CRIMINAL JUSTICE IN THE URBAN COMMUNITY



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This text was compiled on 06/13/2026

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Licensing

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CHAPTER OVERVIEW

1: Understanding the History of the City

1.1: Analyzing Race, Crime and Urban Violence, After Ferguson- Research Perspectives and Data

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1.1: Analyzing Race, Crime and Urban Violence, After Ferguson- Research Perspectives and Data

Few public issues are more weighted with tragic history, negative stereotypes and complex social dynamics than the intersection of race and violence in America. In the aftermath of Michael Brown's death in Ferguson, Mo., and the controversial legal fallout — and now with a New York grand jury's decision not to indict a police officer in the death of Eric Garner — commentators and media members continue to formulate theories and opinions of all kinds.

Much of the focus has been on police use of force — and many say that's where the attention should remain. But renewed attention has also come to the status of communities of color, levels of violence and problematic cultural images of criminality and dangerousness. In such a heated environment, it is well worth reviewing some of the relevant empirical data and recent studies on contextually important issues.

Demographics and difficult data

The deaths of Brown, Garner and 12-year-old Tamir Rice in Ohio have resurfaced questions about stereotypes, racism and white public perceptions relating to young African-American males. The Bureau of Justice Statistics notes that from 2002 to 2011 the "average homicide rate for blacks was 6.3 times higher than the rate for whites." The homicide rate for black males was 31.67 per 100,000, compared to a rate of 7.13 per 100,000 for males generally, according to a Violence Policy Center analysis. (Historically, the homicide rate for all African Americans has dropped from 28.3 per 100,000 in 1950 to 19.5 per 100,000 in 2008.)

In general, about half of all black homicide victims are between the ages of 17 and 29. Between 1993 and 2005, rates of homicide among urban black males plummeted from a figure well above 80 per 100,000 to less than 40 per 100,000.

It should also be said, however, that some academic experts question whether government statistics are confounded by the rise of Hispanics in urban areas. A 2011 study published in the journal *Criminology* raises the possibility that "prior studies showing a shrinking Black share of violent crime might be in error." (For more on possible measurement errors relating to race-specific homicide data, a 2014 paper in *Homicide Studies* provides further analysis.)

Finally, another dataset is also relevant here: A widely publicized report in October 2014 by ProPublica, a leading investigative and data journalism outlet, concluded that young black males are 21 times more likely to be shot by police than their white counterparts: "The 1,217 deadly police shootings from 2010 to 2012 captured in the federal data show that blacks, age 15 to 19, were killed at a rate of 31.17 per million, while just 1.47 per million white males in that age range died at the hands of police."

Of course, statistics can only say so much — and they can obscure layers of important context. Alford A. Young, Jr. of the University of Michigan and William Julius Wilson of Harvard are just two of the dozens of scholars across the country whose extensive field research gets beyond the stereotypes, media hype and crime data, in order to examine the complex lived realities of African-Americans. Young's 2004 book *The Minds of Marginalized Black Men* remains a touchstone work; Wilson's most recent book is *More than Just Race*. Reporters exploring these and related issues would be well served to draw on deeper sociological research to contextualize such facts and figures.

Confusion over perceived danger, and media

Rates of violent crime generally have continued to fall across the United States. The Bureau of Justice Statistics notes that rates of violent crime have plummeted over the past two decades, from roughly 80 incidents per 1,000 people in 1993 to 23 per 1,000 in 2013, a drop of approximately 71%. Although more than half of all homicides in 2011 involved males in urban areas (8,355 of 14,610), the largest cities have continued to see the most substantial declines in violent crime — a 23% decrease between 2002 and 2011. The Brookings Institution analyzed data covering the period 1990 to 2008 related to the 100 biggest urban areas and concluded that violent crime fell 21% and property crime twice as much, 42%. For example, in 1990 the urban core of St. Louis was seeing 6,323 violent crimes per 100,000 residents; by 2008, that figure had fallen roughly 40%, to 3,837 per 100,000.

One of the core problems of public discourse, and barriers to policy reform, is general confusion and unfounded fear among the public, a substantial portion of which almost always believes crime rates are up. The Pew Research Center has highlighted how the public seems unaware of the decline in gun violence, while Gallup continues to note that perceptions of crime are still "detached from reality," despite marginal improvement:

Compared with previous decades, perceptions of crime in the U.S. have calmed somewhat. Still, majorities of Americans maintain that there has been an increase in crime from the previous year. Because Americans are more pessimistic about crime in the U.S. as

a whole as opposed to their own localities, this could suggest that many base their views on what they hear about crimes that take place outside of their own hometowns. Some argue that consumption of news media plays a role in this by exposing Americans to crimes that they may perceive as more widespread than actually is the case.

This media problem is an age-old one, according to Thomas E. Patterson of Harvard's Shorenstein Center on Media, Politics and Public Policy: For example, between 1992 and 1994 the volume of news coverage about crime roughly tripled, fueled by several high-profile national cases. This in turn led to high degrees of concern about crime registered in public opinion polls, and lawmakers passed tougher sentencing policies and spent more on prisons. These events played out even as, according to Justice Department statistics, crime rates, including violent crime, were already falling. This legacy helps explain the large prison populations the country now sees and the negative consequences associated. And evidence suggests that this creates a "vicious cycle" of sorts: A 2014 Stanford study shows how awareness of higher levels of black incarceration can prompt greater support among whites for tougher policing and prison programs.

Advocacy and research organizations such as the Sentencing Project have analyzed the complicated relationship among public perceptions, media portrayals and support for policies. There is also a lengthy media criticism literature on topics such as how television news is more likely to portray young black men as lawbreakers.

Deeper research context

In terms of bringing greater understanding to this persistent problem for young African-American males, academic research can furnish a wider lens and more granular detail. Several recent papers in particular stand out and are worth reviewing:

- **Networks:** A 2014 study published in *Social Science & Medicine*, by Andrew V. Papachristos, Christopher Wildeman and Elizabeth Roberto of Yale, analyzes data from Chicago. It finds that urban violence often takes place in highly interconnected social networks: "Seventy percent of all nonfatal gunshot injuries during a six-year period occurred in co-offending networks containing less than 6 percent of the city's population. Furthermore, 89 percent of those victims were contained in a single social network of 107,740 unique individuals." (This complements other new research that looks at violence as a kind of contagion or infectious disease.)
- **Underlying factors:** A 2013 paper in the journal *Aggression and Violent Behavior*, "Explaining Black–White Differences in Homicide Victimization," formulates a "multiple disadvantage model" to try to understand differences in homicide rates. Authors Celia C. Lo, Rebecca J. Howell and Tyrone C. Cheng of the University of Alabama note that "homicide victimization results from key social problems that elude even the furthest reach of the criminal justice system." Likewise, a 2010 study in the *Journal of Urban Economics* finds that the emotion of fear and preemptive acts of killing may be the driving forces behind high rates of violence.
- **Firearms:** A 2007 study in the *Economic Journal*, "Underground Gun Markets," by Philip J. Cook of Duke, Jens Ludwig of the University of Chicago, Sudhir Venkatesh of Columbia University and Anthony A. Braga of Harvard, provides an in-depth look at how the illicit weapons market actually works in the context of Chicago. They find that the "presence of substantial transaction costs and price mark-ups in Chicago's underground gun market stand in contrast to conventional wisdom in the sociology and criminology literatures, which in the context of the US has emphasized the ease with which criminals can access guns in the informal market, as well as the inelasticity of demand by criminals."
- **Wider context:** Harvard's Robert J. Sampson delivered a 2012 address to the American Society of Criminology in which he explored the role of neighborhood context, reviewed the major ideas in the field and sketched out a "unified framework" for understanding. His central idea is that, to truly understand complex phenomena such as violent crime, researchers must "relentlessly focus on context, especially concentrated neighborhood inequality and social stratification by place."

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CHAPTER OVERVIEW

2: Broken Windows

2.1: Postindustrial Cities and Explanations of Order - Maintenance Policing

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2.1: Postindustrial Cities and Explanations of Order - Maintenance Policing

For many people, concepts like “the new economy” and “the creative class” can have a nice glow to them, and some research supports that impression: A 2012 study in the *Journal of Economic Geography* found that jobs requiring analytic and social-intelligence skills paid more than those that didn’t. Workers in such fields were also 2% less likely to be unemployed during the Great Recession. And the benefits weren’t just personal: The industries in which they work benefit from “clustering” and so tend to concentrate in larger, denser metropolitan areas. This helped keep such cities’ overall unemployment rates relatively low and also boosted real-estate values. New residents’ demands for cultural amenities and other “soft infrastructure” can in turn produce additional growth.

But the emergence of the creative class and the growing attractiveness of central cities isn’t all just good jobs and bright lights. Income inequality continues to rise in the United States as the job market polarization grows and lower-tier wages stagnate; the “digital divide” threatens to further isolate poorer residents without computer skills. Gentrification is also a growing concern, with lower-income residents fearful of rising living costs and the changes that new residents can bring. A 2010 study by the Census Bureau and NYU found that residents who own their homes — and thus should be able to stay — tend to leave gentrifying neighborhoods at higher rates than those who rent.

But as certain cities promote a more “upscale” image, how might that affect dynamics of racial diversity? Troubled municipalities tend to use law-enforcement tactics that emphasize crime control, including “hot spots” policing strategies. Higher-income, post-industrial cities can favor order-maintenance strategies, often through business improvement districts. Rather than targeting crime, they emphasize social control and the prosecution of relatively minor offenses — the “broken windows” so famously described by James Q. Wilson and George L. Kelling in 1982. While good in theory, such strategies can end up reinforcing rather than reducing inequality, ensuring that “troublemakers” — however they may be defined — are sent on their way. A 2009 study in the journal *Criminology* analyzes survey data from more than 760 black adolescents in 73 communities, and found that 26% of those surveyed said they had experienced racial discrimination by law enforcement in the past year — and it was more likely in predominantly white neighborhoods.

A 2013 study in *Urban Affairs Review*, “The Postindustrial City Thesis and Rival Explanations of Heightened Order Maintenance Policing,” examines the relationship between an area’s economy and its policing style. The author, Elaine B. Sharpe of the University of Kansas, looks at 180 cities with a population of 100,000 or more; she analyzes arrest rates and charges, governing institutions, policing demands and constraints, and variables representing the “racial threat” thesis — that the increased presence of minorities can trigger intolerance and greater attempts at social control.

The study’s findings include:

- There is a strong relationship between the degree to which a city’s economy is postindustrial and oriented toward the creative class and the emphasis on social-control policing: A 10-percentage-point increase in postindustrial employment was shown to result in a 4.6- to 4.8-percentage-point increase in the share of order-maintenance arrests. “[This is] a substantively nontrivial impact given that the average city devotes about 22% of its arrests to order maintenance.” This result was obtained after controlling for the percentage 18- to 24-year-olds, whose presence is often elevated in cities with large, research universities.
- The greater the share of 18- to 24-year-olds in the population, the greater the emphasis on social control. “Indeed, many order maintenance offenses are quintessentially linked to youth (e.g., graffiti, curfew and loitering violations, runaways). Whether or not their activities constitute a threat to the image-creation and sanitization of space for new economy enterprises, young people disproportionately attract the social control efforts of the police by virtue of their featured presence in so many order maintenance offenses.”
- There was no evidence found that as black residents’ share of a city’s population begins to rival that of a white majority, that order-maintenance arrests rise as well. “If anything, the negative (albeit insignificant) coefficients for the ‘proportion black’ variable hint at the unexpected finding that greater emphasis on order maintenance is linked with *smaller* black populations.”
- High rates of violent crime deter significant investments in order-maintenance policing, while the level of property crime does not. This is “an interesting result given that the number of violent crimes in any city is absolutely dwarfed by the number of property crimes [and] suggests a slightly more nuanced interpretation of the impact of crime on order-maintenance policing than is envisioned by a simplistic view of crime as a competing demand on police officers’ time.”
- While previous research has largely focused on global cities such as Seattle, “the phenomenon at issue is relevant for midsized cities as well. Many of these cities have pursued cultural strategies of urban development that have maneuvered their economies into substantial reliance on new economy sectors,” and their policing strategies have changed in tandem.

“The fact that cities with postindustrial economies emphasize order-maintenance policing derives much of its interest value from the fact that order maintenance involves elements of social control in situations involving noncriminal activity and relatively minor offenses,” the author states. “Individuals on the periphery of society are caught in a net of police attention that has widened because of the local state’s need to convey an image of high quality of life to appeal to the creative classes and cultural tourism.”

The author cautions that the study’s findings are based on city-level analysis, not neighborhood level, and that finer-grained research could find more nuanced results. For example, that order-maintenance policing could be triggered “only if it occurs in the city center or near trendy areas for creative class or cultural tourist consumption, and especially if the race and class characteristics of those doing the begging make it easier to dub it ‘aggressive’ panhandling.”

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CHAPTER OVERVIEW

3: Urban Jails

3.1: Manhattan U.S. Attorney Finds Pattern And Practice Of Excessive Force And Violence At NYC Jails On Rikers Island That Violates The Constitutional Rights Of Adolescent Male Inmates
3.2: SDNY Rikers Report

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3.1: Manhattan U.S. Attorney Finds Pattern And Practice Of Excessive Force And Violence At NYC Jails On Rikers Island That Violates The Constitutional Rights Of Adolescent Male Inmates

Eric Holder, the United States Attorney General, and Preet Bharara, the United States Attorney for the Southern District of New York, announced today the completion of a multi-year civil investigation pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA") into the conditions of confinement of adolescent male inmates on Rikers Island. The investigation, which focused on use of force by staff, inmate-on-inmate violence, and use of punitive segregation during the period 2011-2013, concluded that there is a pattern and practice of conduct at Rikers Island that violates the rights of adolescents protected by the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment of the United States Constitution. The investigation found that adolescent inmates are not adequately protected from physical harm due to the rampant use of unnecessary and excessive force by New York City Department of Correction ("DOC") staff and violence inflicted by other inmates. In addition, the investigation found that DOC relies too heavily on punitive segregation as a disciplinary measure, placing adolescent inmates in what amounts to solitary confinement at an alarming rate and for excessive periods of time. Many of the adolescent inmates are particularly vulnerable because they suffer from mental illness.

Attorney General Eric Holder said: "The extremely high rates of violence and excessive use of solitary confinement for adolescent males uncovered by this investigation are inappropriate and unacceptable. The Department of Justice is dedicated to ensuring the effectiveness, safety and integrity of our criminal justice systems. Going forward, we will work with the City of New York to make good on our commitment to reform practices that are unfair and unjust, and to ensure that – in all circumstances, and particularly when it comes to our young people – incarceration is used to deter, punish, and ultimately rehabilitate, not merely to warehouse and forget."

Manhattan U.S. Attorney Preet Bharara said: "As our investigation has shown, for adolescents, Rikers Island is a broken institution. It is a place where brute force is the first impulse rather than the last resort; where verbal insults are repaid with physical injuries; where beatings are routine while accountability is rare; and where a culture of violence endures even while a code of silence prevails. The adolescents in Rikers are walled off from the public, but they are not walled off from the Constitution. Indeed most of these young men are pre-trial detainees who are innocent until proven guilty, but whether they are pre-trial or convicted, they are entitled to be detained safely and in accordance with their Constitutional rights – not consigned to a corrections crucible that seems more inspired by Lord of the Flies than any legitimate philosophy of humane detention. These young men, automatically charged as adults despite their age under New York law, may be on an island and out of sight, but they can no longer remain out of mind. Attention must be paid immediately to their rights, their safety and their mental well-being, and in the wake of this report we will make sure that happens one way or another."

In its report to the City of New York, made public today, the U.S. Attorney's Office notes that "a deep-seated culture of violence is pervasive throughout the adolescent facilities at Rikers, and DOC staff routinely utilize force not as a last resort, but instead as a means to control the adolescent population and punish disorderly or disrespectful behavior."

The following statistics are illustrative:

- In FY 2012, there were 517 reported staff use of force incidents in an average daily adolescent population of 791 in the Robert N. Davoren Center and Eric M. Taylor Center, the two facilities that house the most adolescents. These incidents resulted in 1,059 injuries.
- In FY 2013, there were 565 reported staff use of force incidents in an average daily population at these same two facilities of 682, resulting in 1,057 injuries.
- In FY 2013, there were 845 reported inmate-on-inmate fights involving adolescents in the RNDC and EMTC. This marked an increase from the 795 reported fights in FY 2012.
- During the period April 2012 through April 2013, adolescents sustained a total of 754 visible injuries, according to DOHMH data.
- Adolescents in RNDC and EMTC sustained a total of 96 suspected fractures from September 2011 through August 2012, according to DOHMH data.
- In FY 2013, adolescents were taken to get emergency medical services 459 times.
- In FY 2013, there were 1,118 emergency alarms in the RNDC and EMTC adolescent housing areas, or on average more than three alarms each day.

The report makes the following specific factual determinations:

- Force is used against adolescents at an alarming rate and violent inmate-on-inmate fights and assaults are commonplace, resulting in a striking number of serious injuries, including broken bones and lacerations requiring stitches;
- Correction officers resort to “headshots,” meaning blows to an inmate’s head or facial area, too frequently;
- Force is used as punishment or retribution;
- Force is used in response to inmates’ verbal altercations with officers;
- Use of force by specialized response teams within the jails is particularly brutal;
- Correction officers attempt to justify use of force by yelling “stop resisting” even when the adolescent has been completely subdued or was never resisting in the first place; and
- Use of force is particularly common in areas without video surveillance cameras.

The report further identifies the following systemic deficiencies that are largely responsible for the excessive and unnecessary use of force by DOC staff. Many of these systemic deficiencies also lead to the high levels of inmate-on-inmate violence. These deficiencies include:

- Inadequate reporting by staff of the use of force, including false reporting;
- Inadequate investigations into the use of force;
- Inadequate staff discipline for inappropriate use of force;
- An inadequate classification system for adolescent inmates;
- An inadequate inmate grievance system;
- Inadequate supervision of inmates by staff;
- Inadequate training both on use of force and on managing adolescents; and
- General failures by management to adequately address the extraordinarily high levels of violence perpetrated against and among the adolescent population.

Finally, DOC’s use of prolonged punitive segregation for adolescent inmates is excessive and inappropriate. Adolescent inmates, many of whom have mental illnesses, are routinely placed in what amounts to solitary confinement for weeks and sometimes months at a time. On any given day in 2013, 15-25% of the adolescent population were in punitive segregation, often for infractions involving non-violent conduct. According to census data for December 16, 2013, well over half the adolescents in punitive segregation on that day were serving sentences for rule infractions of 60 days or more.

The report also sets forth the following 10 categories of remedial measures necessary to address the Constitutional violations identified:

1. House adolescent inmates separately in a DOC jail not physically located on Rikers Island;

2. Increase the number of cameras in adolescent areas;

3. Revise use of force policy to clarify prohibited conduct;

4. Ensure that staff submit complete, accurate, and prompt use of force reports, and institute a zero-tolerance policy for failing to report;

5. Ensure that use of force incidents are investigated thoroughly and promptly, and hold staff accountable for biased or incomplete reports and investigations;

6. Ensure that inmates are adequately supervised, intervene to de-escalate fights, and transfer vulnerable or otherwise at risk inmates to alternative housing units;

7. Improve officer training programs on use of force, conflict resolution, reporting use of force, and handling of the adolescent population;

8. Ensure that staff are held accountable and disciplined for the use of excessive and unnecessary force;

9. Develop alternative disciplinary strategies that do not involve lengthy isolation, and prohibit the placement of adolescents with mental health disorders in solitary confinement;

10. Develop and implement a strategic plan to create an institutional culture that does not tolerate violence and holds staff accountable for excessive or unnecessary use of force.

This Office looks forward to engaging in discussions with the City to make system-wide changes that will safeguard the Constitutional rights of adolescents, and prevent them from continuing to suffer unnecessary harm while in City custody.

Mr. Bharara thanked the Board of Correction for the assistance it provided in connection with the Office's investigation.

This case is being handled by the Office's Civil Rights Unit. Assistant U.S. Attorneys Emily E. Daughtry and Jeffrey K. Powell are in charge of the case.

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3.2: SDNY Rikers Report

August 4, 2014

The Honorable Bill de Blasio City Hall

260 Broadway

New York, NY 10007

Commissioner Joseph Ponte

New York City Department of Correction 75-20 Astoria Blvd.

East Elmhurst, NY 11370

Zachary Carter

Corporation Counsel of the City of New York 100 Church Street

New York, NY 10007

RE: CRIPA Investigation of the New York City Department of Correction Jails on Rikers Island

Dear Mayor de Blasio, Commissioner Ponte, and Mr. Carter:

We write to report the findings of the investigation of the United States Attorney's Office for the Southern District of New York into the treatment of adolescent male inmates, between the ages of 16 and 18, at New York City Department of Correction ("DOC" or the "Department") jails on Rikers Island ("Rikers").[1] By letter dated January 12, 2012, we notified the City of our intent to conduct an investigation pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997, and Section 14141 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 ("Section 14141"). CRIPA and Section 14141 give the United States Department of Justice the authority to seek a remedy for a pattern or practice of conduct that violates the constitutional rights of inmates in detention and correctional facilities. Our investigation has centered exclusively on whether DOC adequately protects adolescents from harm. More specifically, we have focused on whether adolescents are subject to excessive and unnecessary use of force by DOC correction officers and their supervisors, whether DOC adequately protects adolescents from violence by other inmates, and whether DOC's extensive reliance on punitive segregation subjects adolescents to an excessive risk of harm.

We primarily focused on practices and conduct during the period 2011 through the end of 2013. We reviewed hundreds of thousands of pages of records from both DOC and the Department of Health and Mental Health ("DOHMH"), which is responsible for providing medical services to inmates at Rikers.[2] These records included, among other things, use of force investigative files, inmate medical records, policies and procedures, training materials, disciplinary records, programmatic materials related specifically to adolescent inmates, and other data. We identified a sample of approximately 200 use of force incidents involving adolescent inmates, and specifically requested all records related to these incidents, including use of force reports, investigative reports and files, video surveillance, inmate medical records, and records relating to any disciplinary action taken against involved inmates or staff.[3] The Appendix to this letter includes summaries of several of these incidents, which are intended to illustrate some of the systemic problems we have identified through our investigation.

In addition, on January 8-11, 2013, and April 8-12, 2013, we conducted tours of those DOC facilities that house adolescent inmates together with a consultant who is an expert in corrections generally and use of force specifically. Together with our consultant, we interviewed staff from DOC and DOHMH on issues related to our investigation, including use of force policies and practices, inmate supervision, staffing, the use of punitive segregation, medical treatment of injuries, security, investigations, training, programs specific to adolescent inmates, and facilities management. Our consultant also interviewed 46 adolescent inmates.[4] Additionally, we had discussions with former Commissioner Schriro and her senior staff in January 2013 and December 2013.

We also conducted additional witness interviews, including interviews with staff from the Board of Correction, an independent board established by the City Charter responsible for ensuring DOC's compliance with minimum correctional standards. Finally, we reviewed materials provided to us by third parties, including the Board of Correction and the Legal Aid Society.

We thank DOC staff for their cooperation and professionalism throughout the course of this investigation. The City has provided us with access to personnel and a large volume of records, and we have every reason to believe that the City will be receptive to our

recommendations. Consistent with the statutory requirements of CRIPA, we now write to advise you of the findings of our investigation and the minimum remedial steps necessary to address the serious deficiencies we have identified. 42 U.S.C. § 1997b.

We conclude that there is a pattern and practice of conduct at Rikers that violates the constitutional rights of adolescent inmates. In particular, we find that adolescent inmates at Rikers are not adequately protected from harm, including serious physical harm from the rampant use of unnecessary and excessive force by DOC staff. In addition, adolescent inmates are not adequately protected from harm caused by violence inflicted by other inmates, including inmate-on-inmate fights. Indeed, we find that a deep-seated culture of violence is pervasive throughout the adolescent facilities at Rikers, and DOC staff routinely utilize force not as a last resort, but instead as a means to control the adolescent population and punish disorderly or disrespectful behavior. Moreover, DOC relies far too heavily on punitive segregation as a disciplinary measure, placing adolescent inmates—many of whom are mentally ill—in what amounts to solitary confinement at an alarming rate and for excessive periods of time.

As discussed more fully below, these conditions have resulted in serious harm to adolescent inmates at Rikers. As a result of staff use of excessive force and inmate violence, adolescents have sustained a striking number of serious injuries, including broken jaws, broken orbital bones, broken noses, long bone fractures, and lacerations requiring sutures.

