.0037.
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5. Jonathan Finn, "Picturing the Criminal: Photography and Criminality in the Nineteenth Century," in *Capturing the Criminal Image: From Mug Shot to Surveillance Society* (Minneapolis: University of Minnesota Press, 2009), 3, <http://muse.jhu.edu/book/31607>.
6. Sekula, 5.
7. Sekula, 26.
8. Sekula, 18.
9. Richard Farebrother and Julian Champkin, "Alphonse Bertillon and the Measure of Man: More Expert than Sherlock Holmes," *Significance* 11, no. 2 (April 2014): 37. <https://doi.org/10.1111/j.1740-9713.2014.00739.x>.
10. Sekula, 27.
11. Finn, 25.
12. Ellenbogen and Langmead, 227.
13. Sekula, 18.
14. Sekula, 19, 27.
15. Finn, 11.
16. Ellenbogen and Langmead, 230.
17. Neil Davie, "Guilty Before the Fact? The Deviant Body and the Chimera of 'Precrime,' 1877-1939," in *Shame, Blame, and Culpability*, edited by Judith Rowbotham, Marianna Muravyeva, and David Nash, (New York: Routledge, 2013), 88, <https://doi-org.ezproxy.library.ubc.ca/10.4324/9780203110621>.
18. Finn, 28.
19. Davie, 84.
20. Quoted in Finn, 14.
21. Melissa N. Stein, "Introduction: Making Race, Marking Difference," in *Measuring Manhood: Race and the Science of Masculinity, 1830-1934* (Minneapolis: University of Minnesota Press, 2015), 5, muse.jhu.edu/book/42979.
22. Stein, 5.
23. Stein, 10.
24. Stein, 17.
25. Stein, 13-14.
26. Stein, 23.
27. George Pavlich, "The Subjects of Criminal Identification," *Punishment & Society* 11, no. 2 (April 2009): 177, <https://doi.org/10.1177/1462474508101491>.
28. Davie, 84.
29. Ellenbogen and Langmead, 222.
30. Davie, 85.
31. Finn, 31.
32. Finn, 31.
33. Mauer, "Incarceration Rates."
34. Marie-France Kingsley, "Indigenous People in Federal Custody Surpasses 30%: Correctional Investigator Issues Statement and Challenge [Ottawa, ON]: Office of the Correctional Investigator, January 21, 2020. <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>.
35. Pavlich, 184.
36. Finn, 3.
37. For example, a photograph of Boston teen Salah Eddin Barhoum appeared on the front page of the *New York Post* as a possible suspect in the 2013 Boston Marathon bombing, with no other corroborating evidence other than his skin colour and the fact that he was carrying a bag. <https://www.aljazeera.com/news/2013/4/19/teen-fearful-after-portrayal-as-us-bomber>.
38. Dierdre Carmody, "Time Responds to Criticism over Simpson Cover," *New York Times*, June 25, 1994, <https://www.nytimes.com/1994/06/25/us/time-responds-to-criticism-over-simpson-cover.html>.
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