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***The Prohibition Era and Policing: A Legacy of Misregulation.* By Wesley Oliver.** Vanderbilt University Press. 2018. x + 265pp.

Prohibition has often been romanticised in U.S. history as a ‘noble experiment’ to clamp down on crime, corruption, and alcoholism. Wesley Oliver’s *The Prohibition Era and Policing* questions this narrative with a fresh and insightful perspective focussed on how American courts responded to the excessive policing that symbolised this period. Oliver’s niche comes in his criticism of the growing invocation of the ‘exclusionary rule’ by judges, which prevented the use of evidence in courts when police officers were found to have cut constitutional corners in the search of property. This, he explains, prompted an obsessive focus on the legality of police searches to the extent that it became the subsequent default legal solution for addressing police misconduct. Nearly 100 years on, this legacy remains, which, Oliver argues, has deflected attention away from today’s more pressing concerns, such as the reliability of evidence and police brutality.

The book consists of nine chapters, divided into four sections. To contextualise his arguments, Oliver’s first section traces the nature of policing in the early republic up to the Prohibition era. With the deep-rooted scepticism of enforcement officials still pervading from revolutionary-era collective memory, he frames the conduct of police officers through their limitations rather than their powers. Describing it as a ‘victim-initiated criminal justice system’ (p.17), he reveals how judges placed the burden upon the victim of a crime to provide the probable cause necessary to gain a search warrant over the person they were accusing. However, as rapid urbanisation followed, the public was convinced by progressive reformers that a professionalised force was necessary. Thus, Oliver reveals a rapid transformation from a ‘petty’ police force to an organisation emboldened, self-regulated, and nearly unfettered in its powers.

For historians intrigued with this era, part two is where the book is most stimulating. The new image of a strong and intimidating police force quickly lost support after Congress passed the Eighteenth Amendment to the U.S. Constitution to prohibit alcohol in the country. Violent police methods suddenly magnified in the public eye, as they now posed a more frequent and visible presence. Oliver details examples of such methods using the findings of the Wickersham Commission, set up in 1929. The Commission investigated nearly every aspect of the criminal justice system, but the greatest attention was given to its “scathing report detailing incidents of physical torture by police interrogators” (p.63). In one particular example, Oliver describes how a suspect in Washington D.C. was detained by police in a hotel room for eight days of interrogation despite being physically ill of Spanish influenza to the point that a physician was frequently called to check on him (p.69). Oliver convincingly argues that the discord between police and citizenry had become a nationwide problem, reinforced by his extensive research, which covers examples of police misconduct from coast to coast, spanning the states of Washington to New York.

Despite such misconduct, Oliver’s most striking argument is that the judicial responses proved the most destructive legacy of Prohibition. Judges throughout the country began excluding coerced confessions and illegally obtained evidence as an attempt to deter further misconduct. However, the exclusionary rule’s scope was limited by its strong focus on police searches. This left lingering effects when the nature of police issues grew in the decades that followed but courts failed to adapt. In sections 3 and 4, Oliver reveals these effects on a timeline connecting his historical era of focus to the current day. Long after Prohibition, courts continued to adopt the exclusionary rule as the answer to all questions regarding police conduct. The most damaging consequence was further heavy regulation of police searches and seizures at the expense of addressing forced confessions. Oliver’s best example is the famous 1966 Supreme Court case of *Miranda v. Arizona*, which set out the requirement of excluding incriminating evidence where law officers failed to advise suspects of their rights to remain silent and have access to an attorney. In essence, he argues that the Court placed the burden on the suspects to protect themselves. It was on them to have the agency and

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composure to 'determine...whether they are willing to submit to police questioning while in custody' (p.139). This, however, did not guarantee the reliability of the confession, nor regulate the means with which that confession was obtained once individuals unwittingly waived their rights. Thus, Oliver notes, as long as suspects' rights are read out, there is "little protection" from the coercive nature of the interrogation (p.139).

This legacy, the book argues, continues to plague policing practices in the U.S. today, where the Court is still unable to present successful ways of tempering police misconduct. Oliver gives particular attention to contemporary issues of police brutality and the recent contentious deaths of African-American males, such as Michael Brown and Eric Garner. Under this pressing issue, the Court continues to present vague instructions over the correct manner of force by an officer, arguing separately that they do not have a right to use lethal force on a fleeing suspect connected to a non-violent crime, but acknowledging that officers can and should use split-second decisions regarding the use of lethal or non-lethal force.

If there is an issue with the book, these latter sections show that its title is a little misleading. If one is seeking 200 plus pages on Prohibition, they will be surprised about how little there is on the era itself. Indeed, the shift to more modern events in the last two sections are the best indicator that Oliver is a legal professional first, not an historian. Nonetheless, the book presents an insightful link from past to present. Even if Prohibition is not the full focus, the consequences of this period leave their presence felt throughout the book and make it a must read for those interested in how this period has shaped issues with which Americans continue to grapple. In turn, Oliver leaves the reader with a suggestion for more critical introspection about how courts can reshape the conduct of those officers currently serving on the front line.