Our focus on the adolescent population should not be interpreted as an exoneration of DOC practices in the jails housing adult inmates. Indeed, while we did not specifically investigate the use of force against the adult inmate population, our investigation suggests that the systemic deficiencies identified in this report may exist in equal measure at the other jails on Rikers.[5]

We recognize that Commissioner Ponte recently assumed the position and was not present when the misconduct detailed in this letter occurred. We look forward to engaging in good faith discussions with the Commissioner and all interested parties to address the issues we have identified and implement appropriate remedial measures.

I. SUMMARY OF FINDINGS

We find that the New York City Department of Correction systematically has failed to protect adolescent inmates from harm in violation of the Eighth Amendment and the Due Process Clause of the Fourteenth Amendment of the United States Constitution. This harm is the result of the repeated use of excessive and unnecessary force by correction officers against adolescent inmates, as well as high levels of inmate-on-inmate violence.

We have made the following specific factual determinations:

- force is used against adolescents at an alarming rate and violent inmate-on-inmate fights and assaults are commonplace, resulting in a striking number of serious injuries;
- correction officers resort to “headshots,” or blows to an inmate’s head or facial area, too frequently;
- force is used as punishment or retribution;
- force is used in response to inmates’ verbal altercations with officers;
- use of force by specialized response teams within the jails is particularly brutal;
- correction officers attempt to justify use of force by yelling “stop resisting” even when the adolescent has been completely subdued or was never resisting in the first place; and
- use of force is particularly common in areas without video surveillance cameras.

Furthermore, we identified the following systemic deficiencies that contribute to, exacerbate, and indeed are largely responsible for the excessive and unnecessary use of force by DOC staff. Many of these systemic deficiencies also lead to the high levels of inmate violence. These deficiencies include:

- inadequate reporting by staff of the use of force, including false reporting;
- inadequate investigations into the use of force;
- inadequate staff discipline for inappropriate use of force;
- an inadequate classification system for adolescent inmates;
- an inadequate inmate grievance system;
- inadequate supervision of inmates by staff;
- inadequate training both on use of force and on managing adolescents; and
- general failures by management to adequately address the extraordinarily high levels of violence perpetrated against and among the adolescent population.

Finally, DOC’s use of prolonged punitive segregation for adolescent inmates is excessive and inappropriate.

II. BACKGROUND

A. Department of Correction Jails on Rikers Island

The Department oversees one of the largest municipal jail complexes in the country. DOC handles over 100,000 admissions per year and manages an average daily population of approximately 14,000 inmates,[6] the vast majority of whom are held in ten facilities located on over 400 acres on Rikers Island in the East River.[7] The population consists primarily of pre-trial detainees, although there is one facility on Rikers that houses sentenced inmates serving terms of one year or less. Medical services are the responsibility of DOHMH, which contracts with Corizon Correctional Health. Corizon staffs the medical clinics at each facility on Rikers, which provide day-to-day, out-patient medical care to inmates.

B. Adolescent Housing Units on Rikers Island

New York is one of only two states that automatically charges all individuals aged 16 and older as adults.[8] Adolescent males are currently housed in three different jails on Rikers. Most adolescents are placed at the Robert N. Davoren Center ("RNDC"). Recently, DOC assigned 18- year olds to separate RNDC housing units so they are no longer co-mingled with the 16- and 17- year olds. Sentenced adolescent males are placed at the Eric M. Taylor Center ("EMTC"), which houses inmates sentenced to serve one year or less. Finally, up to 50 adolescents may be housed in the Central Punitive Segregation Unit ("CPSU") at the Otis Bantum Correctional Center ("OBCC"), which, as its name suggests, is a central location for adult and adolescent inmates who are placed in punitive segregation after being found guilty of an infraction or who are in pre-hearing detention status. Until recently, up to 50 adolescents were also housed in the Mental Health Assessment Unit for Infracted Inmates ("MHAUII"), a punitive segregation unit at the George R. Vierno Center ("GRVC") used to house infracted mentally ill inmates. The Department closed MHAUII in late 2013.

Like many of the facilities on Rikers, the facilities that house adolescents are old and in poor condition. RNDC was opened in 1972, EMTC in 1964, and OBCC in 1985. Currently, all adolescents at RNDC are housed in cells, with the exception of newly admitted adolescents and those in mental observation housing units, who are housed in dormitories. Adolescents in EMTC are housed in dormitories. Adolescents in the CPSU are housed in a block of punitive segregation cells set aside for adolescents. Over the course of our investigation, DOC increased the number of staff assigned to RNDC, including an increase from three to five officers in housing units during non-school hours, and added several supervisors, including a Deputy Warden responsible for adolescents.

C. Description of Adolescent Population

The average daily adolescent population at Rikers has recently deceased. The average daily adolescent population was 489 in FY 2014, 682 in FY 2013, and 791 in FY 2012 [9]

The adolescent population at Rikers is a difficult one. As compared with the adult inmate population, far more adolescents suffer from mental illness and more adolescents are awaiting trial on felony charges. In FY 2013, approximately 51% of adolescent inmates at Rikers were diagnosed with some form of mental illness. Inmates with mental illness are less likely to make bail as they tend to have fewer financial resources and family members are less willing to post their bail, so their average length of stay tends to be longer. In FY 2013, the average length of stay on Rikers for adolescents was 74.6 days. Also in FY 2013, nearly two-thirds of all adolescents admitted to Rikers were charged with felony crimes—almost twice the level as for adults admitted to Rikers. The recidivism rate is also high. In FY 2013, the average number of prior admissions into DOC custody for adolescents was 1.02. In addition, many adolescent inmates are associated with street gangs and gang activity.

III. LEGAL STANDARDS

CRIPA prohibits states or their political subdivisions from engaging in a pattern or practice of conduct that deprives persons residing in or confined to an institution of their constitutional rights. *See* 42 U.S.C. § 1997a(a). Section 14141 similarly prohibits officials or employees of any governmental agency with responsibility for the incarceration of juveniles from engaging in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. *See* 42 U.S.C. § 14141.

Prison administrators are constitutionally required "to take reasonable measures to guarantee the safety of the inmates." *Hudson v. Palmer*, 468 U.S. 517, 526-27 (1984); *Hayes v. NYC Dep't of Corr.*, 84 F.3d 614, 620 (2d Cir. 1996). When a jurisdiction takes a person into custody and holds him against his will, the Supreme Court has held that the Constitution "imposes upon it a

corresponding duty to assume some responsibility for his safety and general well-being." *County of Sacramento v. Lewis*, 523 U.S. 833, 851 (1998) (quoting *DeShaney v.*

Winnebago County Dept. of Social Servs., 489 U.S. 189, 199-200 (1989)); *see also Randle v. Alexander*, 960 F. Supp. 2d 457, 471 (S.D.N.Y. 2013).

While the constitutional rights of convicted prisoners and pre-trial inmates are guaranteed under different constitutional norms, courts have consistently held that pre-trial detainees "retain at least those constitutional rights . . . enjoyed by convicted prisoners [under the Eighth Amendment]." *Bell v. Wolfish*, 441 U.S. 520, 545 (1979); *see also Cuoco v. Moritsugu*, 222 F.3d 99, 106 (2d Cir. 2000) (noting that courts apply the "Eighth Amendment deliberate indifference test to pre-trial detainees bringing actions under the Due Process Clause of the Fourteenth Amendment"); *Weyant v. Okst*, 101 F.3d 845, 856 (2d Cir. 1996).

The Eighth and Fourteenth Amendments forbid excessive physical force against inmates and pre-trial detainees. *See Farmer v. Brennan*, 511 U.S. 825, 832 (1994); *see also United States v. Walsh*, 194 F.3d 37, 48 (2d Cir. 1999). In determining whether excessive force was used, courts examine a variety of factors, including the extent of the injury suffered by the inmate, the need for the application of force, the relationship between the need for force and the amount of force used, the threat, if any, reasonably perceived by the responsible correction officers, and any efforts made to temper the severity of a forceful response. *See Hudson v. McMillian*, 503 U.S. 1, 7 (1992).

An Eighth Amendment claim for failure to protect inmates from harm is comprised of both a subjective and an objective component. *See Farmer*, 511 U.S. at 834. The subjective component requires a showing that a prison official acted with "'deliberate indifference' to inmate health or safety." *Id*. This requirement is satisfied when the official "knows of and disregards an excessive risk to inmate health or safety." *Id.* at 837. "[T]he official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference." *Id.* The objective component turns on whether the inmate "is incarcerated under conditions posing a substantial risk of serious harm." *Id.* at 834. "Importantly, the objective prong can be satisfied even when no serious physical injury results." *Randle*, 960 F. Supp. 2d at 473.

IV. INADEQUATE PROTECTION OF ADOLESCENT INMATES FROM HARM DUE TO EXCESSIVE AND UNNECESSARY USE OF FORCE BY STAFF AND HIGH LEVELS OF INMATE VIOLENCE

A. **Extraordinary Frequency of Violence**

Adolescent inmates are subject to pervasive violence at Rikers. DOC staff routinely use force unnecessarily as a means to control the adolescent population and punish disobedient or disrespectful inmates in clear violation of DOC policy. Even when some level of force is necessary, the force used is often disproportionate to the risk posed by the inmate, frequently resulting in serious injuries to inmates and staff. In addition, inmate-on-inmate fights and assaults are commonplace, in part because youth are inadequately supervised by inexperienced and inadequately trained correction officers.

Adolescents are at constant risk of physical harm while incarcerated. The number of injuries sustained by adolescents is staggering. For instance, during the period April 2012 through April 2013, adolescents sustained a total of 754 visible injuries, according to DOHMH data.

Inmates see others being beaten and attacked and are afraid that they will face the same fate. During interviews with our consultant, many inmates expressed fear for their personal safety. The RNDC Ombudsman advised us that inmates have shared safety concerns with him as well. Some inmates have even expressed a preference to be placed in punitive segregation instead of the general RNDC population due to the high level of violence at the facility.

On a daily basis, emergency alarms sound repeatedly in adolescent housing areas signaling some altercation or disturbance. As a result, the facility frequently is placed in locked down status and inmates are confined to their cells. In FY 2013 alone, there were 1,118 responses to emergency alarms in the RNDC and EMTC adolescent housing areas, or on average more than three alarms each day.

Simply put, Rikers is a dangerous place for adolescents and a pervasive climate of fear exists. For years, DOC officials have been well aware of the frequency and severity of staff use of force against adolescents, the high incidence of inmate-on-inmate fights, and the number of serious injuries sustained by adolescents, but have failed to take reasonable steps to ensure adolescents' safety. *See Farmer*, 511 U.S. at 847 ("a prison official may be held liable under the Eighth Amendment . . . only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it"); *Ayers v. Coughlin*, 780 F.2d 205, 209 (2d Cir. 1986) (prison officials have a duty to "employ reasonable measures to protect an inmate from violence by other prison residents"); *Anderson v. Branen*, 17 F.3d 552, 557 (2d Cir. 1994) (noting that law enforcement officers

bear an affirmative duty to intercede when they witness or have reason to know excessive force is being used or any constitutional violation is being committed).

1. Frequency of Staff Use of Force

Staff use force against adolescent inmates with alarming frequency. In FY 2013, there were 565 reported staff use of force incidents involving adolescents in RNDC and EMTC (resulting in 1,057 injuries).[10] This represented a slight increase from FY 2012, when there were 517 reported staff use of force incidents involving adolescents at these same facilities (resulting in 1,059 injuries). These are extraordinary figures considering that the average daily adolescent population at Rikers was only 682 in FY 2013, and 791 in FY 2012. Indeed, 308 (or 43.7%) of the 705 adolescent males in custody as of October 30, 2012, had been subjected to the use of force by staff on at least one occasion. Indeed, while adolescents made up only about 6% of the average daily population at Rikers, they were involved in a disproportionate 21% of all incidents involving use of force and/or serious injuries. Our consultant, who has observed and worked with hundreds of correctional facilities, has never seen a higher use of force rate.

Moreover, the use of force numbers are undoubtedly even higher than DOC's data suggest because many incidents go unreported. As discussed *infra*, correction officers often do not accurately report incidents, and warn inmates to "hold it down" or otherwise pressure them not to report use of force incidents.

2. Frequency of Inmate-on-Inmate Violence

The number of reported inmate-on-inmate fights and assaults is also striking, and further demonstrates that DOC is not fulfilling its responsibility to ensure the safety and well-being of adolescent inmates, resulting in grave harm to adolescents.

In FY 2013, there were 845 reported inmate-on-inmate fights involving adolescents at RNDC and EMTC. This marked an increase from the 795 reported fights in FY 2012.[11] In the first half of FY 2014, a total of 775 infractions were issued to adolescents for fighting. Many fights involve the use of weapons, which are widespread at Rikers. During FY 2013, 345 weapons were discovered in the RNDC and EMTC adolescent housing areas, consisting mostly of shanks and shivs. Our consultant has never observed a system with such frequent inmate-on- inmate violence.

Again, there is good reason to suspect that inmate-on-inmate fights are even more prevalent than reflected in DOC's data. According to the results of an internal audit completed last year, RNDC failed to report 375 fights during calendar year 2011 alone, due in part to the lack of a codified definition of "inmate fight," and inconsistencies in how staff recorded and reported inmate altercations.[12] Based on our discussions with former and current Department staff, similar reporting errors likely persisted well after 2011.

The limited programming and structured activities available at RNDC in part contribute to the extraordinary level of inmate-on-inmate violence. We recognize that DOC has taken steps to enhance its adolescent programming, including through the introduction of the Adolescent Behavioral Learning Experience ("ABLE"), a privately-funded, wrap-around school program administered by outside providers. However, adolescents remain too idle, particularly during evenings and weekends, which increases the likelihood of altercations. Moreover, the large number of adolescents in punitive segregation, discussed *infra*, are not permitted to participate in the limited programming that is available.

3. High Number of Serious Injuries

Staff uses of force and inmate-on-inmate fights and assaults have resulted in an alarming number of serious injuries to adolescents, including broken jaws, broken orbital bones, broken noses, long bone fractures, and lacerations requiring stitches. DOC too often fails to ensure that these injured inmates receive prompt medical care.

The prevalence of head injuries is particularly striking. Adolescents suffer a disproportionate number of the reported inmate head injuries on Rikers. From June 2012 through early July 2013, adolescents sustained a total of 239 head injuries, and were twice as likely to sustain such injuries as was the adult population.

Bone fractures are common as well. Adolescents housed in RNDC and EMTC sustained a total of 96 suspected fractures from September 2011 through August 2012, according to DOHMH data.[13] In addition, during FY 2013, adolescents were taken to Urgicare for emergency medical services 459 times.

The frequency with which staff use of force results in inmate injuries, and the nature and severity of those injuries, strongly suggest that correction officers are routinely employing excessive levels of force against adolescent inmates. During recent years, DOHMH has tracked the number of inmate injuries inflicted by DOC staff, and the results are disturbing. For instance, during the first half of 2012, 55% of the inmates brought to the RNDC clinic after a use of force incident had a verifiable injury. This represented a higher

rate than any other Rikers housing facility, taking into account inmate population. Even more concerning, 48% of those injuries were to the inmate's head or face, including fractures, contusions, and lacerations.[14]

B. Inappropriate Use of Force by Staff

DOC has engaged in a systemic and pervasive pattern and practice of utilizing unnecessary and excessive force against adolescent inmates in violation of the Eighth and Fourteenth Amendments of the Constitution. *See Farmer*, 511 U.S. at 832; *Walsh*, 194 F.3d at 47.

Generally accepted correctional practices require that the appropriate use of force in a given circumstance should include a continuum of interventions, and that the amount of force used should not be disproportionate to the threat posed by an inmate. Absent exigent circumstances, lesser modes of intervention, such as the issuance of infractions or passive escorts, ought to be utilized or considered before more serious and forceful interventions. When force is necessary, correction officers generally should first apply techniques designed to immobilize, control, and restrain an aggressive inmate. DOC routinely violates these well-accepted contemporary correctional practices, as well as the Department's own use of force policies.[15]

Rikers staff strike adolescents in the head and face at an alarming rate, and too often employ force for the purpose of inflicting injuries and pain. Inmates are beaten as a form of punishment, sometimes in apparent retribution for some perceived disrespectful conduct.

Correction officers improperly use injurious force in response to refusals to follow orders, verbal taunts, or insults, even when the inmate presents no threat to the safety or security of staff or other inmates. Adolescents have alleged that officers deliberately take them to off-camera locations in order to beat them and inflict serious injuries that will not be captured on video.

Finally, staff frequently continue to strike inmates after they are clearly under control and effectively restrained, often attempting to justify their actions later by reporting that the inmate continued to resist. The Department's failure to curb these patterns and practices that place adolescents at ongoing risk of serious harm constitutes deliberate indifference to the adolescents' safety while in DOC custody and violates their constitutional rights. *See Farmer*, 511 U.S. at 834; *see also Nunez v. Goord*, 172 F. Supp. 2d 417, 432 (S.D.N.Y. 2001) ("[P]rison officials' malicious and sadistic use of force is a *per se* violation of the Eighth Amendment, because the conduct, regardless of injury, 'always' violates contemporary standards of decency.") (citing *Hudson*, 503 U.S. at 9)).

As discussed later in this report, DOC fails to conduct rigorous and timely investigations of use of force incidents and does not consistently hold staff accountable for their conduct. As a result, a culture of excessive force persists, where correction officers physically abuse adolescent inmates with the expectation that they will face little or no consequences for their unlawful conduct.

1. Frequency of Headshots

Headshots refer to blows to an inmate's head or facial area, typically through a punch, strike or a kick. Headshots are considered an excessive and unnecessary use of force, except in the rare circumstances where an officer or some other individual is at imminent risk of serious bodily injury and no more reasonable method of control may be used to avoid such injury. Headshots can cause great bodily harm, usually serve no legitimate correctional purpose, are often retaliatory, and typically serve only to escalate incidents.

Headshots are commonplace at Rikers. We have identified numerous incidents where correction officers struck adolescents repeatedly in the head or face, often causing significant injuries. Based on our review of use of force incidents, inmate interviews, and other information, it is clear that headshots are not limited to situations where staff or others face an imminent risk of serious bodily injury. As discussed further below, staff too often strike inmates in the head or face to punish them for their prior conduct. Staff frequently deliver closed fist punches to an adolescent's facial area as an initial response to a volatile situation, without first seeking to control or neutralize the inmate through less aggressive techniques. Our consultant reported that headshots are far more common at Rikers than at any other correctional institution he has observed.

In many instances, correction officers readily admit hitting inmates but claim they acted in self-defense after being punched first by the inmate. As a threshold matter, even when an inmate strikes an officer, an immediate retaliatory strike to the head or face is inappropriate. Moreover, there is often reason to question the credibility of the officer's account. These incidents also disproportionately occur in locations without video surveillance, making it difficult to determine what transpired.

Based on a review of Department 24-hour reports[16] from October 2012 through early April 2014, we identified 64 incidents involving blows to an adolescent inmate's head or face.[17] This is undoubtedly an underestimate of the number of headshots during this period, because 24- hour reports contain only initial incident summaries prepared by staff themselves. Indeed, our review of incidents and witness interviews suggest that headshots were utilized far more frequently during this period. However, the fact that

these summaries so often openly refer to headshots is disturbing. The following entries from 24-hour reports are representative of instances when staff plainly admit using headshots but claim that they were provoked by inmate conduct:

- On August 16, 2013, an inmate reportedly refused to comply with an order directing him to sweep up some debris, and then allegedly spit in the face of an officer and "took a fighting stance." The officer "punched the inmate in the facial area." The inmate sustained an injury to his "right periorbital" that required sutures. There was no video surveillance of the incident.
- On August 26, 2013, an inmate reportedly spat at an officer while being transported in a DOC vehicle. "The officer defended himself with a punch to the inmate's facial area." There was no video surveillance.
- On October 29, 2013, an inmate reportedly spat in the face of an officer. The officer "punched the inmate in the face and the inmate sat on the bench terminating the incident."
- On February 27, 2014, an inmate reportedly sat down and refused to walk while being escorted from intake to the RNDC housing area. An officer "approached the inmate and began hitting him in the facial area." The inmate sustained a superficial scalp abrasion.

In addition to the significant number of incidents where officers plainly admit delivering headshots, as noted in further detail below, there are other occasions where staff report using only "upper body control holds" to restrain inmates, but the evidence—such as statements in the inmates' medical records describing facial swelling, bruising, or lacerations—strongly suggests that the officers in fact used headshots and submitted false reports. The following example is illustrative:

- In January 2013, an inmate reported that he was beaten by a correction officer in the RNDC school area where there is no video surveillance. Despite the fact that the inmate sustained multiple bruises to his neck and forehead, the correction officer denied striking the inmate. The officer initially reported that he had used an "upper body control hold" to subdue the inmate. However, the Captain assigned to investigate the incident found that the injuries sustained by the inmate were not consistent with staff use of force reports and concluded that the correction officer had "falsified his use of force report in an attempt to downplay" the incident. (This incident, referred to as involving Inmate K, is described in further detail in the Appendix.)

Furthermore, headshots are a long-standing problem at Rikers. In 2004, Steve Martin, the consultant retained in a then-pending class action lawsuit against DOC, issued a scathing report decrying the frequency with which DOC staff punched inmates in the face. *See* Report of Steve J. Martin submitted in *Ingles v. Toro*, 01 Civ. 8279 (DC). Mr. Martin wrote that "there is utterly no question that the Department, by tolerating the routine use of blunt force headstrikes by staff, experiences a significantly greater number of injuries to inmates than the other metropolitan jail systems with which I am familiar." It is troubling that, ten years later, this practice continues.

2. Use of Force as Punishment or Retribution

We found that Rikers staff utilize physical force to punish adolescent inmates for real or perceived misconduct and as a form of retribution, in violation of the Department's policy.[18] Many of these incidents involve adolescents with significant mental health impairments who have limited impulse control, making DOC's punitive conduct even more troubling. Force used for the sole purpose of punishment or retribution is always considered improper, and can result in the most serious injuries. For example:

- In December 2012, after being forcibly extracted from their cells for failure to comply with search procedures, two inmates (mentally ill inmates placed in the punitive segregation unit MHAUII) were taken to the GRVC clinic and beaten in front of medical staff. Our consultant interviewed both inmates about this incident. The New York City Department of Investigation ("DOI") conducted an investigation and concluded that staff had assaulted both inmates "to punish and/or retaliate against the inmates for throwing urine on them and for their overall refusal to comply with earlier search procedures." Based on inmate statements and clinic staff accounts, a Captain and multiple officers took turns punching the inmates in the face and body while they were restrained. One clinician reported that she observed one inmate being punched in the head while handcuffed to a gurney for what she believed to be five minutes. Another clinician reported that she observed DOC staff striking the other inmate with closed fists while he screamed for them to stop hurting him. A physician reported that when he asked what was happening, correction officers falsely told him that the inmates were banging their heads against the wall. A Captain later approached a senior DOHMH official and stated, in substance, that it was good the clinical staff were present "so that they could witness and corroborate the inmates banging their own heads into the wall." The correction officers' reports did not refer to any use of force in the clinic, and each report concluded by stating: "The inmate was escorted to the clinic without further incident or force used." The involved Captain did not submit any use of force report at all. One inmate sustained a contusion to his left shoulder and tenderness to his ribcage, and the other inmate reported suffering several contusions and soreness to his ribs and chest. One of the inmates told our consultant that he was still spitting up blood due to the incident when interviewed more than a month later.[19]

- In June 2012, in an apparent act of retribution, two correction officers forcibly took an inmate to the ground and beat him. The officers punched the inmate multiple times and kicked him in the head, resulting in serious injuries including a two-centimeter laceration to his chin that required sutures, a lost tooth, and cracking and chipping to the inmate's other teeth. According to the inmate, who was interviewed by our consultant, prior to the incident one of the officers had called him a "snitch" and was under the false impression that the inmate had previously reported that the officer had been involved in another use of force incident. (This incident, referred to as involving Inmate G, is described in further detail in the Appendix.)
- In May 2012, an inmate was beaten near the RNDC school area where there is no video surveillance. A correction officer punched him multiple times in the face, and another officer allegedly kicked him while he was on the ground. According to the inmate, the officer had gotten angry at him earlier in the day when he did not comply with orders to stop doing pushups and report to bed. The officer had threatened to "slap the shit out of him if he kept playing," according to another inmate. In his initial use of force report, the officer asserted that the inmate had instigated the fight by punching the officer in the face "without provocation," and that he had responded in self-defense by punching the inmate in the upper body. Later, the officer submitted a written addendum to his initial report acknowledging that he had punched the inmate in the facial area, not just the upper body. The inmate sustained a nasal fracture and bruises to his face and head. (This incident, referred to as involving Inmate C, is described in further detail in the Appendix.)
- In January 2012, an inmate splashed a correction officer with a liquid substance. While the inmate was flex-cuffed and being escorted away, the correction officer approached him and started punching him in his facial area, according to the investigating Captain's report. The correction officer did not stop until a probe team officer pushed her away from the inmate. The officer then punched the wall in anger. Although the investigating Captain concluded that the force used was "not necessary, inappropriate and excessive," a Tour Commander later reversed that position and concluded that the force used was necessary and within policy.

