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'Cyber-stalked by creepy vigilante justice': The mugshot publishing website that names and shames... and then charge a removal fee

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Body

Janet LaBarba drank two glasses of wine during dinner at an upscale Dallas restaurant the night she broke up with her boyfriend. Later at a bar she ordered a beer. At home, she found herself crying as she readied for bed. She decided to go visit a friend.

Driving back long past midnight, she ignored blinking traffic lights and cruised through a stop sign. She was hauled down to the police station, charged with drunk driving, and photographed. It was the second time in six months.

The two episodes in 2009 cost LaBarba more than \$20,000 in legal fees and fines and landed her in jail for a few days each time. A judge ordered her to wear an ankle monitor for five months.

Yet the most stinging punishment, she felt, came when several websites posted her arrest mug shots, so that Internet searches of her name instantly turned up the compromising photos.

'It completely screwed with my life,' LaBarba said. 'People Googled me and it was very embarrassing.' She said the images complicated her search for a job as well as a new relationship when her boyfriend's ex-wife looked up her name.

For a fee, she could have the photos removed. She chose to pay up.

Large data brokers have historically limited who gets to see their detailed files on people through a complicated application procedure that discourages casual users.

Now, on the spur of the moment, anybody can access digital secrets, including criminal records, thanks to a proliferation of personal data Internet site. One subset of these sites features mug shots that can be removed for a fee.

Many among America's 314 million people are affected. U.S. law enforcement officials made more than 13 million arrests in 2010, according to the most recent FBI statistics, although that number includes repeat arrests.

The bureau maintains fingerprints and criminal histories for 72 million people, according to its Criminal Justice Information Services. Drug abuse and drunk driving are the most common reasons for arrest.

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Clare Dawson-Brown, assistant district attorney in Travis County, Texas, home to bustedmugshots.com's founder Kyle Prall, said she is concerned personal data sites sometimes list incorrect information and do not comply with state orders to erase certain cases from the criminal records.

'Now that this information is out there it is ever more horrific for people to get their lives back together,' she said. 'How do you get this garbage out of there?'

Several legal experts interviewed for this article said seeking money to remove mug shots from the Internet does not qualify as a crime such as extortion, since extortion requires a threat ahead of time to post the image unless the mug shot subject pays.

'Wow - it does seem to come pretty close to the line,' Robert Weisberg, co-director of the Stanford Criminal Justice Center, said upon learning about such sites. 'I'd say it skirts the line but may stop just short. (It) depends on how a reasonable person would perceive this in terms of fear.'

LaBarba, 35, an event planner, rues the irresponsibility that led to her drunk driving arrests and believes she has learned important lessons. Yet she remains bitter about the public posting of her mug shot.

'How is this legal?' she asked. 'My business is my business. It's like me going to your house and looking through your things.'

Bustedmugshots.com responds that it only posts publicly available images. 'We are publishing public records with an interest in informing the community,' Prall said, speaking in a series of interviews about his business.

'We have never approached anybody attempting to generate revenue from them to remove a record from our database.'

Bustedmugshots.com does not tell people they have posted the images but waits for them to learn of it, either on their own or through friends.

LaBarba paid what the site describes as 'nominal' fees - \$68 per photo for service within 10 business days, \$108 within 24 hours - to make the photos disappear.

An Internet search of her name now leads to genial photos of LaBarba pictured with lots of friends.

Prall, 33, grew up in Bloomington, a small city in central Illinois, the son of a circuit court judge. He set up the site a year and a half ago.

In 2008, inspired by a Florida publication, he started a weekly newspaper called Busted! In Austin during his spare time. Promoting his \$1 paper with the slogan 'Getting arrested isn't funny... but the mug shots are,' Prall expanded to bustedmugshots.com, continuing with his day job as a financial analyst at a power company until earlier this year.

His website collects its images from city, state and federal law enforcement agencies across the country, either for free or for a small fee. It has assembled more than 5 million records, he says. The company waives the fee for removing photos of those exonerated of any charges.

On the website, bustedmugshots.com describes itself as 'a valuable asset to local law enforcement. Our dedication to providing criminal justice has led to breakthroughs in cold cases, and numerous tips on robberies, sex crimes and even murders.'

Asked for specific examples, Prall offered none. He said he plans to revamp the site to include a crime map and the ability for users to submit tips to the police.

Some local jurisdictions have resisted making mug shots available to him, although others say state public record laws oblige them to provide the images.

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Andrew Kossack, Indiana's former public access counselor, last year cleared the way for Prall to obtain mug shots, but he has reservations about the business: 'It doesn't sit right in your stomach that this person should be someone who has so much control over your likeness.'

Others complain about the drain on resources. 'It takes time to distill the records,' said Andrea Brandes Newsom, chief deputy corporation counsel for the city of Indianapolis. 'Is it appropriate to make use of taxpayer resources in order for someone to profit?'

The U.S. Department of Justice maintains a national sex offender database, and many cities and counties offer free searches of criminal records, while some post mug shots. Because such records are not optimized for maximum Internet visibility, they typically do not turn up in average searches.

One of the most common crimes catalogued on Prall's site is drunk driving, but the advocacy group Mothers Against Drunk Driving sees little merit in public shaming.

'We haven't seen evidence that tactics such as posting offenders' mug shots online leads to the reduction of drunk driving incidents or fatalities,' said national president Jan Withers.

Prall says his site is a leader in a sector where competitors include mugshots.com, whosarrested.com, and gotchamugshot.com.

'IS THIS YOU? Or your friend/family member? Click Here To Remove,' Mugshotsworld.com tells users. 'Originally \$175. Discounted price of \$100 available only for short time.'

The sites seek to get photos prominently displayed in web searches. GotchaMugshot.com, for example, says on its site: 'It's a common occurrence to find full names, profile, mug shot and offenses in the first page of most search engines like Google, Bing & Yahoo.'

Officials at these other mug shot sites did not respond to calls and emails seeking comment.

Prall has had his own run-ins with the law. As a young man he was found guilty of illegal consumption of alcohol as a minor, delivering/manufacturing of cannabis, trespassing into a car and drunk driving.

A court sentenced him to 120 days in jail for the drug charge and 30 days for the drunk driving offense.

'I made a lot of little mistakes when I was young,' Prall said. 'I did some things in high school that were bad choices.'

Prall does not make his own mug shots available on his website but said he would be comfortable publicizing his past. 'I don't think all that stuff should be secret,' he said.

Joelle Bem, who was arrested for crashing a friend's Ferrari while drunk in 2008, disagrees. She did not pay the roughly \$400 bustedmugshots.com wanted to remove a series of images, saying she did not have the money. A Google image search of her name still quickly reveals several unflattering photos.

The divorced unemployed woman said the easy availability of the photos prompted her to move after a neighbor circulated the image to others after a disagreement. The images have also complicated the personal life of the former currency trader and financial analyst: 'It's made dating really hard.'

'I thought I was punished enough by Dallas County,' said Bem, 38, who served 30 days in prison. 'I didn't know I was going to be further punished and cyber-stalked by creepy vigilante justice whose only intent is to collect money from me.'

Classification

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