Inmates reported to our consultant that staff have taken inmates to isolated locations with no camera coverage to inflict beatings, and that multiple officers have teamed up to deliver these beatings. A senior DOHMH official told us that inmates have made similar statements to him and his staff.

Staff also regularly violate the Department's policy prohibiting use of force against an inmate who has ceased to resist. Correction officers often continue to hit, slap, beat, or kick adolescents well after they have been restrained and no longer present any actual threat or safety risk. Numerous inmates provided our consultant with specific and credible accounts of incidents where this occurred. Some of the most serious injuries occur when adolescents have been already placed in flex cuffs or taken to the ground and are unable to defend themselves.[20]

- In August 2013, four adolescent inmates were reportedly brutally beaten by multiple officers. Based on accounts provided by the inmates, several officers assaulted the inmates, punching and kicking them and striking them with radios, batons, and broomsticks. The beating continued for several minutes after the inmates already had been subdued and handcuffed. The inmates were then taken to holding pens near the clinic intake where they were beaten again by several DOC Gang Intelligence Unit members, who repeatedly punched and kicked them while the inmates were handcuffed. Two of the inmates reported that they had lost consciousness or blacked out during the incident. The officers' written statements assert that the inmates instigated the fight and they used force only to defend themselves. The Department's investigation of the incident was ongoing at the time this letter was prepared. The inmates sustained multiple injuries, including a broken nose, a perforated eardrum, head trauma, chest contusions, and contusions and injuries to the head and facial area. (This incident, referred to as involving Inmates M, N, O, and P, is described in further detail in the Appendix.)
- In January 2013, after reportedly being disruptive while waiting to enter the RNDC dining hall, an inmate, who was on suicide watch at the time, was taken down by a Captain and punched repeatedly on his head and upper torso while he lay face down on the ground covering his head with his hands. The inmate told investigators that the Captain had "punched [him] everywhere." According to the Tour Commander's report, the Captain's use of force was "excessive and avoidable" because the inmate presented no threat while lying on the ground. The inmate sustained bruises to his left and right shoulders, left and right lower arms, chest area, neck, middle back, and a finger on his right hand, as well as an abrasion to his right elbow. (This incident, referred to as involving Inmate L, is described in further detail in the Appendix.)

Correction officers also punish inmates through the use of painful escort techniques. For instance, several inmates complained that staff apply flex cuffs tightly and exert intense pressure in order to inflict extreme pain. Given that inmates in flex cuffs are restrained and pose no safety threat, the officer's sole purpose in these situations is to inflict needless pain.

As reflected in the below examples, adolescents have sustained serious injuries to their wrists and hands as a result of these abusive tactics:

- An inmate told our consultant that in February 2013 a probe team Captain lifted his hands up while he was flex-cuffed, fracturing his wrist. According to the inmate's statement to DOC investigators, the Captain told him and the other inmates being escorted that "he would make them suffer," and "cry like babies." Another inmate told investigators the Captain had directed the officers to "make them scream" while the inmates were escorted through the corridor. We reviewed video of the incident showing the inmate being escorted down the corridor while rear-cuffed. We also reviewed medical records confirming that the inmate broke his left wrist as a result of the incident and required surgery. The Department's investigation of the incident was ongoing at the time this letter was prepared.
- An inmate told our consultant that after he got into a fight with another inmate in January 2013, the probe team arrived, placed him in flex cuffs, and applied significant pressure. According to the inmate, after the Captain asked the officer why he was not crying, the officer applied additional pressure. The inmate stated that he lost feeling in his hand and was told to "hold it down" and not report the injury. When our consultant interviewed him in April 2013, the inmate still had no feeling in his left thumb. We reported his ongoing pain to the Department, and the inmate was scheduled for a neurology consult thereafter.

We also identified instances where staff reportedly challenged inmates to fights at locations with no video surveillance, such as stairwells or the school area. For example:

- During an interview with our consultant, an inmate reported that he got into an altercation with a correction officer who threatened to confront him later at a location without cameras. According to the inmate, the officer subsequently attacked him in the school area, throwing numerous punches at his head.

3. Use of Force in Response to Verbal Altercations and Failure to Follow Instructions

Staff too often resort to abusive physical force when confronted with verbal taunts and insults, noncompliant inmates, and complaints, even though no safety or security threat exists. Although the inmate's conduct may constitute a rule violation and warrant some form of disciplinary action, it should not provoke an abusive physical response.

- In January 2014, an inmate sustained significant facial injuries as a result of a use of force incident that occurred in an RNDC school classroom. When interviewed by Board of Correction staff, the inmate reported that he was repeatedly punched and kicked in the head and face by multiple officers. The inmate claimed that the altercation began after a civilian employee's pen had been taken. The inmate was still spitting up blood and having difficulty talking when Board of Correction staff interviewed him hours after the incident.
- In January 2013, an RNDC correction officer punched an inmate multiple times in the face and upper body area. According to the inmate, the officer was upset because the inmates had been playing with their food. (This incident, referred to as involving Inmate I, is described in further detail in the Appendix.)
- In January 2013, a Captain injured a mentally ill inmate in MHAUII by forcefully closing the rear slide door of the cuff port of his cell on the inmate's left arm. In his written statement, the Captain stated that the inmate "was holding the cuff" and did not comply with orders to remove his hand from the slot. However, the video of the incident shows the Captain forcefully closing the slot within just a few seconds of arriving at the inmate's cell. (This incident, referred to as involving Inmate J, is described in further detail in the Appendix.)
- In August 2012, an RNDC correction officer got into a verbal confrontation with an inmate after the inmate asked that his clothes be returned. The officer struck the inmate in his face. In her account of the incident, the officer claimed that she was trying to direct the inmate towards his bed, and "inadvertently" touched his facial area. Eyewitness reports and medical records, though, established that the officer had deliberately slapped the inmate and then provided false statements to investigators.
- In August 2012, during a cell search in MHAUII, an inmate, who was handcuffed at the time, reportedly verbally abused a correction officer and threatened to spit at him. The correction officer claimed he heard the inmate collecting mucus in his mouth and responded by punching the inmate in the face.
- In May 2012, an inmate sustained serious injuries, including a skull fracture, as a result of a use of force incident that occurred in the RNDC search area. The inmate claimed the beating took place after he had made a smart remark following a strip search. An officer who admitted punching the inmate "numerous times in his face and upper body areas" claimed that the inmate instigated the incident by disobeying his order to comply with the search process and punching the officer. (This incident, referred to as involving Inmate D, is described in further detail in the Appendix.)

Staff appear to be poorly versed in conflict resolution and de-escalation skills, which are particularly important when interacting with the volatile adolescent inmate population at Rikers. When an inmate talks back or makes a derogatory remark, staff frequently escalate the disagreement into a physical confrontation instead of exercising patience and seeking to de-escalate the situation. Staff fail to recognize the importance of using time and separation to avoid altercations.

During our tours of the facilities, we observed some staff members' combative approach and tendency to aggressively push inmates for immediate compliance with directives. This serves only to further exacerbate the hostile atmosphere that permeates the adolescent housing areas.

4. Use of Force by Specialized Teams

The probe and cell extraction teams too often deploy unnecessary and excessive use of force. These teams are the source of numerous inmate complaints.

The probe team is the group of correction officers and supervisors who respond to disturbances and violent incidents. Each facility has its own probe team. Team members vary, depending on who is on duty for a particular shift. Probe team members wear helmets, face shields, and protective equipment around their torso. Inmates commonly refer to them as "the Turtles."

Upon arriving at the scene of an incident, probe team members too often quickly resort to the use of significant levels of force. As demonstrated repeatedly during inmate interviews, adolescents fear the probe teams based on their aggressive reputation and heavy-handed tactics. For instance, one mentally ill inmate told our consultant that a probe team member entered his cell and struck him on the back with a baton in March 2013. The Department found that the probe team member used the baton "in an unethical manner" based on its review of the handheld camera recording, which was not provided to us despite our requests. The RNDC Grievance Coordinator also advised our consultant that she has received numerous inmate complaints about the probe team.

Cell extraction teams are called upon to remove a resistant or assaultive inmate from his cell. Before resorting to force, staff generally ought to first try to persuade inmates to voluntarily leave their cells through counseling. Indeed, DOC policy requires that mental health staff be summoned to attempt to persuade an inmate to cooperate. However, these efforts rarely succeed, and extractions too frequently lead to physical altercations and unnecessary injuries.[21]

5. Falsely Claiming that Inmate Was Resisting to Justify Use of Force

While utilizing force, staff often yell "stop resisting" even though the adolescent has been completely subdued or, in many instances, was never resisting in the first place. This appears intended to establish a record that the continued use of force is necessary to control the inmate. Officers who witness the incident also frequently report that they heard the inmate was resisting, even though that is false.

During our on-site interviews, multiple inmates, without prompting, referred to the practice. A senior DOHMH official also reported that correction officers direct inmates to stop resisting while administering beatings. In addition, we reviewed an anticipated use of force incident involving a cell search where the camcorder recording shows a Captain repeatedly yelling "stop resisting" from the outset, well before she even arrived at the entrance to the cell where she could see the inmate. At one point, the inmate responds "I'm not resisting." We could not determine what was happening in the cell because the camcorder was pointed at an officer's back and later at a polycarbonate shield.

This practice reflects a clear intent on the part of staff to cover up the use of unnecessary and excessive force.

6. High Levels of Use of Force in Areas Without Cameras

The most egregious inmate beatings frequently occur in locations without video surveillance. To its credit, DOC has installed hundreds of surveillance cameras in RNDC in response to the unacceptable levels of violence in the facility. However, a number of areas with no video surveillance still remain. A disproportionate number of the most disturbing use of force incidents occur in these areas, including several incidents cited in this letter and discussed at greater length in the Appendix. In particular, an astonishing number of incidents take place in the RNDC school areas, including classrooms and hallways. It is unclear why the Department has not installed additional cameras in these areas. Other locations that did not have security cameras during the time period of our investigation include some search locations, the clinics, intake holding pens, and individual cells.

Inmates, correction officers, and supervisors are well aware of these locations. Some even have names. For instance, the RNDC intake cells are reportedly known as "forget about me" cells.

V. SYSTEMIC DEFICIENCIES LEADING TO EXCESSIVE AND UNNECESSARY STAFF USE OF FORCE AND HIGH LEVELS OF INMATE VIOLENCE

We have identified several deficiencies relating to the Department's systems, staffing, operations, and management that contribute to the excessive and inappropriate staff use of force against adolescents and the high incidence of inmate-on-inmate violence. The Department must implement corrective measures to address these deficiencies to adequately protect the adolescent population from harm. *See Fisher v. Koehler*, 692 F. Supp. 1519, 1564 (S.D.N.Y. 1988) ("evidence of systemic failures" in preventing improper use of force at New York City jails "supports a finding of a 'policy of deliberate indifference' as to staff-inmate violence on the part of defendants").

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1. When we use the term "adolescents" or "adolescent inmates" in this letter, we are referring to male inmates between the ages of 16 and 18 housed at Rikers. ↵
2. We did not undertake a review of the adequacy of medical or mental health services provided to adolescent inmates at Rikers. Our discussions with DOHMH staff and review of DOHMH records were purely in support of our investigation into staff use of force, inmate-on-inmate violence, and the use of punitive segregation. However, our investigation nonetheless raises serious concerns about the quality of mental health services at Rikers; this critical issue, which warrants considerable attention and potentially raises concerns both under CRIPA and the Americans with Disabilities Act ("ADA"), may be addressed in a future investigation by this Office. ↵
3. For various reasons, including because DOC was unable to locate some videos, and because DOC did not provide us with open DOC Investigation Division and staff disciplinary files, we did not receive all relevant records for these sample incidents. ↵
4. After City attorneys expressed their desire to sit in on these interviews, we reached an agreement with the City whereby our consultant interviewed inmates one-on-one, outside both our presence and the presence of City attorneys, to encourage full and candid discussion between the inmates and our consultant. We participated, however, in the interview of one adolescent inmate —Inmate D—who was involved in a use of force that is highlighted in the Appendix to this report. ↵
5. The Department is currently the subject of a class action lawsuit brought by current and former inmates at Rikers alleging system-wide, unconstitutional use of force by staff against inmates. See Nunez v. City of New York, 11 Civ. 5845 (LTS) (THK). ↵
6. See Department of Correction website, http://www.nyc.gov/html/doc/html/about/about_doc.shtml. ↵
7. Additional facilities are located in Brooklyn, Manhattan, Queens, and a floating jail barge in the Bronx. See http://www.nyc.gov/html/doc/html/about/facilities-overview.shtml. ↵
8. North Carolina is the other state. ↵
9. http://www.nyc.gov/html/doc/downloads/pdf/ANNUAL_REPORT_FY2013_ADOLESCENT.pdf. These figures include adolescent females, which represent approximately 10% of all adolescent admissions. The fiscal year runs from July through June of the following year. ↵
10. These use of force figures exclude "use of force allegations," which refer to instances when sources other than DOC personnel report that force was used on an inmate. There were 56 use of force allegations at RNDC or EMTC in FY 2013 and 45 in FY 2012. ↵
11. From April 2012 through April 2013, adolescent fights resulted in 430 visible inmate injuries, according to DOHMH data. ↵
12. The internal report was not issued until 16 months after then-Commissioner Schriro directed the audit. RNDC staff's failure to accurately and consistently document inmate fights also was noted during a prior security audit in early 2011, but little was done to address the problem. ↵
13. RNDC inmates suffered 22 jaw fractures during the first 5 ½ months of 2012 alone. ↵
14. Our investigation did not focus on incidents involving alleged sexual assault. However, the limited information we obtained raises a concern that DOC may be under-reporting sexual assault allegations. In calendar years 2011 and 2012, DOC reported a total of only seven incidents of alleged sexual assault where the alleged victim was an adolescent. (Five of these incidents were determined to be unfounded or unsubstantiated and the other two investigations were pending at the time DOC provided the data.) This number seems extremely small given the size of the adolescent inmate population, the frequency of inmate-on-inmate violence, and the high rate of negative interactions between staff and inmates. Our consultant expressed concern as to whether allegations of sexual assault are being consistently reported and investigated in compliance with the Prison Rape Elimination Act, 42 U.S.C. § 15601 et seq., and the relevant DOJ implementing regulations. We encourage the Department to examine these issues. ↵
15. The Department's Use of Force Directive directs that force may be used "only as a last alternative after all other reasonable efforts to resolve a situation have failed." The Directive further provides that "the amount of force used at any time should

always be proportional to the threat posed by the inmate at that time," and "staff must start with the minimum amount of force needed and escalate the amount of force used only if the situation requires escalation." ↵

16. 24-hour reports include summaries of unusual incidents that occurred during a given day, including use of force incidents. ↵
17. The 64 incidents include 25 "use of force allegations." There were 12 additional incidents that do not specifically reference a blow to the head or face but state that the officer punched the inmate and the inmate sustained an injury to his head or facial area. ↵
18. DOC's Use of Force Directive prohibits using force "[t]o punish, discipline, assault or retaliate against an inmate." ↵
19. The account of this incident is based on our consultant's interviews of the two inmates, and DOI's report summarizing its investigation and findings. ↵
20. In late 2013, DOHMH's Bureau of Correctional Health Services ("CHS") analyzed serious injuries involving staff uses of force for the entire inmate population. According to CHS' report summarizing its review, 64 of the 80 inmates CHS interviewed reported having been struck by DOC staff after being restrained ↵
21. DOC does not require staff to document counseling efforts so it is difficult to assess compliance with this policy ↵

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CHAPTER OVERVIEW

4: Housing Discrimination

4.1: Housing Discrimination Against Racial and Ethnic Minorities 2012

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4.1: Housing Discrimination Against Racial and Ethnic Minorities 2012

Executive Summary

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June 2013

ACKNOWLEDGMENTS

This project could not have been completed successfully without the commitment and hard work of test coordinators, advance contact staff, testers, and other staff of the local testing organizations that participated.

A panel of expert advisors made valuable contributions to our understanding of changes in rental and sales housing markets, analysis of tester racial and ethnic identifiability, and other protocol design and data analysis challenges. Panel members (and their organizational affiliations at the time of the study) were John Baugh (Washington University); James Follain (James R. Follain, LLC); Fred Freiberg (Fair Housing Justice Center); George Galster (Wayne State University); Carla Herbig (Department of Justice); Anne Houghtaling (National Fair Housing Alliance, HOPE Fair Housing Center); William Loges (Oregon State University); Stephen Ross (University of Connecticut); Greg Squires (George Washington University); and Shanna Smith (National Fair Housing Alliance).

The authors also thank Urban Institute colleagues who contributed to the successful completion of this research. Specifically, the regional coordinators worked closely with the local testing organizations to ensure tests were conducted to the highest standards, and they provided valuable input to the full research team on testing protocols and analysis. Coordinators included Rani Bush, Maurice Destouet,

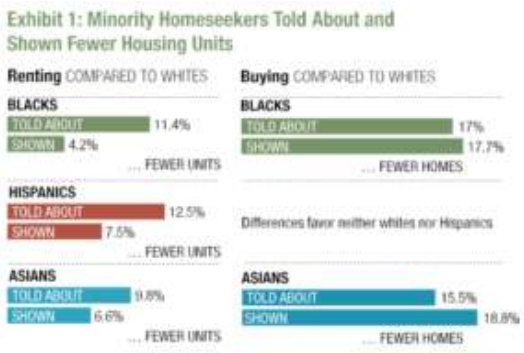
Chris Healy, Katie Koopman, thu Nguyen, and Sarale Sewell. David D'Orio designed the Web-based data system used to enter and share testing information, and he developed and managed the process for electronically sampling ads from online sources; Austin Nichols, Jenny Kenney, and Tim Waidmann provided helpful advice on analysis issues; Matt Rogers drafted the site-specific research findings and provided other editorial and research support; Tim Meko turned data into infographics to help better convey findings; Fiona Blackshaw provided excellent editing and formatting services; and Tim Ware assisted us throughout the study with project administration, including preparations for this final report.

Finally, Judson James and Carol Star from the U.S. Department of Housing and Urban Development's Office of Policy Development and Research provided excellent guidance and oversight throughout this research effort.

Despite the generous contributions from these individuals and organizations, any errors and omissions that may remain in this report are, of course, our own. All views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders.

A Glass Half Full: Discrimination Against Minority **Homeseekers and Implications for Fair Housing Policy**

For much of the twentieth century, discrimination by private real estate agents and rental property owners helped establish and sustain stark patterns of housing and neighborhood inequality. Beginning in the late 1970s, the Department of Housing and Urban Development (HUD) has rigorously monitored trends in racial and ethnic discrimination in both rental and sales markets approximately once each decade through a series of nationwide paired-testing studies. This summary report presents findings from the fourth such study, which applied paired-testing methodology in 28 metropolitan areas to measure the incidence and forms of discrimination experienced by black, Hispanic, and Asian renters and homebuyers.[1]



When well-qualified minority homeseekers contact housing providers to inquire about recently advertised housing units, they generally are just as likely as equally qualified white homeseekers to get an appointment and learn about at least one available housing unit. However, when differences in treatment occur, white homeseekers are more likely to be favored than minorities. Most important, minority homeseekers are told about and shown fewer homes and apartments than whites (Exhibit 1).[2]

Although the most blatant forms of housing discrimination (refusing to meet with a minority homeseeker or provide information about any available units) have declined since the first national paired-testing study in 1977, the forms of discrimination that persist (providing information about fewer units) raise the costs of housing search for minorities and restrict their housing options. Looking forward, national fair housing policies must continue to adapt to address the patterns of discrimination and disparity that persist today.

In this study… More than 8,000 tests were conducted in a nationally representative sample of 28 metropolitan areas. In each test, two trained individuals—one white and the other black, Hispanic, or Asian—contacted a housing provider to inquire about a housing unit randomly selected from recently advertised homes and apartments. The two testers in each pair were matched on gender and age, and both presented
themselves as equally and unambiguously well-qualified to rent or buy the advertised unit. Each tester independently recorded the treatment he or she experienced, including information about all the homes or apartments recommended and shown.

There can be no question that the housing circumstances of whites and minorities differ substantially. Whites are more likely to own their homes, to occupy better quality homes and apartments, and to live in safer, more opportunity-rich neighborhoods. However, it is less obvious whether—or how much—these disparities result from current racial and ethnic discrimination in the housing market because whites and minorities differ systematically in employment, income, assets, and debts.

Paired testing offers a uniquely effective tool for directly observing differential treatment of equally qualified homeseekers, essentially catching discrimination in the act

In a paired test, two people, one white and the other minority, pose as equally qualified homeseekers and inquire about available homes or apartments. Researchers have adapted the tool to systematically measure how often discrimination occurs across housing markets and what forms it takes.[3]

Understanding the numbers… Not every instance of white-favored treatment should be interpreted as systematic discrimination. In some tests, random factors may contribute to observed differences in treatment; in other tests, minorities may experience more favorable treatment than their white
partners for systematic reasons. Therefore, we report the share of tests in which the white was favored over the minority, the share in which the minority was favored over the white, and the difference between the two. This difference—or net measure— provides a conservative, lower-bound estimate of systematic discrimination against minority homeseekers, because it not only subtracts random differences from the gross measure of
white-favored treatment, but may also subtract some differences that reflect systematic reverse discrimination. Gross measures
of discrimination receive less emphasis in this report than in past national studies because analysis over the past 25 years strongly suggests that they reflect a lot of random differences in treatment, and that net measures more accurately reflect the systematic disadvantages faced by minority homeseekers.

Despite its power, paired testing cannot capture all forms of housing discrimination that might occur during a housing search. For example, it does

not encompass differences in advertising practices that may limit a homeseeker's knowledge about available housing options. It cannot measure differences in treatment that might occur after the initial inquiry—when homeseekers submit applications, seek mortgage financing, or negotiate lease terms.

Moreover, the results presented here do not reflect the experience of the

average or typical minority homeseeker, because testers presented themselves as unambiguously well-qualified for the advertised homes and apartments about which they inquired.[4] Evidence from other research suggests that when testers pose as more marginally qualified homeseekers, more discrimination occurs (Hunter and Walker 1996). For all these reasons, results reported here probably understate the total level of discrimination that occurs in the marketplace.

People of color still face discrimination when they search for housing today

Each paired test in this study compares the treatment of whites and minorities at three critical steps in the search for housing:

1. First, testers attempted (by telephone or e-mail) to **make appointments** for in-person visits.

2. If successful, they used the **in-person visit** to learn about available homes or apartments.

3. Finally, if told about at least one available housing unit, testers sought to **inspecthomesorapartments**.

The discussion and exhibits that follow summarize the main findings at each of these three steps, first for renters and then for homebuyers.

Discrimination against minority renters. Minority renters who call to inquire about recently advertised homes or apartments are rarely denied appointments that their white counterparts are able to make. In the vast majority of tests, if one tester is able to make an appointment, then both are. The very small treatment differences favor neither whites nor minorities (Exhibit 2).



When renters meet in person with housing providers, they are almost always told about at least one available unit. However, Hispanic renters are slightly more likely than equally qualified whites to be told that no homes or apartments are available (1.8 percentage points). Moreover, in about half of all in-person visits, one tester is told about more available units than the other, with whites significantly more likely to be favored than minorities, as detailed in Exhibit 3. Black, Hispanic, and Asian renters are all told about fewer housing units than equally qualified white renters. Blacks and Hispanics are told about one fewer unit for every five in-person visits; Asians are told about one fewer unit for every six in-person visits.

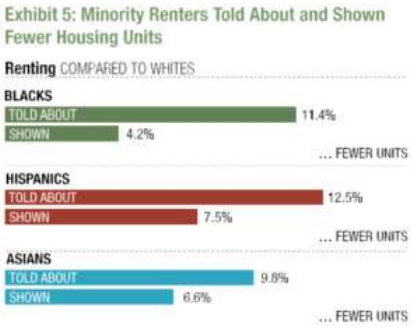


For example… In one rental test, the white tester arrived first and asked to see a two-bedroom apartment. The agent showed him the available two-bedroom unit as well as a one-bedroom apartment and provided application information for both units. The Hispanic tester arrived two hours later at the same office, but was told that nothing was available.

Finally, in about one-third of in-person visits, one tester is shown more units than his or her partner, with whites significantly more likely to be favored than minorities. As Exhibit 4 details, black, Hispanic, and Asian renters are all shown significantly fewer housing units than equally qualified whites. Blacks are shown about one fewer unit for every 25 visits; Hispanics are shown one fewer unit for every 14 visits; and Asians are shown one fewer unit for every 13 visits.



Taking all three steps into account (ability to make an appointment, availability of units, and agents' willingness to show units), minority renters are told about and shown fewer homes and apartments than equally qualified whites (Exhibit 5).



- Black renters who contact agents about recently advertised housing units learn about 11.4 percent fewer available units than equally qualified whites and are shown 4.2 percent fewer units.
- Hispanic renters learn about 12.5 percent fewer available units than equally qualified whites and are shown 7.5 percent fewer units.
- Asian renters learn about 9.8 percent fewer available units than equally qualified whites and are shown 6.6 percent fewer units.

Minority renters sometimes experience other forms of discriminatory treatment as well, relating to housing costs and quality and the helpfulness of the rental agent. These differences are less consistent and smaller in magnitude than the differences in numbers of units available and shown. Details will be found in Chapter IV of the full report.

Discrimination against minority homebuyers. Like renters, minority homebuyers are rarely denied appointments that their white counterparts are able to make (Exhibit 6). However, black homebuyers are slightly more likely than equally qualified whites to be denied an in-person appointment (2.4 percentage points).



When homebuyers meet in person with housing providers, they are usually told about at least one available unit. However, agents frequently tell one tester about more available homes than the other, with whites significantly more likely to be favored than blacks and Asians, as illustrated in Exhibit 7. Consequently, for every two visits, black and Asian homebuyers learn about one fewer home than equally qualified whites.

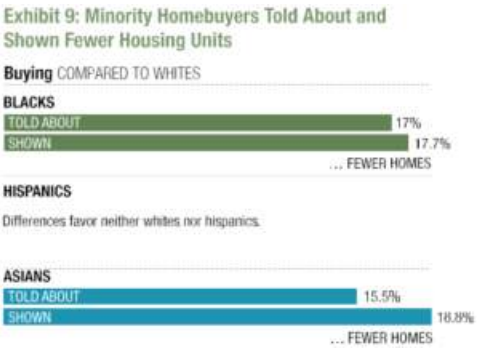


Finally, in about two-thirds of in-person visits, one tester is shown more units than his or her partner, with whites significantly more likely to be favored than blacks or Asians. As Exhibit 8 details, black and Asian renters are shown significantly fewer homes than equally qualified whites. Specifically, blacks are shown about one fewer home for every three in-person visits; Asians are shown one fewer home for every two in-person visits.



For example… In one sales test, the black tester called and spoke with an agent who insisted that she must be prequalified in order to see homes. The agent refused to meet with the tester until she had talked to a lender. The white tester was not asked about prequalification over the phone and was able to make an appointment to meet with the agent.

Taking all three steps into account (ability to make an appointment, availability of units, and agents' willingness to show units), black and Asian homebuyers are told about and shown fewer homes than equally qualified whites (Exhibit 9).



- Black homebuyers who contact agents about recently advertised homes for sale learn about 17.0 percent fewer available homes than equally qualified whites and are shown 17.7 percent fewer homes.

- Asian homebuyers learn about 15.5 percent fewer available homes than equally qualified whites and are shown 18.8 percent fewer homes.

Overall differences in treatment for Hispanic homebuyers are not statistically significant, and Hispanics are not recommended or shown a statistically different number of homes per inquiry than comparably qualified white homebuyers. This result extends across many forms of treatment and across the metropolitan areas where testing was conducted. As discussed further later, it also reflects a longer-term decline in discrimination against Hispanic homebuyers.

Most of the for-sale homes recommended and shown to testers of all races and ethnicities are located in majority-white neighborhoods. In many cases, however, one tester is recommended and shown homes in neighborhoods that have a higher percentage of white residents, on average, than his or her partner. Whites are significantly more likely than blacks or Asians to be shown these neighborhoods with higher percentages of whites; and, when they are, the neighborhoods whites see are about 17 percentage points higher in the percentage of white residents than those shown to equally qualified blacks or Asians. However, minorities are sometimes shown "whiter" neighborhoods than their partners; and, when they are, the neighborhoods they see are 14 to 15 percentage points higher in proportion of white residents than those shown to equally qualified whites. As a consequence, across all tests, the average racial composition of neighborhoods recommended to whites is only slightly higher in white percentage than the average for blacks and Asians—less than 2 percentage points more white. In other words, over multiple inquiries, the composition of neighborhoods recommended to minority homebuyers is very similar to the composition of those recommended to equally qualified whites.

Identifiability of minority homeseekers… When homeseekers call (or e-mail) to make an appointment, the housing provider might or might not identify their race or ethnicity. Even when homeseekers meet in person with housing providers, it is not certain that their race or ethnicity is accurately identified. In this study, a team of coders assessed the race/ethnicity of each tester based on reading the tester's name and listening to a recording of his or her speech—the information available to an agent over the phone. A parallel assessment, conducted by other members of the coding team, was based on name, speech, and a photograph—the information available to an agent during an in-person meeting. Each tester was assessed by three independent coders based on name and speech and by three independent coders based on name, speech, and appearance.
Minorities whose ethnicity is more readily identifiable experience more discrimination than those who may be mistaken for whites. This is the first time such an assessment has been performed as part of a national paired-testing study.

Minority homebuyers sometimes experience other forms of discriminatory treatment as well, relating to housing costs and financing, housing quality, and the helpfulness of the sales agent. These differences are less consistent and smaller in magnitude than the differences in numbers of homes available and shown. For details, see Chapter IV in the full report.

Variations in discrimination patterns. In addition to estimating the overall incidence and severity of discrimination, a large-scale national testing study sheds light on important variations in discrimination, indicating what types of homeseekers are most disadvantaged, what types of agents discriminate most frequently, and where discrimination is most prevalent. This study finds that minority homeseekers whose ethnicity is more readily identifiable experience more discrimination than those who may be mistaken for whites. Specifically, black and Asian renters whose race is readily identifiable based on name and speech are significantly more likely to be denied an appointment than minorities perceived to be white. During an in-person visit, renters who are identifiably black, Hispanic, or Asian are shown fewer units than minorities who are perceived to be white. Similarly, homebuyers who are identifiably black or Asian face higher discrimination during the in-person visit than those who are perceived to be white.

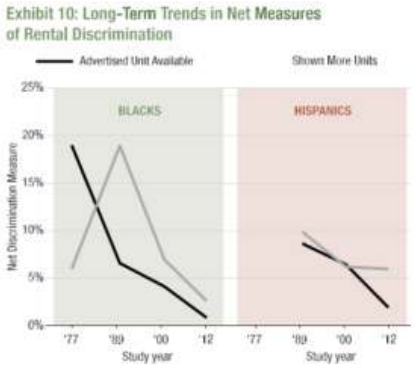
The study does not support other widely held assumptions about when and where discrimination is most likely to occur. It does not find substantial differences in the incidence or severity of discrimination across metropolitan areas or regions of the country, suggesting that housing discrimination remains a national problem. It is neither more nor less severe in housing markets hit hardest by the Great Recession.[5]

What are the consequences of the discrimination documented here? When housing providers deny minority homeseekers information about some of the housing options offered to whites, the time and cost of minorities' housing search rise and their choices are constrained. A recent survey of homebuyers finds that the median search lasts 12 weeks, with 12 homes seen (National Association of Realtors 2011). A black or Asian homebuyer would have to search longer or choose from a narrower set of options. Unfortunately, little is known about patterns of search among renters, but spending time inquiring about more advertisements and visiting more properties could be burdensome, especially for those with low incomes or inflexible work schedules.

The most blatant forms of discrimination have declined since passage of the 1968 Fair Housing Act

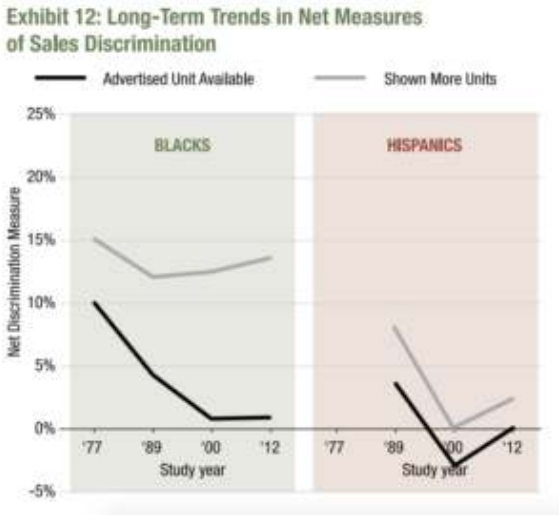
Due to changes in housing markets, sampling methods, and testing protocols, results from HUD's four decennial paired-testing studies cannot be precisely compared. But they do provide a qualitative picture of trends in the adverse treatment of minority homeseekers. The first national paired-testing study, launched in 1977, focused exclusively on discrimination against blacks (Wienk, et al. 1979). The 1989 Housing

Discrimination Study measured discrimination against Hispanics as well as blacks (Turner, Struyk, and Yinger 1991). And the 2000 Housing Discrimination Study produced national estimates of discrimination against black, Hispanic, and Asian homeseekers (Turner and Ross 2003a, 2003b; Turner, et al. 2002).



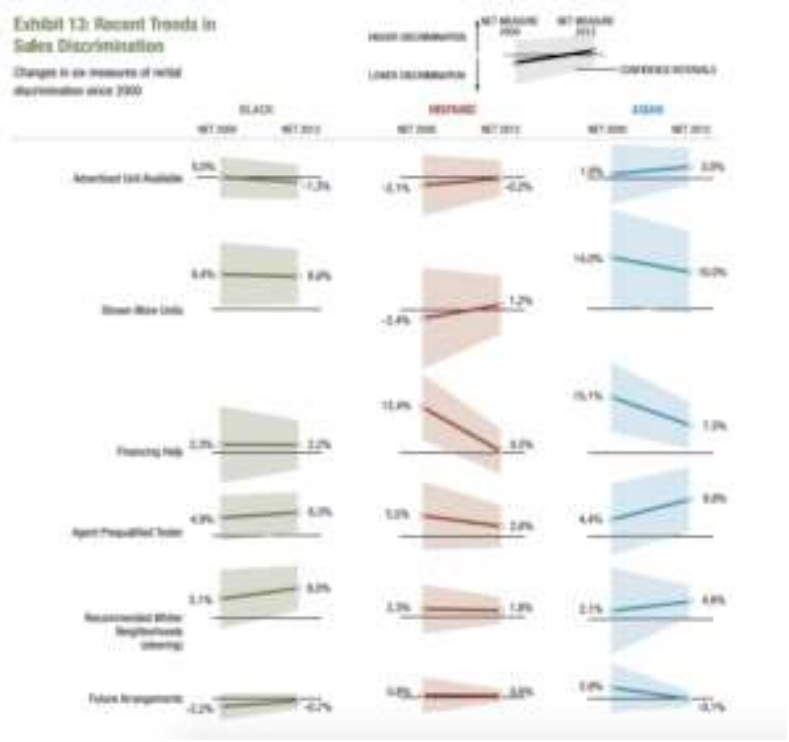
Trends in rental discrimination. Exhibit 10 illustrates the long-term trends in two important net measures of discriminatory treatment for blacks and Hispanics: whether the agent told only the white tester that the advertised unit was available and whether the white tester was shown more units. In 1977, black renters were frequently denied access to advertised units that were available to equally qualified whites. This kind of "door slamming" discrimination had declined dramatically by 1989 and has continued to decline since. The net measure of discrimination for the number of units shown to black versus white renters actually increased between 1977 and 1989 (possibly because blacks were less likely to be denied advertised housing outright) but has declined since. Denial of advertised units to Hispanic renters has also dropped substantially since 1989, while discrimination on the number of units shown appears to have declined between 1989 and 2000, but not between 2000 and 2012.

Focusing on more recent trends, Exhibit 11 reports net estimates of discrimination for four comparable treatment measures in 2000 and 2012. These trend lines are overlaid on the associated statistical confidence intervals, illustrating that for many measures, the intervals are too wide to conclude with confidence that significant changes have occurred. Black renters today appear less likely than a decade ago to be told that advertised units are unavailable. Asian renters are more likely than a decade ago to be shown fewer units, but they are less likely to experience adverse treatment when making future arrangements with the agent. Changes in other measures of rental discrimination are not statistically significant, so we cannot draw definitive conclusions about whether discrimination against minority renters has increased or decreased.



Trends in sales discrimination. Exhibit 12 illustrates the long-term trends in two major net measures of discriminatory treatment for black and Hispanic homebuyers: whether the agent told only the white tester that the advertised unit was available and whether the white tester was shown more units. Like black renters, black homebuyers were frequently denied access to advertised homes in 1977. This form of discrimination had declined dramatically by 1989 and even more by 2000. The net measure of discrimination for the number of homes shown, however, does not appear to have changed much over time. In contrast, adverse treatment of Hispanic homebuyers dropped substantially between 1989 and 2000 and remained low (too low to be statistically significant) through 2012.

Focusing on more recent trends in sales discrimination, we find less evidence of meaningful progress. Exhibit 13 reports net estimates of discrimination for six comparable treatment measures in 2000 and 2012. These trend lines are overlaid on the associated statistical confidence intervals, illustrating that for virtually all measures, the intervals are too wide to conclude with confidence that significant changes have occurred. The only statistically significant change is for Hispanics, who are less likely than a decade ago to be denied financing help compared to equally qualified white homebuyers.



For example… One agent told a white tester: “I’m not prejudiced but I wouldn’t recommend living in South Albuquerque…too many Hispanics. The further south you go the more you run into.”

Taken together, these findings suggest that the blatant discrimination observed in the earliest paired-testing study (refusing to meet or provide information about any available units) is much less frequent today, but that other, less

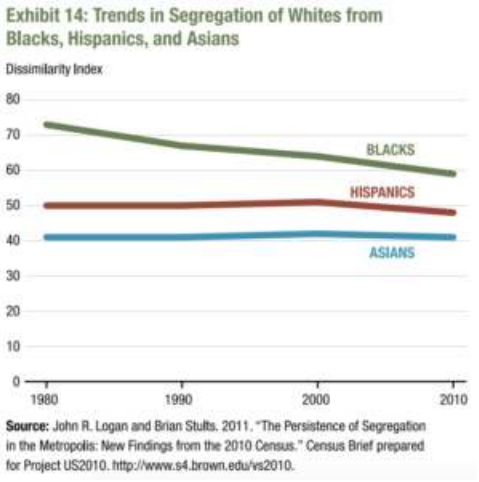
easily detectable forms of discrimination (providing information about fewer units) persist, limiting the information and options offered to minority homeseekers. The fact that blatant discrimination against

well-qualified minority homeseekers is rare does not mean it never occurs or that more marginally qualified homeseekers do not face more frequent or severe barriers to housing choice.

Fair housing policies must continue to adapt to address today’s patterns of discrimination and disparity

The fair housing challenges facing the United States today extend beyond the discriminatory practices documented by this study. Beginning with the Great Migration of blacks from the rural south to northern and midwestern cities, discrimination by landlords and real estate agents blocked minorities from moving into white neighborhoods, and produced high levels of residential segregation in metropolitan areas across the

country (Polikoff 2006). Too often, blacks and other minorities were excluded from neighborhoods with high- quality housing, schools, and other public services. Lenders have been less willing to invest in predominantly minority communities (Oliver and Shapiro 1997) or have offered predatory loans and loan terms that stripped wealth from minority homeowners rather than helping build wealth (HUD 2000; Calem, Gillen, and Wachter 2004; Engel and McCoy 2008). Today, even middle-class minority neighborhoods have lower house price appreciation, fewer neighborhood amenities, lower-performing schools, and higher crime than white neighborhoods with comparable income levels (Cashin 2004; Pattillo-McCoy 1999; Pattillo 2005). Rigorous research documents the high costs of racial and ethnic segregation—not just for individuals but for society as a whole (Carr and Kutty 2008; Hartman and Squires 2010).



Over the past three decades, black-white segregation has declined steadily (although it remains high in many metropolitan areas) and immigration has transformed the country's population, bringing greater racial and ethnic diversity to the neighborhoods of both blacks and whites (Turner and McDade 2012a, b). Hispanics and Asians are considerably less segregated from whites than are blacks (Exhibit 14). Moreover, most whites live in more diverse neighborhoods today than they did three decades ago, reflecting the combined effects of immigration, greater minority access to white neighborhoods, and gentrification of some minority neighborhoods.

Consistent with this trend, racial and ethnic prejudice is generally waning among Americans, and attitudes toward residential diversity are more open today—especially among young people. Most adults know and approve of the fact that federal law prohibits housing discrimination on the basis of race and ethnicity (Abravanel 2006). A declining share of the population expresses prejudice against blacks or distaste for black neighbors (Schumann et al. 1997; Krysan 2011). Recent surveys show a decline in the share of whites opposed to living in communities where half their neighbors are black (Krysan 2011).

Trends in attitudes toward immigrants (and ethnic groups associated with immigration) are less clear. When immigration levels rise or high-profile immigration issues dominate the news, negative perceptions seem to rise (Lapinski et al. 1997; Espenshade and Belanger 1997).

Long-term trends in patterns of discrimination suggest that the attitudes and actions of rental and sales agents have changed over time, and that fair housing enforcement and public education are working. Despite the progress that has been achieved, fair housing enforcement and education are still needed to address the forms of discrimination that persist. Prejudice has by no means disappeared (see, for example, White 2012) and, as this latest paired-testing study documents, minorities still face significant barriers to housing search, even when they are well-qualified as renters or homebuyers.

Because the forms of discrimination that this study documents are very difficult for victims to detect, enforcement strategies should not rely primarily on individual complaints of suspected discrimination. HUD should encourage the local fair housing organizations it funds to conduct more proactive testing, especially in the sales market, where discrimination appears higher than in the rental market. Enforcement testing does not have to meet the statistical standards of research studies, but it should be thoughtfully designed and targeted and consistently implemented so that it detects discrimination that may be prevalent in particular neighborhoods, rental complexes, or companies. Proactive testing can

reveal discriminatory practices that would otherwise go unpunished, and when housing providers know that testing is ongoing, they are more likely to comply with the law.

Local fair housing organizations should also expand and strengthen their relationships with Hispanic and Asian communities to address the discrimination experienced by all people of color. Historically, the fair housing movement has focused on discrimination against blacks. Although some local organizations have extended their scope in light of changing demographic realities, others have not yet done so.

Research and enforcement testing differ… Because its goal is to measure the prevalence of discrimination across the market as a whole, research testing usually covers a representative sample of available homes and apartments, rather than targeting properties or communities where discrimination is suspected.
In addition, to produce generalizable results, research testing requires a fairly large number of tests, covering many different housing providers, rather than multiple tests to clearly establish discrimination by a single provider. To generate results that can be aggregated across many tests, research protocols have to be rigidly consistent for every test, whereas the best enforcement protocols are flexible enough to respond to circumstances
that arise in particular tests. Finally, research testing report forms require predefined, closed-ended responses that can be consistently compared across many tests, rather than detailed and nuanced narratives that convey exactly what happened in an individual test.

In addition, more locally targeted research testing may be needed to pinpoint the types of neighborhoods, housing providers, or homeseekers where discrimination is most prevalent. In particular, minority homeseekers with lower incomes, less wealth, weaker English language fluency, or blemished credit may face higher levels of discrimination than documented in this study.

As attitudes and market practices evolve, policymakers and fair housing practitioners need reliable research not only on patterns of discrimination, but also on other factors that may contribute to residential segregation and disparities in neighborhood quality. Minorities still suffer from substantial disparities in neighborhood amenities and access to opportunity (Logan 2011) and the levels and forms of housing discrimination captured by this paired-testing study cannot fully explain current levels of residential segregation. Information gaps, stereotypes and fears, local regulatory policies, and disparities in purchasing power all work together to perpetuate segregation, even though many Americans—minority and white—say they want to live in more diverse neighborhoods (Ellen 2008; Farley, Fielding, and Krysan 1997). Meaningful reductions in neighborhood segregation and inequality can only be achieved if we tackle all these causal forces at the same time.

Enforcing existing fair housing protections remains essential. However, fair housing enforcement alone cannot reverse persistent patterns of segregation or undo the damage they cause. The evidence argues for a multipronged strategy that includes vigorous enforcement of anti-discrimination protections along with education—about the availability and desirability of diverse neighborhoods; local regulatory reforms and affordable housing development—to open up exclusive communities and preserve affordable options in gentrifying neighborhoods; neighborhood reinvestment—to equalize the quality of services, resources, and amenities in minority neighborhoods; and new incentives-to encourage and nurture stable diversity (Turner and Rawlings 2009). All these elements are required to achieve the fundamental goals of free and fair housing choice and healthy, opportunity-rich neighborhoods.

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1. Based on standard U.S. Census Bureau practice, this report uses the term “Asian” to refer to all Asian and Asian American testers. In addition, the term “white” refers to non-Hispanic whites. ↵
2. All reported differences between minority and white treatment are statistically significant at the 0.90 level or higher. For specific tests of statistical significance, see the exhibits in Chapters IV and V of the full report. ↵
3. This study focuses on differential treatment discrimination—when equally qualified homeseekers receive unequal treatment from housing providers. For methodological details, see Chapters II and III in the full report. Federal law also prohibits forms of treatment that may appear equal on their face but that have a disparate impact on minority homeseekers. ↵
4. All testers were assigned financial characteristics that qualified them for the housing units about which they were inquiring. Therefore, the assigned income levels varied widely, matching the variation in advertised rents and home prices in the sampled metropolitan areas. However, in most metropolitan areas, average incomes among black, Hispanic, and Asian households are lower than the average incomes assigned to testers. ↵
5. For more details on analysis of variations in discrimination, see Chapter V of the full report ↵

Contributors and Attributions

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CHAPTER OVERVIEW

5: Class, Race, Gender and Criminal Justice- Understanding Disparities in the System

5.1: Human Architecture- Journal of the Sociology of Self-Knowledge

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CHAPTER OVERVIEW

6: Urban Inequality- Banishing the Indigent

6.1: Banishment in Public Housing- Testing an Evolution of Broken Windows

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6.1: Banishment in Public Housing- Testing an Evolution of Broken Windows

Abstract

Banishment policies grant police the authority to formally ban individuals from entering public housing and arrest them for trespassing if they violate the ban. Despite its widespread use and the social consequences resulting from it, an empirical evaluation of the effectiveness of banishment has not been performed. Understanding banishment enforcement is an evolution of broken windows policing, this study explores how effective bans are at reducing crime in public housing. We analyze crime data, spanning the years 2001–2012, from six public housing communities and 13 surrounding communities in one southeastern U.S. city. Using Arellano-Bond dynamic panel models, we investigate whether or not issuing bans predicts reductions in property and violent crimes as well as increases in drug and trespass arrests in public housing. We find that this brand of broken windows policing does reduce crime, albeit relatively small reductions and only for property crime, while resulting in an increase in trespass arrests. Given our findings that these policies have only a modest impact on property crime, yet produce relatively larger increases in arrests for minor offenses in communities of color, and ultimately have no significant impact on violent crime, it will be important for police, communities, and policy makers to discuss whether the returns are worth the potential costs.

1. Introduction

The broken windows theory of crime suggests that physical disorder in neighborhoods leads to social disorder and eventually serious crime [1]. In efforts to reduce serious crime, proponents of the theory have developed a broken windows policing strategy, which was made famous by New York City's "quality-of-life policing" strategy [2,3]. Broken windows policing targets low-level misdemeanor crimes to prevent serious crime [4,5]. While the effectiveness of the strategy has been debated and its use is controversial (see [6]), within public housing, an evolution of broken windows policing has made its way into the lives of residents through a process of legal banishment. Banishment policies grant police the authority to formally prohibit individuals from entering public housing properties and arrest them for trespassing if they then violate the ban.

Public housing agencies (PHAs) justify banishment by arguing that it is a strategy for reducing serious crime in public housing. In addition to attempting to stymie social disorder through the issuing of formal bans, this policy grants police the opportunity to more easily control drug possession and potential sales since banned individuals can be arrested for trespassing and subsequently searched if they enter public housing. In this way, banishment serves two purposes for police: it allows them to remove potential criminals and makes it easier to enforce drug laws. Despite the widespread use of banishment policies (see [7]) and the evaluation of policing efforts in public housing [8,9,10,11,12,13,14,15,16], an empirical evaluation of the impact of banishment on reducing crime or making drug arrests has not been performed. This study is the first to explore the effect these bans have on crime and drug arrests in public housing. As will be explained below, this strategy, which has been shown to be disproportionately used in disenfranchised communities [17], empowers the police [7] and can result in citizens being permanently excluded from spaces even if they have been invited. The result of these policies can have serious social consequences for the banned individuals, their families, and the communities in which it is used. Given the potential social costs, understanding the effectiveness of banishment enforcement in public housing is therefore critical. Thus, the current study adds to the extant literature on broken windows policing broadly, the policing of public housing generally, and banishment in public housing specifically. More precisely, we extend on the work done by Torres [18] which investigated the perceived effectiveness of banishment and police in Kings Housing Authority (KHA) and found that public housing residents are more likely to find banishment and police effective if they trusted the police. Notwithstanding the significance of perceptions toward banishment's effectiveness, we turn our attention here to address whether issuing bans predicts reductions in property and violent crimes in KHA.1 We also explore whether issuing bans predicts increases in drug and trespass arrests. We rely on crime data from 19 communities in one southeastern U.S. city: six public housing communities and 13 surrounding communities. We find that this brand of broken windows policing does work to reduce crime, albeit relatively small reductions and only for property crime. Furthermore, we find that banishment results in an increase in trespass arrests. Both of these findings raise questions about whether or not PHAs and police departments should continue to use banishment. On the one hand, banishment has been shown to modestly reduce property crime. However, it generates a significant increase in trespass arrests, which brings into question its usefulness as a deterrent, increases the number of low level arrests in neighborhoods that are disproportionately composed of people of color, and does not significantly reduce violent crime.

2. Background

2.1. Banishment in Public Housing

In the wake of the War on Drugs and specifically the Anti-Drug Abuse Act of 1988, PHAs took considerable measures to stem the proliferation of drugs and violence within their communities.2 One logical strategy was banishment or "no-trespass policies" [20,21,22,23]. Under banishment policies, PHAs can ask their local police department to warn nonresidents that they may be banned if they engage in criminal and civil behaviors, past or present, that PHAs consider worthy of banishment. Banned persons

are placed on a no-trespass list maintained by PHAs or police. Once banned, individuals found on the property can be arrested for trespassing [18,21,22,23]. For an idea of how critical PHAs have felt that banishment is vital to crime suppression, a survey of PHAs was conducted in 2003 by the Council of Large Public Housing Authorities, the National Association of Housing and Redevelopment Officials, and the Public Housing Authorities Directors Association. Results from the survey indicate that 85 percent (307 out of 368) of PHAs had adopted no-trespass policies, 97 percent had adopted these policies "in whole or in part as a measure to protect residents from crime or illegal drugs," and over 98 percent felt that no-trespass policies were "essential to controlling crime and drugs in [their] developments" (as cited in [20]). The re-emergence of banishment policies grew as cities took measures to combat social disorder through civility codes. During the 1960s and 1970s, vagrancy statutes were invalidated by the Supreme Court due to their racially biased enforcement and vague interpretation that led to wide discretion in vagrancy enforcement [24,25]. In the 1980s, with police departments feeling the need for a law enforcement response to social disorder, courts responded in support of the police through the enactment of civility codes. Instead of the vague loitering and vagrancy statutes of the 1960s and 1970s, newly established civility codes required localities to specify the exact behaviors that can result in an arrest [7]. Through civility codes, police can now target the socially undesirable, such as homeless or publicly intoxicated individuals, by enforcing codes that outlaw their behaviors (e.g., public urination, sleeping on a park bench, panhandling).

Banishment in public housing is based on the enforcement of such civility codes by codifying into PHA policy the prohibition of specific civil and criminal acts, past or present, that when observed by PHA officials and law enforcement can result in banishment and potentially an arrest for trespassing. Due to civility codes, the banning of non-residents by PHAs follows strict guidelines that have been specifically detailed. While many initial banishment policies in public housing failed to delineate the behaviors that could qualify for banishment, the courts did not abolish banishment altogether in cases that questioned the legality of banishment stops—they simply required PHAs to specify the criteria for banishment [26]. Despite these court mandates, the current criteria for banning in PHAs sometimes involve vague, broad, and numerous acts, allowing the possibility for any non-resident to get banned [21]. For example, the following reasons, taken from publicly available PHA banishment policies, have been cited for instituting bans: having no legal right or legitimate purpose to be on the property; not being an invited guest of a resident; having a prior criminal history; engaging in activities that interfere with the quiet and peaceful enjoyment of residents; and involvement in drug activity or violence on public housing property [27,28,29,30]. Not surprisingly, the ability of these policies to ban nearly anyone has received much criticism from scholars [7,17,21,31]. However, since such policies are civil in nature they are beyond judicial review [32].

2.2. Policing and Banishment in Kings Housing Authority

The following section describes how KHA is policed and the creation of its banishment policy. It is drawn from the Torres [18] study since both studies use the same PHA. This information is based on KHA's banishment policy and a face-to-face interview with a local police Captain overseeing KHA [33]: As Torres ([18], pp. 4–6) states:

Enforcement of banishment and use of community policing in KHA was a process dating to 1995 when the local police department adopted its own KHA community policing initiative. After a department-wide request for officers to participate, eight were chosen and each assigned to one of the eight neighborhoods. One sergeant heads the KHA community policing unit and reports to a precinct captain, bypassing a lieutenant. KHA public housing officers (PHOs) have no assigned shifts and are given their own discretion as to how they want to fulfil their required work hours. However, supervisors strongly encourage PHOs to work hours typically associated with higher levels of crime (i.e., nights and weekends), and PHOs are encouraged to work longer than the department minimum eight-and-a-half hour shift. KHA's community policing crime enforcement strategy extends beyond assigned communities and flexible schedules. PHOs utilize geographic crime statistics to report to their sergeant about trends and patterns of crime within their assigned neighborhoods. The crime statistics are also used for follow-up investigations with residents, to problem-solve emerging criminal issues, and to establish responsibility for a PHOs community. When on the street, PHOs are also given discretion as to how they choose to patrol: vehicle patrol, bicycle patrol, or foot patrol. PHOs are expected to handle only calls for service in public housing and nowhere else during their shifts. Finally, PHOs are given work cell phones, provided by KHA, to allow for residents to call them for non-emergencies. KHA PHOs work closely with KHA security and KHA property managers as well. First, when either of these parties encounters residents violating their lease or involved in crime, an Incident Report is generated and communicated amongst these groups. Should non-PHOs encounter lease violations or crime among residents while PHOs are not available, they may communicate the issue with the appropriate PHO who would determine if an Incident Report is necessary. KHA property managers then hold monthly grounds to appear (GTA) meetings with residents involved in Incident Reports. During GTA meetings, KHA security, KHA property managers, and PHOs all collectively review the incident with the resident to determine whether some action against the resident will be taken. The possible actions range from a warning to lease cancellation. During the early years of the community policing program in KHA, PHOs concluded that the majority of the problems plaguing their neighborhoods involved non-residents [33]. Through guidance of the local judge, PHOs were able to establish the initial criteria to begin its enforcement of trespassing, to include: posting visible no-trespass signs; giving

a warning to a non-resident on their first encounter; having prior knowledge a non-resident has been given warning before arresting them for trespassing; [and warning residents that the KHA PHOs would begin enforcing banishment] [33]. It was not until suspects began to contest trespassing charges, stating they were never issued a warning to stay off the property, that the local courts mandated the police department and KHA to begin utilizing a formal ban notice. The formal use of banishment began in 2004. The procedure for issuing, maintaining, and enforcing ban notices on public housing property is similar to what has been detailed in the literature (see [21,31,34,35]). First, 'non-residents who are discovered on any KHA property and who engage in [activities punishable by banishment] will be determined to be trespassers and will receive a written trespass notice banning them from the premises' [36]. After an individual has been issued a ban notice, the person is then entered into a no-trespass list maintained by the police department, specifically by KHA PHOs, and updated bimonthly. If the person is caught back on the property, they can then be arrested for trespassing. While PHOs maintain full responsibility for the enforcement of banishment, non-PHOs are trained in enforcing banishment in the event PHOs are not available [33]. Like other cities, the criteria for banning are broad [21]. Any non-resident involved in any crime on KHA property can be banned. Non-criminal activity on the property that qualifies for banishment includes: grouping for the purpose of threatening or intimidating; 'prior involvement of narcotic activity/violations'; not demonstrating a legitimate business or social purpose for being on the premises; and 'engaging in any conduct which interferes with the enjoyment of the premises by adversely affecting the health safety, or welfare of residents, guests, employees, communities, and/or properties of [KHA]' [36]. Once a ban notice is served to a non-resident, it is effective at that time and "remains in effect indefinitely" [36]. Furthermore: If such non-resident maintains that he or she is a guest or invitee of a resident of KHA property, a copy of this notice will also be served upon the tenant via mail, hand-delivery, or by posting it on the door at the tenant's last known place of residence.[36] Notification of an individual banned may also be discussed with the tenant at GTA meetings [36]. Leases may be terminated should banned individuals return to the property with the tenant's consent or knowledge. However, appealing banishment is allowed in this city under some guidelines. The head of household that the banned individual was visiting are the only person that can appeal a ban notice. An appeal process begins with the head of household contacting the head of KHA security and stating they want to appeal a ban notice [33]. Furthermore, 'such an appeal must be in writing and filed within ten days of receipt of the ban notice' [36]. Appeals are not applicable to: (1) any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the authority; (2) any violent or drug-related criminal activity on or off the premises; (3) disputes between tenants; or (4) 'class grievances' [35]. Should KHA security decided to lift the ban, the head of household is notified, and KHA PHOs are advised to remove the banned individual from the ban list. Finally, while the information for appeal appears on the back of the ban notice, officers (PHOs and non-PHOs) routinely inform banned individuals verbally the steps in making an appeal when issuing ban notices [33]. The use of banishment tactics in public housing can be seen as an outgrowth of broader policing strategies. Specifically, banishment is a logical extension of broken windows policing. The next sections detail the logic of broken windows theory and the policing strategies that emerged from it, and how banishment relates to this broader tactic.

2.3. Broken Windows

In 1982, James Q. Wilson and George Kelling published an Atlantic Monthly article introducing the broken windows theory of crime. The broken windows theory of crime posits that physical disorder, such as graffiti, may not only change the physical character of an area but may lead to social disorder and ultimately to serious crime [1]. Specifically, the theory argues that serious crime may be the final outcome, because physical decay conveys to criminals that informal social controls in the area are weak as local residents become more fearful of the ensuing social disorder and withdraw from the community [1,4,37]. The theory was instrumental for a 1980s era that was synonymous with "get tough" on crime measures focused mainly on sentencing regimes [38].

While the major theoretical foundation of broken windows relies on the link between physical disorder and crime, the idea that social disorder can manifest into more serious crime became the ideology behind broken windows policing [4]. Here, law enforcement concentrates on the second aspect of broken windows, social disorder. If social disorder leads to more serious crime, then arrests should be targeted at low-level offenses that visibly convey social disorder, such as loitering, drinking in public, public urination, panhandling, and prostitution (see [39,40]). This style of policing would later take center stage in New York City during the 1990s under Mayor Giuliani and Police Commissioner William Bratton. Together they introduced an aggressive form of broken windows policing that targeted low-level misdemeanor offenses, sometimes called "quality-of-life policing" [2,4].

2.4. Banishment and Broken Windows

By allowing police to formally ban non-residents from public housing by issuing them a ban notice and arresting them for trespassing if they violate the ban, banishment theoretically expands on broken windows theory and broadens broken windows policing. Theoretically, banishment and broken windows share a concern over social disorder; however, they diverge on their understandings of what triggers social disorder. Broken windows argues that physical disorder (i.e., graffiti, broken windows, etc.) welcomes social disorder (i.e., homelessness, drinking in public, etc.). In turn, the presence of social disorder indicates to

potentially dangerous criminals that policing is limited, informal social control is weak, and the community does not care. This lack of social control leads to serious crime. Thus, the causal path to crime under broken windows theory is as follows (see [1]): Physical disorder → Social disorder → Serious crime.

Since banishment is used in a variety of spaces, its assumptions about physical disorder are not necessarily associated with instances of vandalism, graffiti, or literal broken windows.3 After all, banishment is used in areas that are now physically aesthetic, including some public housing neighborhoods.4 To understand how banishment policies reframe the broken windows theory within public housing, one must understand that public housing authorities assert that non-residents are the source of crime in public housing [18,21,22,42]. Thus, a non-resident's mere presence in public housing conveys a "disorder" that must be addressed. The remainder of the conceptual path to serious crime remains the same. Thus, with banishment policies in public housing, the path towards crime is as follows: Non-residents → Social disorder → Serious crime. Banishment enforcement also expands the focus of traditional broken windows policing on aggressively enforcing low-level offenses to reduce social disorder. Traditionally, the broken windows policing strategy works as follows: Increase in low-level offense arrests → Decrease in social disorder → Decrease in serious crime. With banishment policing, however, since non-residents represent the source of serious crime, enforcement targets them. Under traditional broken windows policing, law enforcement would harshly enforce low-level offenses on non-residents within public housing while still allowing them to enter public housing. PHAs have instead decided to completely remove non-residents from public housing by issuing them with a formal ban notice in hopes that being banned can independently reduce social disorder and crime by preventing banned individuals from returning to public housing. As explained above, bans can be issued to anyone committing a crime on the property or anyone entering the property who is deemed by the police to have no legitimate reason to be there. As such, these broad criteria allow nearly any non-resident to be targeted for banishment, thereby ensuring the problem with non-residents is addressed. In sum, banishment, as a logical extension of broken windows policing, is based on the assertion that simply banning non-residents from public housing can reduce serious crime. Under this logic, the causal argument works as follows: Increase in bans → Decrease in non-residents → Decrease in social disorder → Decrease in serious crime. Incidents of social disorder are not neglected under banishment policing. Police still enforce low-level offenses, but these offenses, along with any other offense, can also lead to the additional sanction of being banned from public housing. Moreover, banishment naturally amplifies a significant type of social disorder offense: trespassing. By amplifying trespassing laws, banishment provides substantial benefits to law enforcement and expands police powers far more than traditional broken windows policing does. First, even if officers do not observe crimes on public housing property, banishment policies create reasonable suspicion that the crime of trespassing is, has, or is about to occur. If an officer observes an individual on public housing property and does not know that individual, the officer can stop the individual under reasonable suspicion that he or she is trespassing. Therefore, banishment allows police to stop and approach anyone on public housing property to inquire about their residency, under the guise of a trespass investigation [16].5 Second, should someone who is stopped not be a resident of public housing and not be previously banned, they are subject to the broad banishment criteria [21]. Third, should someone who is stopped be identified as someone who was previously banned, the person can be subject to an arrest for trespassing. Finally, providing a steadfast approach to gaining trespass arrests provides an easy way to search for guns and drugs that bypasses traditional approaches to combatting drugs and guns such as undercover buy-busts [7,17]. This expansion of police powers is important considering that the reduction of drugs and violence is one of the primary justifications PHAs provide for banishment. As might be expected, police have lauded this particular benefit afforded by banishment [7], and PHA officials and residents often support banishment as an effective means of combatting drugs (see [18,20]) because it provides additional tactics for law enforcement to penetrate the drug trade [7,16,34,44]. By granting officers the ability to arrest for trespassing, they can circumvent the need for undercover drug operations, and with search-incident-to-arrest for trespassing, they can search potential drug offenders. Figure 1 depicts how banishment works to generate drug arrests.

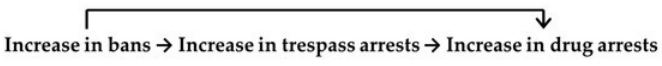


Figure 1. Theoretical path model between bans and drug arrests.

Under this framework, it is possible that banishment is capable of reducing both property and violent crime. There is already evidence that broken windows strategies, outside of banishment, are associated with reductions in crime [45]. While many disorder-related studies explore the relationship between some form of misdemeanor arrests and different types of crime (see [46,47]), the application of banishment works with the intention of reducing serious crime by removing non-residents. By banning individuals, PHAs believe that crime can be reduced because banned individuals will not return to the property to commit crime. While banishment appears to have become a staple for public housing, empirical studies have been minimal. One study pointed to its racially disparate enforcement [17]. Using crime data from New York City, the authors found that the percentage of public housing residents that are black or Hispanic predicted trespass arrests, even after accounting for socioeconomic conditions, crime, and police-related variables. This is significant considering New York City has a substantial number of buildings outside public

housing that allow police to arrest for trespassing. Thus, in New York City, despite the fact that many buildings are eligible for the use of no-trespass policies, trespass enforcement is overwhelmingly concentrated in public housing disproportionately populated by people of color. Another studying of banishment policies in public housing surveyed residents to assess their perceptions of banishment's effectiveness [18]. The results indicated that, while residents were generally favorable toward the policy, banishment enforced without the guidance of community policing can threaten police legitimacy and community trust of the police [18]. Collectively, these studies highlight that banishment has the potential to subject already disadvantaged public housing communities, specifically public housing communities of color, to a policy that other communities do not experience and that may undermine policing efforts by jeopardizing their legitimacy unless community policing strategies are also in place. Other than these studies, an empirical evaluation of the effectiveness of banishment tactics in reducing crime has not been performed. This study is the first to explore how effective bans are at reducing violent and property crime in public housing. Under broken windows, banishment is arguably capable of reducing property and violent crime by removing people from public housing. Further, given the potential of banishment laws to generate trespass and drug arrests, we should also expect increases in these forms of arrests due to bans. The above leads us to two pairs of substantive and testable hypotheses, the first addressing the impact of bans on serious crimes, the second addressing the impact of bans on arrests: Hypothesis 1A: Bans significantly reduce property crime in public housing independent of the enforcement of trespass arrests and drug arrests. Hypothesis 1B: Bans significantly reduce violent crime in public housing independent of the enforcement of trespass arrests and drug arrests. Hypothesis 2A: Bans lead to an increase in trespass arrests in public housing. Hypothesis 2B: Bans lead to an increase in drug arrests in public housing.

3. Method

3.1. Sample

Our analyses are based on a sample of 19 neighborhoods located within a southeastern U.S. city. These neighborhoods include six public housing neighborhoods and 13 non-public housing neighborhoods. The six public housing neighborhoods represent the population of all public housing neighborhoods in the city except three elderly assisted living public housing buildings. The non-public housing neighborhoods were selected based on their proximity to the public housing communities. All non-public housing neighborhoods within a half-mile radius of the public housing communities were used. Data were collected at the neighborhood level over a 12-year period (2001–2012). Banishment policies were introduced to the city in 2004.

3.2. Measures

This study relies on data comprised of bans (2004–2012), trespass arrests, drug arrests, FBI Part I property and violent crimes, and measures of concentrated disadvantage (2001–2012). All relevant crime data were provided by neighborhood and year and came from the local police department.

Our crime models predict property crime and violent crime. Property crime is measured as the total incidents of reported Part I property crime by neighborhood and year. Similarly, violent crime is the total incidents of reported Part I violent crime by neighborhood and year. We also generated two sets of arrest models that predict drug arrests and trespass arrests. Both arrest variables are measured as the total number of each type of arrest by neighborhood and year. All crime and arrest variables came from the police department overseeing the public housing neighborhoods in this city and were log transformed to reduce positive skewness. We measured the number of bans issued in public housing neighborhoods by year. Because the formal use of banishment began in 2004, ban data were collected for the years 2004 through 2012. Only bans issued within one of the six public housing neighborhoods chosen for the study were recorded. This city has various public housing neighborhoods, including assisted living developments for the elderly. Bans issued to these properties were excluded from the study, as were bans issued to a now demolished public housing property. This resulted in excluding a maximum of 13 percent of total bans in 2008 and a minimum of 1 percent in 2012. Two of the public housing communities were combined due to the inability to obtain separate socio-demographic variables for each within the 2000 Census and 2008–2012 American Community Survey 5-Year Estimates (ACS), as each survey places both communities under the same block group. This is explained by the fact that the two public housing communities are physically adjacent. For non-public housing neighborhoods, the number of bans was set to zero for all years. Bans for each public housing neighborhood by year are found in Table 1.

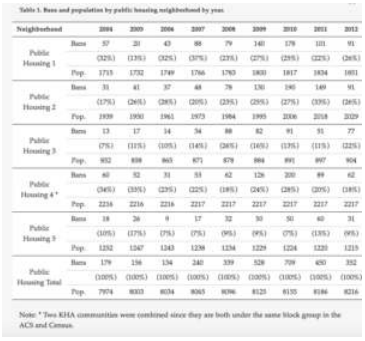


Table 1. Bans and population by public housing neighborhood by year.

Our full regression models controlled for concentrated disadvantage, which refers to the geographic concentration of poverty and associated social conditions (see [48]). Concentrated disadvantage has been found to influence crime in low-income communities (see [46,47,49,50,51,52]). The following neighborhood-level socio-demographic variables were used as indicators of concentrated disadvantage: (1) median family income; (2) percentage of families with income below the poverty line; (3) percentage of population with less than a high school education; (4) percentage of households on public assistance; (5) unemployment rate; (6) percentage of female single parent households; (7) percentage of households with income below $30,000. These data came from the 2000 and 2010 U.S. Census [53,54] and the 2008–2012 American Community Survey (ACS) 5-year Estimates [55]. Since annual data for these variables could not be obtained, linear interpolation was used to generate yearly estimates. Principal component analysis was conducted to generate a component score for concentrated disadvantage using a single extracted component. Four of the variables were transformed to reduce skewness prior to extraction. The first component explained 84 percent of the joint variance and was the only component with an eigenvalue greater than one. All of the component loadings for the single component were larger than 0.74 with five of the seven loading higher than 0.90. Ideally, a measure of neighborhood instability should be included as an additional control variable. Neighborhood instability is thought to lead to a neighborhood's inability to police itself because of high residential turnover. Neighborhoods with more stability therefore should have lower crime rates, while neighborhoods with a more transitory population—more neighborhood change—should have greater crime and disorder because the higher rates of residential turnover disrupt social networks. There is some evidence for the association between neighborhood instability and crime (for example, see [56,57]). Typical measures of neighborhood instability such as the proportion of renters/owners and the proportion of vacant homes are problematic with our data because 100 percent of public housing residents are renters, by definition. We therefore did not use a measure of neighborhood instability given the inability to construct an efficient measure. Table 2 presents descriptive statistics for the variables used in our models. The within neighborhood minimum and maximum values have been de-meaned (i.e., the group mean is subtracted and the grand mean is added), which is why some of the variables have negative values. We also controlled for the year of the study in our regression models.

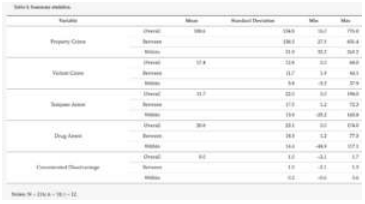


Table 2. Summary statistics.

3.3. Models

To test our hypotheses, we used sets of Arellano–Bond dynamic panel models to predict the crime and arrest variables of interest. In the full crime models, meant to test our first set of hypotheses, we separately predicted property and violent crime as a function of bans issued net of covariates. These models are beneficial when the data has more panels than years, when one or more of the explanatory variables are expected to be endogenous, and when issues of autocorrelation are likely to be present [47,58].

The following equation was used to estimate the full crime models:

“>Δyit=β1Δyi,t−1+β2ΔBi,t−1+β3ΔCit+β4ΔYt+β5ΔTi,t−1+β6ΔDi,t−1+Δuit, (1)

where “>yit represents the dependent variable (property or violent crime) for neighborhood “>i at time “>t , “>Bit is the number of bans, “>Cit is the concentrated disadvantage, “>Yt is the year, “>Tit is the number of trespass arrests, “>Dit is the number of drug arrests, “>uit is the error term (composed of the unobserved neighborhood effects and the residual errors such that “>uit=vi+eit), and the “>β values are the regression coefficients. By taking first differences, the Arellano–Bond estimator eliminates the fixed unobserved neighborhood specific effects along with any endogeneity issues they might potentially introduce.

To deal with issues of autocorrelation, the models use a lagged dependent variable (LDV) as well as additional lags of the dependent variable, which act as instruments to eliminate potential endogeneity introduced by the first-differenced LDV. Notice that the ban, trespass arrest, and drug arrest variables have been lagged by one time unit. We are interested in determining whether crime levels are influenced by the number of bans and amount of low-level enforcement from the previous year. Bans, drug arrests, and trespass arrests have the same goal of reducing crime. We caution that this suggests the potential for multiple treatments at work; however, our analysis allows us to isolate the effect of each type of treatment. Both drug arrests and trespass arrests were used before the start of banishment in public housing. Since bans are set to 0 in public housing from 2001–2003 and 0 for all non-public housing sites, we are able to determine if bans influence crime, once implemented, independent of drug and trespass enforcement. It is necessary here to reiterate the uniqueness of issuing bans as a policing tool. Bans are civil punishments, not criminal punishments that prohibit individuals from returning to the property. This is a more proactive approach to deterrence than arresting individuals for committing a criminal act such as possessing drugs or trespassing. Because all of these policing tactics can potentially influence crime but do so in different fashions, we control for drug and trespass arrests so we can estimate the independent effect of bans on crime. Unlike the majority of program evaluative studies, which assume a dichotomous treatment (a ban law is either present or absent for each neighborhood in a given year), our regression models treat bans as a continuous measure that enhances precision and provides a better look at the impact of bans. If two different public housing neighborhoods for which the ban law is in effect enforce and issue bans differently, our models will capture this. We tested Hypothesis 2A by predicting trespass arrests as a function of lagged ban variables (the equation shows only the first difference of bans as a predictor, but second, third, and fourth differences were tested as well in separate models). The following equation for the full trespass arrest model was used:

“>ΔTit=β1ΔTi,t−1+β2ΔBi,t−1+β3ΔCit+β4ΔYt+Δuit. (2)

Similarly, we tested Hypothesis 2B by predicting drug arrests as a function of lagged ban variables. The following equation for the full drug arrest model was used, which included lagged trespass arrest variables to determine if trespass arrests potentially mediate a relationship between bans and drug arrests:

“>ΔDit=β1ΔDi,t−1+β2ΔBi,t−1+β3ΔCit+β4Yt+β5ΔTi,t−1+Δuit. (3)

It should be noted that only two additional lags of the dependent variable were used to create instruments to avoid over-identifying the models. Though Arellano–Bond models typically use all possible lags of the dependent variable to ensure that autocorrelation is removed, tests for autocorrelation show that any autocorrelation has been sufficiently removed from our models. Also, the variance inflation factors for the variables used in our models all had values lower than three, indicating that multi-collinearity was not an issue.

4. Results

We begin by looking at the trend in bans (see Figure 2). As discussed above, bans were formally introduced in 2004 to public housing communities, but as we can see from the figure, their usage by officers varied in the decade following their introduction. The use of bans generally rose in public housing after being formally introduced in 2004, peaking in 2010.

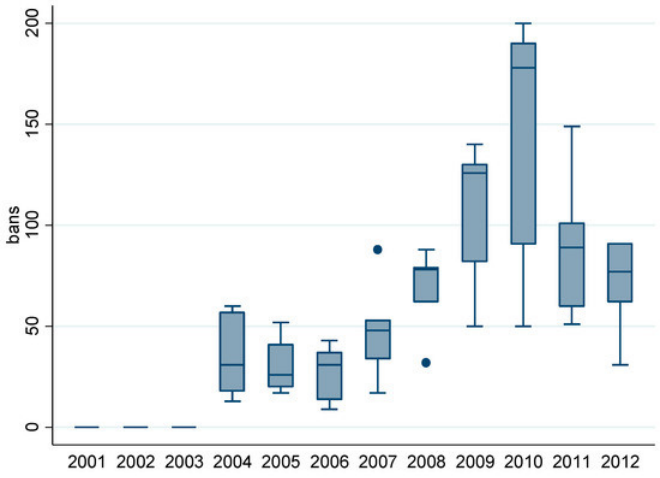


Figure 2. Bans in public housing by year*. Notes: *Ban legislation only covered public housing neighborhoods from 2004 onward; non-public housing neighborhoods had zero bans for all years.

Figure 3 looks at property crimes over time in public and non-public housing communities. Though it is generally lower in public housing, it appears to have decreased in public housing in the period after 2004, especially when compared to non-public housing

communities. To test if this apparent effect is significantly due to bans, we used three separate regression models presented in Table 3, all three of which are nested in the model presented as Equation (1) above.

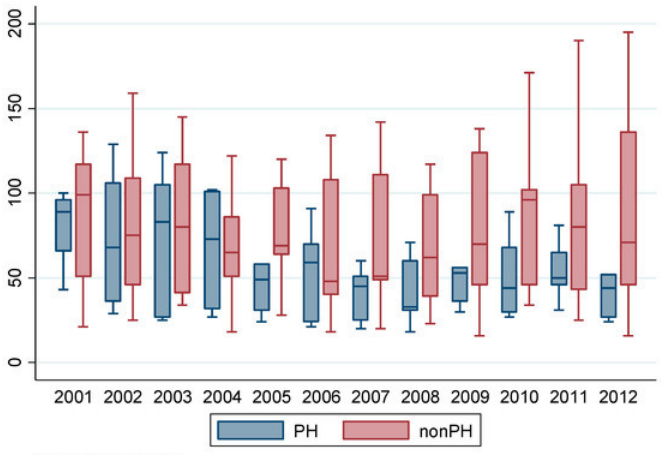


Figure 3. Property crimes by public housing by year.

Table 3. Arellano–Bond dynamic panel-data models predicting property crime.

Effect/Model	1	2	3
Property Crime(t-1)	0.274 **	0.326 **	0.288 **
	(0.089)	(0.094)	(0.100)
Bans(t-1)	−0.054 *	−0.083 *	−0.076 *
	(0.024)	(0.032)	(0.033)
Concentrated Disadvantage		−0.011	−0.019
		(0.330)	(0.345)
Year		0.009	0.008
		(0.018)	(0.019)
Trespass Arrests(t-1)			−0.015
			(0.039)
Drug Arrests(t-1)			−0.053
			(0.052)
N	180	180	180
n	18	18	18
Wald chi-square	19.9 **	43.0 **	46.4 **

Notes: * $p < 0.05$; ** $p < 0.01$, two tail; Robust standard errors in parentheses.

As we can see, the number of bans issued in a given year significantly reduces property crime, even after the covariates are added. This finding supports Hypothesis 1A (additional support for H1A using the synthetic control method for counterfactual analysis can be found in Appendix A). Notice, however, that doubling the number of bans issued in a given year only reduces the number of property crimes by approximately five percent in the following year (“>2−0.076=0.95). Surprisingly, we do not find an effect of disadvantage or drug and trespass enforcement on property crime independent of the other effects. Though tests for autocorrelation show that second order and larger autocorrelated errors have been removed, it should be noted that when placebo controls were added in the form of leads of the ban variable, a significant lead effect was discovered. Models including up to four leads found that a two-year lead in bans significantly predicts a decrease in property crime. This calls into question the causal claims that can be made regarding bans and property crime. Though we find that significant independent negative correlation exists between number of bans issued and subsequent property crime with the Arellano–Bond models, we cannot claim that bans cause a reduction in property crime and not the other way around. That being said, our synthetic control models in Appendix A demonstrate that a divergence in property crime between public housing neighborhoods and a synthetic control case does occur in the expected direction after the institution of bans, supporting our causal claim from H1A. When we turn our attention to violent crime (see Figure 4), there does not appear to be an obvious trend, inside or outside of public housing, despite the general decrease in violent crime experienced by the nation as a whole during this time. Using the Arellano–Bond models to predict violent crime, we find that the number of bans in a given year does not significantly predict violent crime in the following year (or two, three, or four years later) in any of our models (see Table 4). Given this result, we do not find support for Hypothesis 1B. As it turned out, none of the variables significantly predicted violent crime in our models.

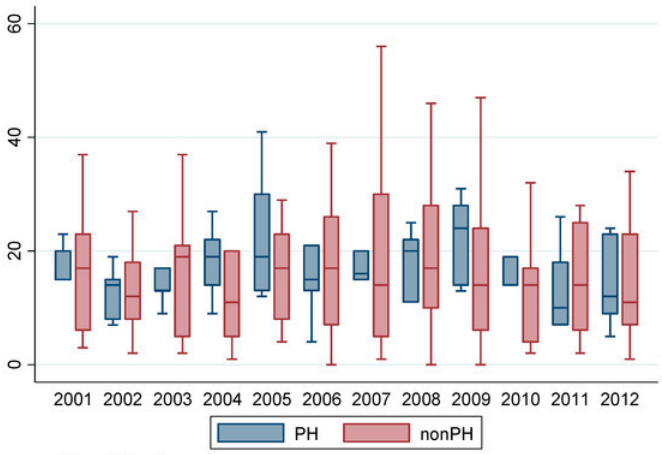


Figure 4. Violent crimes in public housing by year.

Table 4. Arellano–Bond dynamic panel-data models predicting violent crime.

Effect/Model	1	2	3
Violent Crime(t-1)	0.247	0.077	0.025
	(0.153)	(0.085)	(0.097)
Bans(t-1)	0.013	0.053	0.053
	(0.029)	(0.047)	(0.044)
Concentrated Disadvantage		0.139	0.119
		(0.482)	(0.413)
Year		−0.009	−0.004
		(0.024)	(0.022)
Trespass Arrests(t-1)			−0.047
			(0.030)
Drug Arrests(t-1)			0.102
			(0.066)
N	180	180	180
n	18	18	18
Wald chi-square	3.5	3.2	15.8 *

Notes: * $p < 0.05$, two tail; Robust standard errors in parentheses.

To test Hypothesis 2A, we examine trespass arrests over time. From Figure 5 we can see that trespass arrests appear to grow during the years following the institution of the ban legislation in public housing neighborhoods. The trespass arrest regression models in Table 5 demonstrate that though trespass arrests are not significantly correlated with bans in the previous year, they are significantly influenced by the number of bans two years prior, even when we account for a general independent trend of increasing trespass arrests (this relationship does not exist for other lagged ban variables: third-differenced, fourth-differenced, etc., and holds when placebo controls are added in the form of leads; no significant placebo controls were found in models including up to four leads for the ban variable). Notice that in the third model, which predicts trespass arrests using only the LDV and second differenced bans as explanatory variables, the effect of lagged bans is stronger than in the final model. The coefficient for bans is being inflated by a general trend of trespass arrests increasing over time (both in public and in non-public housing, though the trend is stronger in public housing). However, when we control for this trend, Model 4 shows that bans still have a positive significant ($p < 0.10$, two-tail) impact on trespass arrests. These models provide support for Hypothesis 2A (additional support can be found in Appendix A).

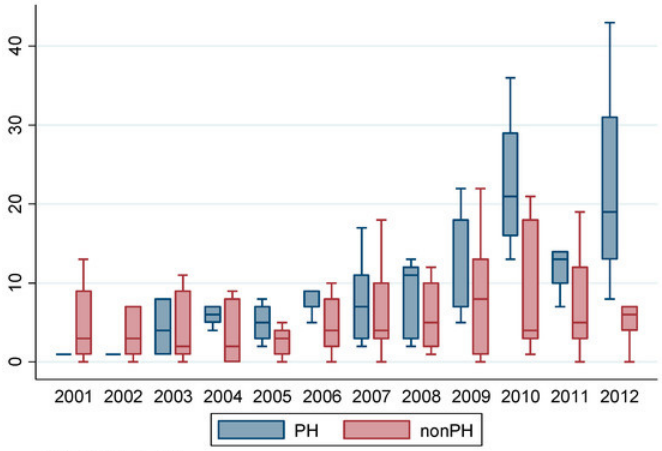


Figure 5. Trespass arrests in public housing by year.

Table 5. Arellano–Bond dynamic panel-data models predicting trespass arrests.

Effect/Model	1	2	3	4
Trespass Arrests(t-1)	0.196	0.337	0.272	0.242
	(0.228)	(0.206)	(0.188)	(0.159)
Bans(t-1)	0.116	−0.077		
	(0.096)	(0.084)		
Bans(t-2)			0.248 **	0.106 †
			(0.083)	(0.061)
Concentrated Disadvantage		0.012		0.711
		(0.771)		(0.471)
Year		0.079		0.081 **
		(0.050)		(0.025)
N	180	180	180	180
n	18	18	18	18
Wald chi-square	3.7	27.3 **	13.0 **	63.0 **

Notes: † $p < 0.10$; ** $p < 0.01$, two tail; Robust standard errors in parentheses.

Finally, we examine drug arrests in Figure 6 and Table 6. Though the variability in drug arrests appears to be higher in non-public housing, according to Figure 6, there does not appear to be much of a difference between the trends across housing types, and there does not appear to be a consistent change in public housing after the institution of ban legislation. However, when we examine the Arellano–Bond regression models (see Table 6), we find that just like for trespass arrests, drug arrests are significantly influenced by the bans issued two years prior. In Model 4, which predicts drug arrests using only an LDV and second-differenced bans as explanatory variables, it appears that lagged bans do not influence drug arrests. However, this is because a suppression effect is present due to a general decrease in drug arrests over the period in these neighborhoods. Once we control for this time trend (Models 5 and 6), we see that drug arrests are significantly increased by the bans issued two years prior. Interestingly, lagged trespass arrests do not predict drug arrests independent of lagged bans. Various combinations of lagged trespass variables were included independently and together. Model 6 shows the effects of first and second-differenced trespass arrests on drug arrests in the same model, but the coefficients and standard errors are nearly identical when only one or the other is included by itself. Just like in the property crime models, we need to add a word of caution. Though tests for autocorrelation show that second order and larger autocorrelated errors have been removed, when placebo controls were added in the form of leads of the ban variable, a significant lead effect was discovered. Models including up to four leads found that a one-year lead in bans significantly predicts a decrease in drug arrests. This calls into question the findings regarding a causal relationship between bans and drug arrests given the contradiction in direction of the relationship between the significant lag and significant lead of bans. Additionally, our synthetic control models in Appendix A do not find a consistent divergence in drug arrests between public housing neighborhoods and a synthetic control case after the institution of bans. Because of these issues, we cannot conclude with confidence that there is a causal connection between bans and drug arrests in public housing.

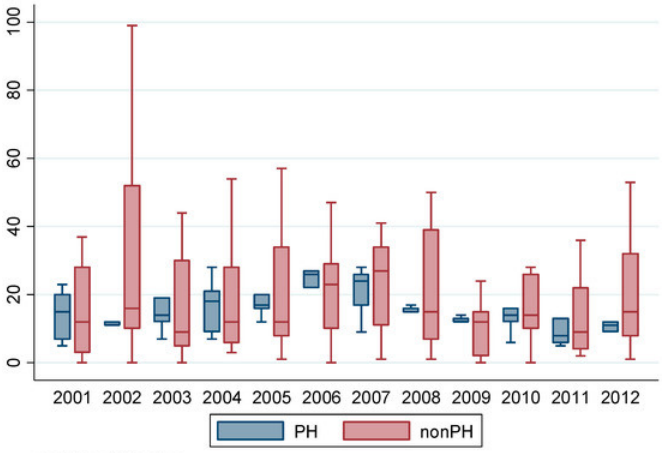


Figure 6. Drug arrests in public housing by year.

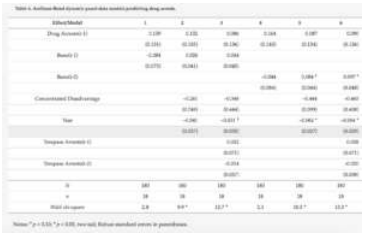


Table 6. Arellano-Bond dynamic panel-data models predicting drug arrests.

5. Discussion

Our regression models indicate that bans negatively predict property crime. In the context of other broken windows policing strategies, such a finding adds to the research showing that policing disorder can reduce crime [45]. However, we also found that bans did not predict decreases in violent crime or drug arrests. In fact, bans appear to independently increase drug arrests in subsequent years, but we remain wary of these findings given the significance of a lead placebo control and the lack of findings using a synthetic control (see Appendix A). Despite support for bans predicting reductions in property crime, the magnitude of such reductions appear to be relatively small. Our models found that police must double the amount of bans issued to see a return of only a 5% reduction in property crime. This finding is consistent with other research such as Braga and colleagues' [45] meta-analysis of 30 broken windows strategies, which found that such strategies tend to have modest returns.

Under deterrence and opportunity theories, reductions in property crime would not be surprising given the argument concerning how property offenders take into account the threat of sanctions [59,60,61]. If property offenders wish to offend in public housing, being banned would limit the opportunity to commit such offenses should offenders feel as though there is an increased likelihood of being caught on the property and arrested for trespassing. Still, reductions in property crime could be a function of the incarceration of a handful of offenders who committed the disproportionate share of property offenses in public housing. This would be supported by research that suggests that a small fraction of the population accounts for a very high percentage of crime [62,63,64]. Beyond incarceration, should a property offender be a resident of public housing, there would be grounds for an immediate eviction, which would remove the offender from public housing in the same manner as incarceration would. Though the significance of a placebo control (number of bans at time t+1) undermines claims to causal direction, we remain confident that a causal relationship between bans and property crime exists, especially given the supporting evidence in Appendix A. This study did not find support for bans predicting reductions in violent crime. There are several plausible reasons for this. First, much violent crime is spontaneous and "expressive" rather than "instrumental" (see [65,66,67]). As such, one may be less likely to be deterred from violent crime by the threat of trespass arrests. In addition, assuming these neighborhoods are similar to other high-crime neighborhoods, much of the violence in these neighborhoods is likely a result of a very small percentage of residents. For example, studies have found that as little as 0.3 percent of a city's population can account for over 60 percent of the city's homicides (for a review, see [65]). More specifically, one study on homicides in Los Angeles public housing communities found that residents contributed more to the violence in public housing than non-residents [42]. If a few residents are contributing a significant proportion of the violence, banning outsiders might not affect violent crime. It is only when these individuals are removed from the network (either through incarceration, aging-out, or death) that violence will decrease. This insight results in the underlying logic of focused deterrence strategies. Focused deterrence strategies attempt to locate chronic violent offenders and maximize the risks of offending by providing them with incentives and disincentives [68,69]. The violent crime-reduction benefits of this tactic have been well established (see [70,71,72,73]). Not only is it possible to reduce violent crime under this approach, but police legitimacy

may increase as well, as police use more procedural justice tactics in focused deterrence strategies [74]. Given the ability of bans to aid in generating drug arrests, we hypothesized that bans would increase drug arrests as it becomes easier for officers to investigate individuals on public housing property, even without probable cause for drug possession or distribution. We found mixed support for this and cannot conclude with confidence that a causal relationship between bans and drug arrests exists. While there is evidence that bans increase drug arrests in subsequent years, the fact that a two-year lead of bans is also statistically significant in our model raises doubts about the true relationship between bans and drug arrests. Still, the results indicating that bans can lead to an increase in trespass arrests poses concern. We find that an increase in bans that leads to a 5 percent reduction in property crime the following year corresponds to an 8 percent increase in trespass arrests in two years, even though trespass arrests do not appear to reduce either property or violent crime independently. Therefore, increasing trespass arrests appear to be a necessary byproduct of ban legislation. Additionally, the high level of trespass arrests that emerge post-legislation in public housing may challenge any claims that banishment acts as a deterrent. For a policy that is intended to keep banned individuals away, the message is quite clear that many come back to public housing, whether it is to offend or not, and are arrested for trespassing. Ultimately, PHAs, police departments, and residents will have to decide whether the returns are worth the potential legal and social costs. We certainly should expect that the social consequences are most felt by banned individuals and those they know within public housing; however, these consequences should not be ignored for a number of reasons. Socially, it is well documented that banishment can disrupt families [75,76]. For example, Torres [18] found that 40 percent of public housing households know at least one friend or family member that has been arrested for trespassing. Furthermore, processing trespassing offenses can clog an already over-burdened criminal justice system. In addition, court cases dealing with banishment in public housing involve disputing the legality of banishment when it is used on those with intent to see family (see [21,31]). Moreover, the findings of this study need to be understood in the context of who resides in these public housing communities. African-Americans make up over 97 percent of the public housing population in this study [54]. Therefore, in this southern city, communities of color are disproportionately affected by ban policies. One clear consequence of these policies is an increase in trespass arrests. It follows that policies like banishment, that operate in communities disproportionately comprised of racial and ethnic minorities, contribute to the persistent racial disparities in the criminal justice system, including imprisonment (see [38,77,78]). Thus, our findings that banishment produces only meager benefits in terms of reductions in property crimes while generating trespass and drug arrests must be considered in light of the work of Fagan and colleagues [17] that found racially selective enforcement of banishment in New York City public housing. Still, despite the already tense relationship between police and many disadvantaged communities of color, there has been evidence that even in predominantly African-American public housing communities using banishment, residents can find the police to be effective [18]. Ultimately, future studies should consider whether banishment builds or hinders collective efficacy and whether it decreases or increases fear of crime. We should acknowledge some of the limitations of the current study. First, we want to emphasize that this study involves a limited number of neighborhoods from a single city and therefore suffers from lack of power and is sensitive to noise. We attempted to increase the power by using dynamic panel models that rely on multiple differences and by treating the stimulus (ban legislation) as a continuous variable that varies dramatically within the treatment cases (public housing neighborhoods) from panel to panel. Nevertheless, we are relying on repeated measures of a panel consisting of data from only 19 neighborhoods, and we fully recognize this limitation. Yet, maybe even surprisingly given the small sample, we find significant effects that support two of our four hypotheses. In addition, in these cases, several different analytic strategies—albeit each with their own sets of problems and limitations—produce consistent findings. Therefore, while we recognize the small sample size to be a serious limitation, we are confident these data tell an interesting and consistent story, especially with respect to the influence of bans on trespass offenses and property crimes. Second, we did not control for spatial lag whereby contiguous areas influence adjacent areas' levels of crime and arrests (see [46,47,79,80,81,82,83]). Spatial lags could be used to determine if bans displace crime. However, under the context of public housing, this may not be important; the goal of banishment is to keep crime out of public housing, so if crime increases in non-public housing communities as a result of banishment, it is of no concern to PHAs. However, while public housing officials may not care if banishment displaces crime, police departments do. Knowing such information may be useful in developing strategies for dealing with displacement. With that, this study could merely offer speculative support of any displacement effects. In looking at Figure 3, it appears that non-public housing neighborhoods experienced a period of increased property crime following the start of banishment. However, the average amount of property crime experienced in non-public housing neighborhoods after banishment began is not clearly above the average amount of property crime experienced by non-public housing neighborhoods before banishment began. Further, while we might expect that this displacement could vary by crime types (i.e., robbery versus aggravated assaults), we looked at additional plots (not shown) and found similar results. Thus, there were no consistent patterns of heightened levels crime in non-public housing neighborhoods following the implementation of banishment above what these neighborhoods experienced before banishment was implemented. While future studies will need to address displacement explicitly, these descriptive results suggest that banishment does not

displace crime in the long term. It is possible that banishment is ineffective at totally displacing the criminally active who have ties to the public-housing community; thus, there may be some displacement, but crime is not totally displaced (see [84]). Again, we found definitive evidence that bans lead to increases in trespass arrests, which implies that a number of people are not deterred by the ban itself and return to public housing. Thus, there may be a number of offenders who are tied to the public-housing community and not willing to offend elsewhere. The literature suggests this situation would result in a lack of displacement because of the inability of potential offenders to seek alternative opportunities (see [85,86,87]) or their preference for committing offenses close to their home or previous home [88,89,90,91], which in this case would be public housing. Third, we did not use calls-for-service, police-initiated or citizen-initiated, which could help determine both the proactivity of police officers and their visibility in the community. In a study of the consequences of assigned beats, Kane [92] found that officers on a permanent beat increase police-initiated calls-for-service. Since the studied communities have strong community policing components and community policing requires officers be accountable to their assigned beats, one would expect the studied communities to have more proactive officers and more police-initiated calls for service. Citizen-initiated calls-for-service may also be higher in public housing if residents know community police officers are likely to respond, therefore increasing police presence in public housing communities only. Still there is no reason to suspect that police visibility dramatically influenced crime levels in these neighborhoods. The neighborhoods had community policing initiatives implemented in them for years prior to enacting the banishment policy, and permanently assigned officers routinely made foot patrols in the neighborhoods. The frequency of the patrols did not increase after the banishment policy was enacted; however, the police now had a new strategy to pursue when trying to prevent crime. Finally, while PHAs may be more concerned with long-term reductions in crime that come from banishment, building models with monthly data would help solve the endogeneity issues from aggregate, within-year models and help determine the short-term effects of banishment. Despite our limitations, this is an important first step in understanding the logic and merits of banishment in public housing. Of importance for the sake of this test of broken windows theory is that it utilized variables capturing the context of local conditions. In the case of banishment, it calls forth a civil punishment, bans, that are unique to the policy and to the site. Attempts to address crime reduction strategies where public housing communities are included must account for differences in how public housing communities are policed compared to how non-public housing communities are policed. The use of bans in this study is something exclusive to public housing, and this can only be explained by banishment.

6. Conclusions

Broken windows policing has garnered national attention since its rise in New York City in the 1990s. In a post-Ferguson society, broken windows policing has reignited debates surrounding its efficacy and constitutionality. PHAs have instituted their own style of broken windows policing, banishment, which targets non-residents by banning them and arresting them for trespassing if they violate their bans. In the first study to measure the efficacy of banishment, it was evidenced that this brand of broken windows policing does work to reduce crime, albeit relatively small reductions and only property crimes. Meanwhile, these policies generate an increase in trespass arrests that disproportionately and unintentionally affect people of color. While PHAs, police, and residents may view these the small crime control benefits as a victory, the inability of banishment to prevent people from returning to public housing, reduce violent crime, and produce observable drug control benefits must be weighed to determine whether such benefits are worth the costs.

Acknowledgments

This project was funded in part by the Center for Peace Studies and Violence Prevention at Virginia Tech.

Author Contributions

Jose Torres, Jacob Apkarian, and James Hawdon conceived and designed the experiments; Jose Torres and Jacob Apkarian performed the experiments; Jose Torres, Jacob Apkarian, and James Hawdon analyzed the data; Jose Torres, Jacob Apkarian, and James Hawdon wrote the paper.

Conflicts of Interest

The authors declare no conflict of interest.

Appendix A

In addition to Arellano–Bond dynamic panel models, we employed the synthetic control method for counterfactual analysis, which takes advantage of the discontinuity that the banishment legislation produced during our period of study. The drawbacks of this approach are that the data from the six public housing neighborhoods are averaged and treated as a single case, and that the explanatory variable of interest (bans) is treated as dichotomous despite the fact that bans were issued differently by neighborhood over time. Regardless of these limitations, this approach is an effective way to estimate the impact that bans have on our crime and arrest variables, and findings in this appendix support Hypotheses 1A and 2A.

The synthetic control method uses the control cases (the 13 non-public housing neighborhoods not subject to banishment legislation) to generate a “synthetic” control case in order to demonstrate what would have happened to our treatment case (the average across public housing neighborhoods) if it (they) had never been subject to the intervention of banishment legislation. The synthetic control case is produced using factor analysis. It is composed of a weighted average of scores on the variables relevant to the study from non-public housing neighborhoods prior to the intervention such that the synthetic case is as close to the treatment case on these variables as possible (the RMS error is minimized). The synthetic and treatment cases are assumed to be equivalent prior to the intervention, and therefore any difference occurring after the intervention is likely to have been caused by the intervention itself. For this analysis, the synthetic case was generated using the crime and arrest variables that were logged to reduce skewness prior to factor analysis. Only four non-public housing neighborhoods were ultimately utilized (i.e., assigned factor weights) to generate the optimal synthetic control case. The factor algorithm decided that nine of the non-public housing neighborhoods were too different from public housing and therefore were not assigned weights. We included the variable measuring concentrated disadvantage, but the variable was dropped due to the program not being able to generate equivalent synthetic and treatment cases. The similarity of synthetic and treatment cases varied from dependent variable to dependent variable with a less than one percent discrepancy on all variables used in the factor analysis for the property crime variable (i.e., high equivalency of cases) and a less than eight percent discrepancy on all variables used for factor analysis for the violent crime variable (i.e., lower equivalency of cases). Figure A1 plots the natural log of property crime by year for both the synthetic control case and the treatment case. We can see from the figure that during the period prior to the intervention, the synthetic and treatment cases have similar behavior (despite some obvious noise), but then clearly diverge after the intervention. Once bans are introduced, property crime for the synthetic control is consistently higher than in the treatment case that is composed of actual public housing crime data. Despite a very small number of years, a two-tailed t-test finds the change in difference between synthetic and treatment across the intervention to be significant at a 90% confidence level. This supports our results from the Arellano–Bond models that bans significantly reduce property crime in public housing.

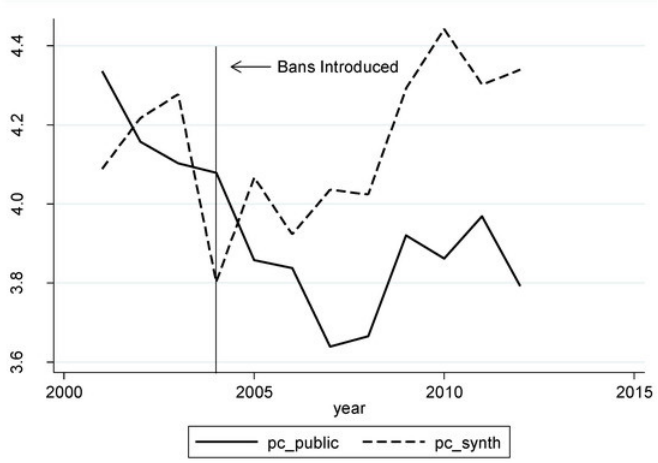


Figure A1. Trends in property crime: public housing vs. synthetic public housing. Figure A2 plots the natural log of violent crime by year for both the synthetic control case and the treatment case. We can see from the figure that violent crime behaves erratically for both cases, and that they track each other relatively closely during the period of study despite the heavy amount of year-to-year noise. This implies that ban legislation does not influence violent crime, and this fact is supported by testing the difference between the cases before and after the intervention. The difference is not found to be statistically significant.

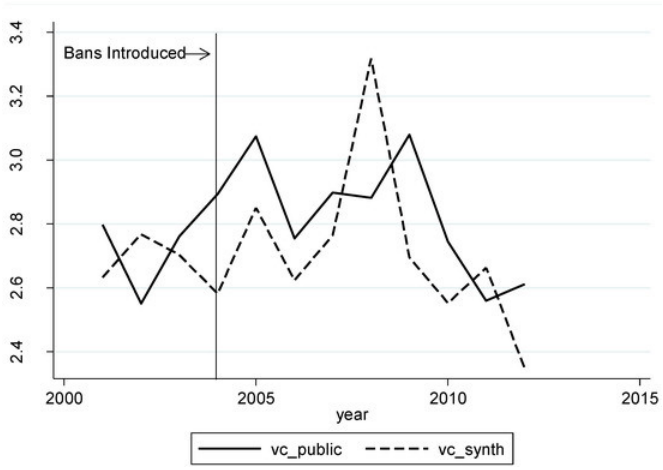


Figure A2. Trends in violent crime: public housing vs. synthetic public housing.

Figure A3 plots the natural log of trespass arrests by year for both the synthetic control case and the treatment case. Despite some pre-intervention noise, the two cases are relatively close in trespass arrests and only greatly diverge once bans are introduced. For all time periods after the intervention, the synthetic case has a lower number of trespass arrests than the treatment case which experiences ban legislation which supports hypothesis 2A. Despite a very small number of years, a two-tailed t-test finds the change in difference between synthetic and treatment across the intervention to be significant at a 95% confidence level.

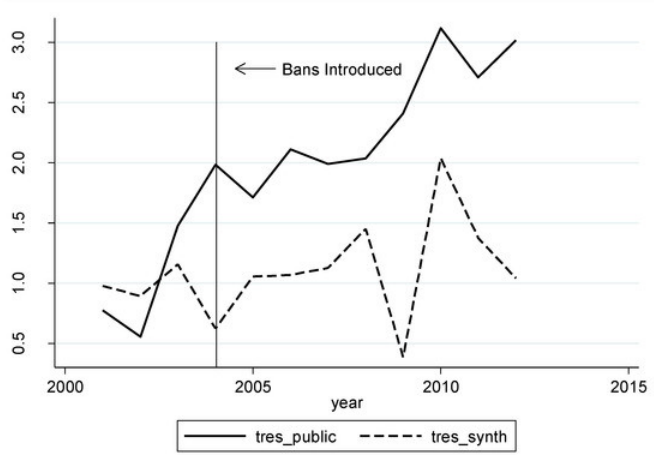


Figure A3. Trends in trespass arrests: public housing vs. synthetic public housing.

Figure A4 plots the natural log of drug arrests by year for both the synthetic control case and the treatment case. Despite a few occasionally large discrepancies, the two cases track one another very closely over the duration of the period implying that there is no relationship between ban legislation and drug arrests. The difference between synthetic and treatment cases before and after the intervention is not found to be statistically significant.

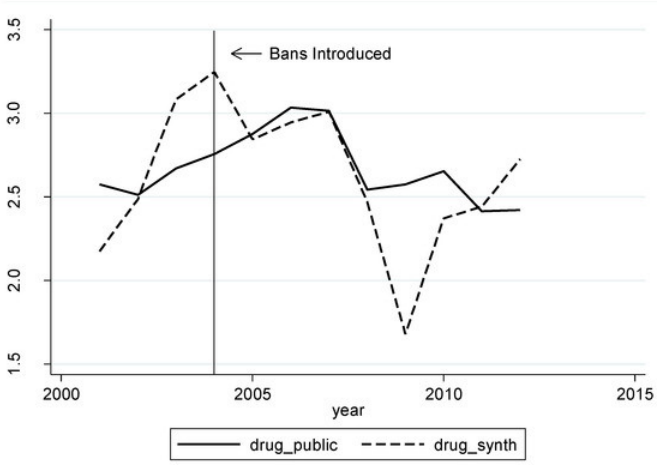


Figure A4. Trends in drug arrests: public housing vs. synthetic public housing.

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- 1 KHA is a pseudonym for the actual PHA used for this and the Torres [18] study.

- 2 For an understanding of how concerned the federal government was about issues of drugs and violence in public housing see Dep't of Hous. and Urban Dev. v. Rucker [19] and Graham et al. [20].
- 3 Banishment has been used on public and private property, residential and business properties, and areas handpicked by local judges [7].
- 4 As a result of the National Commission on Severely Distressed Public Housing, Congress created HOPE VI, which called for many of the nation's public housing communities to undergo physical revitalizations or be demolished altogether (see [41]).
- 5 As of 2016, only the NYPD has publicly denounced the practice of stopping anyone in public housing under the guise of a trespass investigation (see [43]).

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CHAPTER OVERVIEW

8: History and Biography- The Sociological Imagination

8.1: Video- Sociological Imagination

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CHAPTER OVERVIEW

9: Social Status, Social Forces, and Social Inequality

9.1: Race in the United States Criminal Justice System

9.2: Race, Crime and the Pool of Surplus Criminality- Or Why the “War on Drugs” Was a “War on Blacks “

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9.1: Race in the United States Criminal Justice System

There have been different outcomes for different racial groups in convicting and sentencing felons in the United States criminal justice system.[1][2] Experts and analysts have debated the relative importance of different factors that have led to these disparities.[3][4] Minority defendants are charged with crimes requiring a mandatory minimum prison sentence more often, in both relative and absolute terms (depending on the classification of race, mainly in regards to Hispanics), leading to large racial disparities in incarceration.[5]

Racial inequality in incarceration

File:USA 2009. Percent of adult males incarcerated by race and ethnicity.png

2009. Percent of adult males incarcerated by race and ethnicity. [6]

File:Violent crime rates by race of victim 1973-2003.jpg

Violent crime rates by race of victim 1973-2003.

At the end of 2002 the Bureau of Justice released data stating there were 3,042 black male prisoners per 100,000 black males, 1,261 Hispanic male prisoners per 100,000 Hispanic males and 487 white male prisoners per 100,000 white males within the United States.[1] According to Antonio Moore in his Huffington Post article, "there are more African American men incarcerated in the U.S. than the total prison populations in India, Argentina, Canada, Lebanon, Japan, Germany, Finland, Israel and England combined." There are only 19 million African American males in the United States, collectively these countries represent over 1.6 billion people. [7] There are a total of a mere 18.5 million African American males of all ages in the United States. The Black Male Incarceration Problem is Real and Catastrophic – Huffington Post

Likelihood of incarceration

The likelihood of black males going to prison in their lifetime is 28% compared to 4% for white males and 16% for Hispanic males.[2]

Some factors used to attempt to explain the racial disparities in the criminal justice system besides race itself include socioeconomic status, the environment in which a person was raised, and the highest educational level a person achieves.[*citation needed*]

For the Baby Boomers, some 1.2% of white men and 9% of black men had been imprisoned by 2004, according to Bruce Western, a Harvardsociology professor.[8] Out of those born in the 1970s, 3.3% of white men and 20.7% of black men had been in prison.[9]

Effect of race on likelihood of conviction

Various studies have shown that, in recent decades, there has been no noticeable disparity in black vs white conviction likelihood for those accused in black-run vs white-controlled cities, say Atlanta vs San Diego. In the largest counties, the rates of prosecution for accused blacks was slightly less than the prosecution rates for whites, for example. "…the only hint of racial disparity was to the advantage, not disadvantage, of blacks accused of crimes."[3]

Race and the death penalty

Further information: Capital punishment in the United States § Among races

Various scholars have addressed what they perceived as the systemic racial bias present in the administration of capital punishment in the United States.[10] There is also a large disparity between races when it comes to sentencing convicts to Death Row. The federal death penalty data released by the United States Department of Justice between 1995–2000 shows that 682 defendants were sentenced to death.[11] Out of those 682 defendants, the defendant was black in 48% of the cases, Hispanic in 29% of the cases, and white in 20% of the cases.[3][*clarification needed*] 52.5% of people who committed homicides in the 1980-2005 time period were black.[12][13]

Contributing factors to the rise in the penal population

Further information: Three-strikes law

In 2013, the United States had the highest rate of incarceration in the world. In the 1980s U.S. legislation issued a number of new drug laws with stiffer penalties that ranged from drug possession to drug trafficking. Many of those charged with drug crimes saw

longer prison sentences and less judicial leniency when facing trial. The War on Drugs has furthered the boom in prison population even though violent crime has continued to steadily decrease.[*clarification needed*]

A lot of urban areas in the U.S. have a majority black population. With crime tendencies high in these areas, drugs are also prevalent. This means that a greater percentage of those in prison are going to be black because law enforcement is already concentrated in the areas with high violent crime and drug crime. With this new drug legislation, the U.S. government has increased the use of incarceration for social control which has resulted in "sharper disproportionate effects on African Americans."[4]

Factors affecting incarceration rates

Blacks had a higher chance of going to prison especially if they drop out of high school. If a Black male dropped out of high school, he had an over 50% chance of being incarcerated in his lifetime, as compared to an 11% chance for White male high school dropouts.[14] Socio-economic, geographic, and educational disparities, as well as alleged unequal treatment in the criminal justice system, contributed to this gap in incarceration rates by race.

Failure to achieve literacy (reading at "grade level") by the third or fourth grade makes the likelihood of future incarceration twenty times more likely than other students. Some states use this measurement to predict how much prison space they will require in the future. It appears to be a poverty issue rather than a race issue.[15]

Effects on families and neighborhoods

File:Rapes per 1000 people 1973-2003.jpg

The rate of rapes per 1000 people in the US, 1973-2003.

With violent crime on the rise in the late 20th century coupled with the war on drugs violations, penal population growth sent shockwaves through the most fragile families and neighborhoods that were least equipped to deal with the problem.[4][*not in citation given*] Since the majority of people in the prison population are minorities and lower class individuals, the people they leave behind have to deal with extraordinary circumstances. This burden has left families broken and children are the victims of single-parent homes which increases the percentage of these children going to jail earlier than most. With the majority of the prison population being men, "women are left in free society to raise families and contend with ex-prisoners returning home after release."[4][*not in citation given*]

Children raised in single-parent homes are less supervised which leads to less emphasis on education and self-determination.[*citation needed*]The result of this situation is that society is damaged and has to take on the financial burden of children growing up in crime ridden neighborhoods and going to prison. When a family member is arrested, the family loses not only that person's income, but also acquire additional expenses involved in keeping contact with the incarcerated family member.[3][*not in citation given*]

The current prison complex serves as a punitive system in which mass incarceration has become the response to problems in society. Field studies regarding prison conditions describe behavioral changes produced by prolonged incarceration, and conclude that imprisonment undermines the social life of inmates by exacerbating criminality or impairing their capacity for normal social interaction. Moreover, this racial disparity in imprisonment, particularly with African Americans, subjects them to political subordination by destroying their positive connection with society.[16] Institutional factors – such as the prison industrial complex itself – become enmeshed in everyday lives, so much so that prisons no longer function as "law enforcement" systems.[17]

Crime in poorer urban neighborhoods is linked to increased rates of mass incarceration, as job opportunities decline and people turn to crime for survival.[18] Crime among low-education men is often linked to the economic decline among unskilled workers.[18] These economic problems are also tied to reentry into society after incarceration. Data from the Washington State Department of Corrections and Employment Insurance records show how "the wages of black ex-inmates grow about 21 percent more slowly each quarter after release than the wages of white ex-inmates."[19]

Black ex-inmates earn 10 percent less than white ex-inmates post incarceration.[19]

Black women

File:Violent crime rates by gender 1973-2003.jpg

Violent crime rates by gender in the U.S. from 1973-2003.

Problems resulting from mass incarceration extend beyond economic and political aspects to reach community lives as well. According to the U.S. Department of Justice, 46% of black female inmates were likely to have grown up in a home with only their

mothers. A study by Bresler and Lewis shows how incarcerated African American women were more likely to have been raised in a single female headed household while incarcerated white women were more likely to be raised in a two parent household.[20] Black women's lives are often shaped by the prison system because they have intersecting familial and community obligations. The "increase incarceration of black men and the sex ratio imbalance it induces shape the behavior of young black women."[21]

Education, fertility, and employment for black women are affected due to increased mass incarceration. Black women's employment rates were increased, shown in Mechoulan's data, due to increased education. Higher rates of black male incarceration lowered the odds of nonmarital teenage motherhood and black women's ability to get an educational degree, thus resulting in early employment.[22] Whether incarcerated themselves or related to someone who was incarcerated, women are often conformed into stereotypes of how they are supposed to behave yet are isolated from society at the same time.[23]

Furthermore, this system can disintegrate familial life and structure. Black and Latino youth are more likely to be incarcerated after coming in contact with the American juvenile justice system. In a study by Victor Rios, 75% of prison inmates in the United States are Black and Latinos between the ages of 20 and 39.[24] Furthermore, societal institutions – such as schools, families, and community centers can impact youth by initiating them into this system of criminalization from an early age. These institutions, traditionally set up to protect the youth, contribute to mass incarceration by mimicking the criminal justice system.[24]

From a different perspective, parents in prison face further moral and emotional dilemmas because they are separated from their children. Both black and white women face difficulty with where to place their children while incarcerated and how to maintain contact with them.[25]According to the study by Bresler and Lewis, black women are more likely to leave their children with related kin whereas white women's children are likely to be placed in foster care.[25] In a report by the Bureau of Justice Statistics revealed how in 1999, seven percent of black children had a parent in prison, making them nine times more likely to have an incarcerated parent than white children.[16]

Having parents in prison can have adverse psychological effects as children are deprived of parental guidance, emotional support, and financial help.[16] Because many prisons are located in remote areas, incarcerated parents face physical barriers in seeing their children and vice versa. Societal influences, such as low education among African American men, can also lead to higher rates of incarceration. Imprisonment has become "disproportionately widespread among low-education black men" in which the penal system has evolved to be a "new feature of American race and class inequality".[18] Scholar Pettit and Western's research has shown how incarceration rates for African Americans are "about eight times higher than those for whites," and prison inmates have less than "12 years of completed schooling" on average.[18]

Post release

These factors all impact released prisoners who try to reintegrate into society. According to a national study, within three years of release, almost 7 in 10 will have been rearrested. Many released prisoners have difficulty transitioning back into societies and communities from state and federal prisons because the social environment of peers, family, community, and state level policies all impact prison reentry; the process of leaving prison or jail and returning to society. Men eventually released from prison will most likely return to their same communities, putting additional strain on already scarce resources as they attempt to garner the assistance they need to successfully reenter society. Due to the lack of resources, these same men will continue along this perpetuating cycle.[18]

A major challenge for prisoners re-entering society is obtaining employment, especially for individuals with a felony on their record. A study utilizing U.S. Census occupational data in New Jersey and Minnesota in 2000 found that "individuals with felon status would have been disqualified from approximately one out of every 6.5 occupations in New Jersey and one out of every 8.5 positions in Minnesota".[26] As African Americans and Hispanics are disproportionately affected by felon status, these additional limitations on employment opportunity were shown to exacerbate racial disparities in the labor market.

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9.2: Race, Crime and the Pool of Surplus Criminality- Or Why the “War on Drugs” Was a “War on Blacks “

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CHAPTER OVERVIEW

10: Empirical Data and Research Methods

10.1: Research Methods for Everyday Life

10.2: Unobtrusive Research- Qualitative and Quantitative Approaches

10.3: New York City Map

10.4: Crime Statistics

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10.1: Research Methods for Everyday Life

Do you like to know things? Do you ever wonder what other people know or how they know what they do? Have you ever made a decision, and do you plan to make decisions in the future? If you answered yes to any of these questions, then you will probably find the information in this book—particularly the information on research methods—very useful. If you answered no to all of them, I suspect that you will have reconsidered by the time you finish reading this text. Let's begin by focusing on the information in this chapter. Here we'll consider the variety of ways that we know things and what makes social scientific knowledge unique. We'll also consider why any of this might matter to you and preview what's to come in later chapters.

1.1 How Do We Know What We Know?

Learning Objectives

- Define research methods.
- Identify and describe the various ways of knowing presented in this section.
- Understand the weaknesses of nonsystematic ways of knowing.
- Define ontology and epistemology and explain the difference between the two.

If I told you that the world is flat, I'm hoping you would know that I'm wrong. But *how* do you know that I'm wrong? And why did people once believe that they *knew* that the world was flat? Presumably the shape of the earth did not change dramatically in the time that we went from "knowing" one thing about it to knowing the other; however, something certainly changed our minds. Understanding both what changed our minds (science) and how might tell us a lot about what we know, what we think we know, and what we think we can know.

This book is dedicated to understanding exactly how it is that we know what we know. More specifically, we will examine the ways that sociologists come to know social facts. Our focus will be on one particular way of knowing: social scientific research methods. Research methods are a systematic process of inquiry applied to learn something about our social world. But before we take a closer look at research methods, let's consider some of our other sources of knowledge.

Different Sources of Knowledge

What do you know about only children? Culturally, our stereotype of children without siblings is that they grow up to be rather spoiled and unpleasant. We might think that the social skills of only children will not be as well developed as those of people who were reared with siblings. However, sociological research shows that children who grow up without siblings are no worse off than their counterparts with siblings when it comes to developing good social skills (Bobbitt-Zeher & Downey, 2010).Bobbitt-Zeher, D., & Downey, D. B. (2010). *Good for nothing? Number of siblings and friendship nominations among adolescents.* Presented at the 2010 Annual Meeting of the American Sociological Association, Atlanta, GA. Sociologists consider precisely these types of assumptions that we take for granted when applying research methods in their investigations. Sometimes we find that our assumptions are correct. Often as in this case, we learn that the thing that everyone seems to know to be true isn't so true after all.The findings from the Bobbit-Zeher and Downey study were featured in a number of news articles in 2010. For one such example, see the following article: Mozes, A. (2010). Being an only child won't harm social skills. *USA Today*. Retrieved from http://www.usatoday.com/yourlife/parenting-family/2010-08-19-only-child_N.htm

Many people seem to know things without having a background in sociology. Of course, they may have been trained in other social science disciplines or in the natural sciences, or perhaps they read about findings from scientific research. However, there are ways we know things that don't involve scientific research methods. Some people know things through experiences they've had, but they may not think about those experiences systematically; others believe they know things based on selective observation or overgeneralization; still others may assume that what they've always known to be true is true simply *because* they've always known it to be true. Let's consider some of these alternative ways of knowing before focusing on sociology's way of knowing.

Many of us know things simply because we've experienced them directly. For example, you would know that electric fences can be pretty dangerous and painful if you touched one while standing in a puddle of water. We all probably have times we can recall when we learned something because we experienced it. If you grew up in Minnesota, you would observe plenty of kids learn each winter that it really is true that one's tongue will stick to metal if it's very cold outside. Similarly, if you passed a police officer on a two-lane highway while driving 20 miles over the speed limit, you would probably learn that that's a good way to earn a traffic ticket. So direct experience may get us accurate information but only if we're lucky (or unlucky, as in the examples provided here).

In each of these instances, the observation process isn't really deliberate or formal. Instead, you would come to know what you believe to be true through informal observation. The problem with informal observation is that sometimes it is right, and sometimes it is wrong. And without any systematic process for observing or assessing the accuracy of our observations, we can never *really* be sure that our informal observations are accurate.

Suppose a friend of yours declared that "all men lie all the time" shortly after she'd learned that her boyfriend had told her a fib. The fact that one man happened to lie to her in one instance came to represent all experiences with all men. But do *all* men really lie *all* the time? Probably not. If you prompted your friend to think more broadly about her experiences with men, she would probably acknowledge that she knew many men who, to her knowledge, had never lied to her and that even her boyfriend didn't generally make a habit of lying. This friend committed what social scientists refer to as selective observation by noticing only the pattern that she wanted to find at the time. If, on the other hand, your friend's experience with her boyfriend had been her *only* experience with any man, then she would have been committing what social scientists refer to as overgeneralization, assuming that broad patterns exist based on very limited observations.

Figure 1.1



If we were to conclude, based on this photo, that all babies wear green, we would have committed selective observation. © Thinkstock

Figure 1.2



If we were to conclude, based on this photo, that all babies wear top hats, we would have committed overgeneralization. © Thinkstock

Another way that people claim to know what they know is by looking to what they've always known to be true. There's an urban legend about a woman who for years used to cut both ends off of a ham before putting it in the oven (Mikkelson & Mikkelson, 2005).Mikkelson, B., & Mikkelson, D. P. (2005). Grandma's cooking secret. Retrieved from http://www.snopes.com/weddings/newlywed/secret.asp She baked ham that way because that's the way her mother did it, so clearly that was the way it was *supposed* to be done. Her mother was the authority, after all. After years of tossing cuts of perfectly good ham into the trash, however, she learned that the only reason her mother ever cut the ends off ham before cooking it was that she didn't have a pan large enough to accommodate the ham without trimming it.

Without questioning what we think we know to be true, we may wind up believing things that are actually false. This is most likely to occur when an authority tells us that something is so (Adler & Clark, 2011).The definition for authority provided here comes from the following source: Adler, E. S., & Clark, R. (2011). *An invitation to social research: How it's done*. Belmont, CA: Wadsworth. Our mothers aren't the only possible authorities we might rely on as sources of knowledge. Other common authorities we might rely on in this way are the government, our schools and teachers, and our churches and ministers. Although it is understandable that someone might believe something to be true because someone he or she looks up to or respects has said it is so, this way of knowing differs from the sociological way of knowing, which is our focus in this text.

As a science, sociology relies on a systematic process of inquiry for gaining knowledge. That process, as noted earlier, is called research methods. We'll discuss that process in more detail later in this chapter and throughout the text. For now, simply keep in mind that it is this source of knowledge on which sociologists rely most heavily.

Table 1.1 Several Different Ways of Knowing

Way of knowing	Description
Informal observation	Occurs when we make observations without any systematic process for observing or assessing accuracy of what we observed.
Selective observation	Occurs when we see only those patterns that we want to see or when we assume that only the patterns we have experienced directly exist.
Overgeneralization	Occurs when we assume that broad patterns exist even when our observations have been limited.
Authority	A socially defined source of knowledge that might shape our beliefs about what is true and what is not true.
Research methods	An organized, logical way of learning and knowing about our social world.

In sum, there are many ways that people come to know what they know. These include informal observation, selective observation, overgeneralization, authority, and research methods. Table 1.1 "Several Different Ways of Knowing" summarizes each of the ways of knowing described here. Of course, some of these ways of knowing are more reliable than others. Being aware of our sources of knowledge helps us evaluate the trustworthiness of specific bits of knowledge we may hold.

Figure 1.3





We sometimes rely on authorities as sources of knowledge. For example, our parents might provide authoritative knowledge about how to cook. © Thinkstock

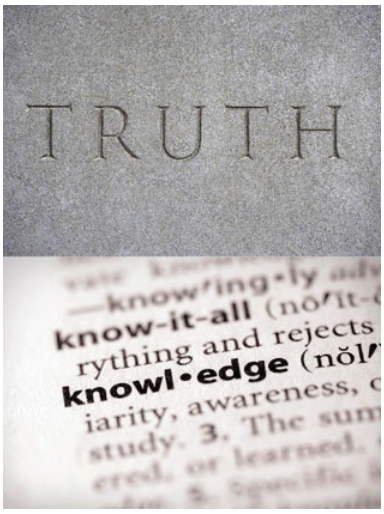
Ontology and Epistemology

Thinking about what you know and how you know what you know involves questions of ontology and epistemology. Perhaps you've heard these terms before in a philosophy class; however, they are relevant to the work of sociologists as well. As we sociologists begin to think about finding something out about our social world, we are probably starting from some understanding of what "is," what can be known about what is, and what the best mechanism happens to be for learning about what is.

Ontology deals with the first part of these sorts of questions. It refers to one's analytic philosophy of the nature of reality. In sociology, a researcher's ontological position might shape the sorts of research questions he or she asks and how those questions are posed. Some sociologists take the position that reality is in the eye of the beholder and that our job is to understand others' view of reality. Other sociologists feel that, while people may differ in their perception of reality, there is only one *true* reality. These sociologists are likely to aim to discover that true reality in their research rather than discovering a variety of realities.

Like ontology, epistemology has to do with knowledge. But rather than dealing with questions about what is, epistemology deals with questions of *how* we know what is. In sociology, there are a number of ways to uncover knowledge. We might interview people to understand public opinion about some topic, or perhaps we'll observe them in their natural environment. We could avoid face-to-face interaction altogether by mailing people surveys for them to complete on their own or by reading what people have to say about their opinions in newspaper editorials. All these are ways that sociologists gain knowledge. Each method of data collection comes with its own set of epistemological assumptions about how to find things out. We'll talk in more depth about these ways of knowing in Chapter 8 "Survey Research: A Quantitative Technique" through Chapter 12 "Other Methods of Data Collection and Analysis", our chapters on data collection.

Figure 1.4



People's ontological and epistemological perspectives shape their beliefs about truth and knowledge. © Thinkstock

Key Takeaways

- There are several different ways that we know what we know, including informal observation, selective observation, overgeneralization, authority, and research methods.
- Research methods are a much more reliable source of knowledge than most of our other ways of knowing.
- A person's ontological perspective shapes her or his beliefs about the nature of reality, or what "is."
- A person's epistemological perspective shapes her or his beliefs about how we know what we know, and the best way(s) to uncover knowledge.

Exercises

- Think about a time in the past when you made a bad decision (e.g., wore the wrong shoes for hiking, dated the wrong person, chose not to study for an exam, dyed your hair green). What caused you to make this decision? How did any of the ways of knowing described previously contribute to your error-prone decision-making process? How might sociological research methods help you overcome the possibility of committing such errors in the future?
- Feeling unclear about ontology, epistemology, what is, what we can know, and how we know what we can know? This video may help, or it may not. But it addresses some of these questions, and it's hilarious. I highly recommend it: http://www.rocketboom.com/rb_08_jun_04/.

1.2 Science, Social Science, and Sociology

Learning Objectives

- Define science.
- Describe what the phrase "sociology is a social science" means.
- Describe the specific considerations of which social scientists should be aware.

In Section 1.1 "How Do We Know What We Know?", we considered a variety of ways of knowing and the philosophy of knowing. But this is a sociology text rather than a philosophy text. And sociology is a science, or more specifically a social science. In this section, we'll take a closer look at the science of sociology and some specific considerations of which sociological researchers must be aware.

The Science of Sociology

The sources of knowledge we discussed in science, while we may examine beliefs in order to understand what they are and where they come from, ultimately we aim to contribute to and enhance knowledge. Science is a particular way of knowing that attempts to systematically collect and categorize facts or truths. A key word here is *systematically*; conducting science is a deliberate process. Unlike the ways of knowing described in Section 1.1 "How Do We Know What We Know?", scientists gather information about facts in a way that is organized and intentional and usually follows a set of predetermined steps.

More specifically, sociology is a *social* science. In other words, sociology uses organized and intentional procedures to uncover facts or truths about society. As you probably recall from your introductory sociology class, sociology is the scientific study of humans in groups. Sociologists study how individuals shape, are shaped by, and create and maintain their social groups. The groups that sociologists study may be as small as individual families or couples or as large as whole nations. The main point, however, is that sociologists study human beings in relation to one another. In Chapter 2 "Linking Methods With Theory", we'll explore how variations within sociology such as theoretical perspective may shape a researcher's approach. For now the important thing to remember is what makes up sociology as a whole. Two key elements are its focus on human social behavior and its scientific approach toward understanding that behavior.

A *New Yorker* cartoon once portrayed a little boy looking up at his father while the father tells him, "I'm a social scientist, Michael. That means I can't explain electricity or anything like that, but if you ever want to know about people I'm your man" (http://www.cartoonbank.com/1986/im-a-social-scientist-michael-that-means-i-cant-explain-electricity-or-anything-like-that-/invt/116658). As the cartoon implies, sociologists aim to understand people. And while the cartoon may also imply that sociologists don't have much to contribute that will be of interest to others, hopefully you will be convinced this is not the case by the time you finish this text. But first, let's move on to a few specific considerations of which all social scientists should be aware.

Specific Considerations for the Social Sciences

One of the first and most important things to keep in mind about sociology is that sociologists aim to explain *patterns* in society. Most of the time, a pattern will not explain every single person's experience, a fact about sociology that is both fascinating and frustrating. It is fascinating because, even though the individuals who create a pattern may not be the same over time and may not even know one another, collectively they create a pattern. Those new to sociology may find these patterns frustrating because they may believe that the patterns that describe their gender, their age, or some other facet of their lives don't really represent their experience. It's true. A pattern can exist among your cohort without your individual participation in it.

Let’s consider some specific examples. One area that sociologists commonly investigate is the impact of a person’s social class background on his or her experiences and lot in life. You probably wouldn’t be surprised to learn that a person’s social class background has an impact on his or her educational attainment and achievement. In fact, one group of researchers (Ellwood & Kane, 2000) in the early 1990s found that the percentage of children who did not receive any postsecondary schooling was four times greater among those in the lowest quartile income bracket than those in the upper quartile of income earners (i.e., children from high-income families were far more likely than low-income children to go on to college).Ellwood, D., & Kane, T. (2000). Who gets a college education? Family background and growing gaps in enrollment. In S. Danziger & J. Waldfogel (Eds.), *Securing the future* (pp. 283–324). New York, NY: Russell Sage Foundation. Another recent study found that having more liquid wealth that can be easily converted into cash actually seems to predict children’s math and reading achievement (Elliott, Jung, Kim, & Chowa, 2010).Elliott, W., Jung, H., Kim, K., & Chowa, G. (2010). A multi-group structural equation model (SEM) examining asset holding effects on educational attainment by race and gender. *Journal of Children & Poverty, 16*, 91–121.

Figure 1.5



Studies show that a family’s wealth can shape a child’s educational experiences. © Thinkstock

These findings, that wealth and income shape a child’s educational experiences, are probably not that shocking to any of us, even if we know someone who may be an exception to the rule. Sometimes the patterns that social scientists observe fit our commonly held beliefs about the way the world works. When this happens, we don’t tend to take issue with the fact that patterns don’t necessarily represent all people’s experiences. But what happens when the patterns disrupt our assumptions?

For example, did you know that teachers are far more likely to encourage boys to think critically in school by asking them to expand on answers they give in class and by commenting on boys’ remarks and observations? When girls speak up in class, teachers are more likely to simply nod and move on. The *pattern* of teachers engaging in more complex interactions with boys means that boys and girls do not receive the same educational experience in school (Sadker & Sadker, 1994).Sadker, M., & Sadker,

D. (1994). *Failing at fairness: How America's schools cheat girls*. New York, NY: Maxwell Macmillan International. You and your classmates, both men and women, may find this news upsetting.

Figure 1.6



Research shows that teachers treat boys and girls differently in the classroom. © Thinkstock

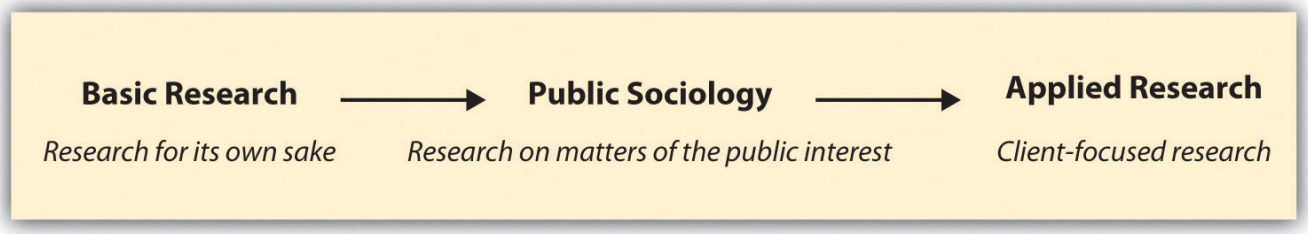
Objectors to these findings tend to cite evidence from their own personal experience, refuting that the pattern actually exists. The problem with this response, however, is that objecting to a social pattern on the grounds that it doesn't match one's individual experience misses the point about patterns.

Another matter that social scientists must consider is where they stand on the value of basic as opposed to applied research. In essence, this has to do with questions of for whom and for what purpose research is conducted. We can think of basic and applied research as resting on either end of a continuum. In sociology, basic research is sociology for sociology's sake. Nothing more, nothing less. Sometimes researchers are motivated to conduct research simply because they happen to be interested in a topic. In this case, the goal of the research may be to learn more about a topic. Applied research lies at the other end of the continuum. In sociology, applied research refers to sociology that is conducted for some purpose beyond or in addition to a researcher's interest in a topic. Applied research is often client focused, meaning that the researcher is investigating a question posed by someone other than her or himself. What do *you* think the purpose of sociology should be? Should sociologists conduct research for its own sake, if it has some identifiable application, or perhaps for something in between?

A trend some might say lies near the middle of the basic/applied continuum is public sociology. Public sociology refers the application of sociological theories and research to matters of public interest. You might recall from your introductory sociology class that sociology's origins in fact lie in matters of public interest: the desire to understand the consequences of industrialization and to find solutions for the ills of society (Henslin, 2006).Henslin, J. M. (2006). *Essentials of sociology: A down-to-earth approach* (6th ed.). Boston, MA: Allyn and Bacon. However, all sociologists have never agreed on what the purpose of sociology is or should be. The pendulum of interest in basic research to a more publicly focused sociology has swung back and forth over the many years that sociology has existed (Calhoun, 2007).Calhoun, C. (Ed.). (2007). *Sociology in America: A history*. Chicago, IL: University of Chicago Press. Since 2004, when then-president of the American Sociological Association (ASA) Michael Burawoy

(2005)Burawoy, M. (2005). 2004 presidential address: For public sociology. *American Sociological Review, 70*, 4–28. delivered a talk to the ASA membership imploring sociologists to become more publicly engaged in their work, a new wave of debate about the purpose of sociology began to build. Today, some argue that public sociology puts too little emphasis on sociology as a science,See, for example, Mathieu Deflem's arguments against public sociology on his website: http://www.savesociology.org. while others assert that sociology is, has been, and must remain public (Jeffries, 2009).Jeffries, V. (Ed.). (2009). *Handbook of sociology*. Lanham, MD: Rowman & Littlefield. While there are no easy answers here, it is worth taking some time to think about your position on this issue. Your perspective on the purpose of sociology will shape the questions you ask in your research and may even shape how you attempt to answer those questions.

Figure 1.7 Continuum of Sociological Research Types and Goals



One final consideration that social scientists must be aware of is the difference between qualitative and quantitative methods. Qualitative methods are ways of collecting data that yield results such as words or pictures. Some of the most common qualitative methods in sociology include field research, intensive interviews, and focus groups. Quantitative methods, on the other hand, result in data that can be represented by and condensed into numbers. Survey research is probably the most common quantitative method in sociology, but methods such as content analysis and interviewing can also be conducted in a way that yields quantitative data. While qualitative methods aim to gain an in-depth understanding of a relatively small number of cases, quantitative methods offer less depth but more breadth because they typically focus on a much larger number of cases.

Sometimes these two methods are presented or discussed in a way that suggests they are somehow in opposition to one another. The qualitative/quantitative debate is fueled by researchers who may prefer one approach over another, either because their own research questions are better suited to one particular approach or because they happened to have been trained in one specific method. In this text, we'll operate from the perspective that qualitative and quantitative methods are complementary rather than competing. While these two methodological approaches certainly differ, the main point is that they simply have different goals, strengths, and weaknesses. We'll explore the goals, strengths, and weaknesses of both approaches in more depth in later chapters.

In sum, social scientists should be aware of the following considerations:

1. Social science is concerned with patterns in society.
2. While individuals make up patterns, every individual need not be a part of a pattern in order for a pattern to exist.
3. Sociological research projects typically rest somewhere on a continuum from basic research to public sociology to applied research.
4. Qualitative methods are those that yield data such as words or pictures; quantitative methods are those that yield data such as numbers.

? Key Takeaways

- Sociology is a social science focused on patterns in society.
- Sometimes social science research is conducted for its own sake; other times it is focused on matters of public interest or on client-determined questions.
- Social scientists use both qualitative and quantitative methods. While different, these methods are often complementary.

? Exercises

- What should the purpose of sociology be? Posit an argument in favor and against both applied and basic research.
- Want to know more about what public sociology looks like? Check out the following blog, written by sociological criminologists Chris Uggen, Michelle Inderbitzen, and Sara Wakefield: http://thesocietypages.org/pubcrim.

- Feeling confused about how qualitative and quantitative methods can be complementary? Check out this comic strip that depicts the quantitative Team Number Validators joining forces with the qualitative Team Alpha Defenders as they fight to bring down the villain Dr. Plagiarism in the name of academic justice:
  ">(click to see video)

1.3 Why Should We Care?

Learning Objectives

- Be able to describe and discuss some of the reasons why students should care about social scientific research methods.
- Identify the types of employment opportunities that exist for those with an understanding of social scientific research methods.

At this point, you may be wondering about the relevance of research methods to your life. Whether or not you choose to become a sociologist, you should care about research methods for two basic reasons: (a) research methods are regularly applied to solve social problems and issues that shape how our society is organized, thus you have to live with the results of research methods every day of your life, and (b) understanding research methods might actually help you land a job.

Consuming Research and Living With Its Results

Another *New Yorker* cartoon depicts two men chatting with each other at a bar. One is saying to the other, "Are you just pissing and moaning, or can you verify what you're saying with data?" (http://www.cartoonbank.com/1999/are-you-just-pissing-and-moaning-or-can-you-verify-what-youre-saying-with-data/invt/118737/). Which would you rather be, just a complainer or someone who can actually verify what you're saying? Understanding research methods and how they work can help position you to actually do more than just complain. Further, whether you know it or not, research probably has some impact on your life each and every day. Many of our laws, social policies, and court proceedings are grounded in some degree of empirical research (Jenkins & Kroll-Smith, 1996).Jenkins, P. J., & Kroll-Smith, S. (Eds.). (1996). *Witnessing for sociology: Sociologists in court*. Westport, CT: Praeger. That's not to say that all laws and social policies are good or make sense. However, you can't have an informed opinion about any of them without understanding where they come from, how they were formed, and what understandings our policymakers relied on in order to craft them.

A recent lawsuit against Walmart provides an example of sociological research in action. A sociologist named Professor William Bielby was enlisted by plaintiffs in the suit to conduct an analysis of Walmart's personnel policies in order to support their claim that Walmart engages in gender discriminatory practices. Bielby's analysis shows that Walmart's compensation and promotion decisions may indeed have been vulnerable to gender bias. In June 2011, the United States Supreme Court decided against allowing the case to proceed as a class-action lawsuit.*Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. (2011); The American Sociological Association filed an amicus brief in support of what would be the class of individuals claiming gender discrimination. You can read the brief at http://asanet.org/images/press/docs/pdf/Amicus_Brief_Wal-Mart_v__Dukes_et_al.pdf. For other recent amicus briefs filed by the ASA, see http://asanet.org/about/amicus_briefs.cfm. While a class-action suit was not pursued in this case, consider the impact that such a suit against one of our nation's largest employers could have on companies and their employees around the country and perhaps even on your individual experience as a consumer.Want to know more about the suit against Walmart or about Bielby's analysis for the case? Check out the following sources: Hart, M., & Secunda, P. M. (2009). A matter of context: Social framework evidence in employment discrimination class action. *Fordham Law Review, 78*, 37–70. Retrieved from http://www.fordhamlawreview.org/assets/pdfs/Vol_78/Hart_Secunda_October_2009.pdf

Figure 1.8


burda
ROCKSTAR
FAREMUSICA
SHOW
STING
LA MIA NUOVA VITA



Every day we have the opportunity to read about the results of someone's research; just pick up a newspaper or magazine. Knowing how to evaluate research will help you understand which results to believe and which to question. © Thinkstock

In addition to having to live with laws and policies that have been crafted based on social research, you are also a consumer of all kinds of research, and understanding methods can help you be a smarter consumer. Ever notice the magazine headlines that peer out at you while you are waiting in line to pay for your groceries? They are geared toward piquing your interest and making you believe that you will learn a great deal if you follow the advice in a particular article. However, since you would have no way of knowing whether the magazine's editors had gathered their data from a representative sample of people like you and your friends, you would have no reason to believe that the advice would be worthwhile. By having some understanding of research methods, you could avoid wasting your money by buying the magazine and wasting your time by following inappropriate advice.

Pick up or log on to just about any magazine or newspaper, or turn on just about any news broadcast, and chances are you'll hear something about some new and exciting research results. Understanding research methods will help you read past any hype and ask good questions about what you see and hear. In other words, research methods can help you become a more responsible consumer of public and popular information. And who wouldn't want to be more responsible?

Research as Employment Opportunity

There are many potential jobs out there for people with knowledge about how to conduct research. In fact, one of my very first jobs as a college graduate with a BA in sociology was at an evaluation research firm that hired me specifically because of the knowledge I'd gained in my college research methods class. While there, I worked as a data-collection coordinator, helping in the evaluation of local domestic violence shelters and transitional housing sites by administering satisfaction surveys to residents. I also helped collect data for a study on community member's thoughts and feelings about where they lived by conducting telephone interviews with a random sample of people who lived in the area. (This last project made me much more sensitive than I'd previously been to survey researchers who do cold-calling.) Without a background in research methods, I would not have been hired for this position.

Upon graduation from college, you, too, may enjoy the benefits of employment thanks to having learned social science research methods in college. Some current jobs of sociologists I know include jobs doing research in pharmaceutical companies to understand the social consequences of medications, conducting research for lobbying organizations, working in human resources, and so on. Other recent undergraduate sociology majors went on to conduct market research in the advertising industry, work for the United States Census and other federal government positions, and even help with the collection of data for large social science studies such as the General Social Survey(http://www.norc.uchicago.edu/GSS+Website/About+GSS). Understanding research methods is important in all these jobs and careers. In addition, in 2009 the *Wall Street Journal* reported findings from the US Bureau of Labor Statistics and Census Bureau showing that among 200 professions, sociologists have the eighth best job in the world (Needleman, 2009).Needleman, S. E. (2009, January 6). Doing the math to find the good jobs: Mathematicians land top spot in new ranking of best and worst occupations in the U.S. *Wall Street Journal*. Retrieved from http://online.wsj.com/article/SB123119236117055127.html So now you should have more knowledge about what you might do with your sociology degree. Understanding social scientific research methods can lead to the prospect of a very satisfying career.

? Key Takeaways

- Whether we know it or not, our everyday lives are shaped by social scientific research.
- Understanding social scientific research methods can help us become more astute and more responsible consumers of information.
- Knowledge about social scientific research methods is useful for a variety of jobs or careers.

Exercises

- Page or scroll through a few popular magazines or news sources. Pull out any examples you see of results from social science research being discussed. How much information about the research is provided? What questions do you have about the research? To what extent will the research shape your actions or beliefs? How, if at all, is your answer to that question based on your confidence in the research described?
- Want to know more about jobs and career possibilities for people with undergraduate sociology degrees? Check out the American Sociological Association's page on employment for sociologists: http://asanet.org/employment/factsoncareers.cfm.
- Still not convinced about the value of sociology? If you happen to be someone who is swayed by star power, you might wish to peruse the following, which contains a list of famous sociology majors: http://www.asanet.org/students/famous.cfm.

1.4 Design and Goals of This Text

Learning Objectives

- Identify and describe the three main goals of this text.
- Review the chapter layout for the text.

I hope that by this point you're convinced to read on a little further. Let me take an optimistic stance and give you an idea about what to expect for the next few hundred pages. As mentioned previously, three main goals shape the choices made about which materials are provided in the text and how those materials are presented. The first of those goals is for the materials presented in this text to have clear relevance to you whether you choose to pursue a career in research or not. In addition, you'll find that equal time and attention has been given to qualitative and quantitative research methods. Because sociological researchers use both types of methodology, it is important that sociology students gain an understanding of both approaches to research. Finally, I hope that you will find this text engaging and readable. Conducting research is a rewarding and exciting activity. Reading about research should be rewarding as well and, if not always exciting, it certainly shouldn't put you to sleep.

Chapter Layout

A quick glance at the table of contents will tell you that there are 15 chapters in all, each contained within some overarching subject group. After we spend the next couple of chapters introducing some general points and concerns about social research, we'll gradually get more specific.

Chapter 4 "Beginning a Research Project" through Chapter 7 "Sampling" outline the procedures involved in planning a research project. We'll consider how to begin a research project, how to design a project, and some issues related to measurement and sampling. Next we'll move on to the most exciting part of the research process: collecting data. In Chapter 8 "Survey Research: A Quantitative Technique" through Chapter 12 "Other Methods of Data Collection and Analysis", we'll grant equal time to qualitative and quantitative research methods and examine the methods most commonly used in sociological research.

The final set of chapters focuses on the social context of research. In this section, we'll revisit some of the points introduced here in Chapter 1 "Introduction" by reminding ourselves of why any of what you've read matters. We'll take a look at some of the principles and practices involved in sharing one's work; consider some tips for being responsible consumers of social scientific research; and review some of the ways that knowledge in research methods comes in handy for those interested in jobs, social change, or simply being engaged members of society.

What will be the payoff to you for reading all this material? Hopefully you will feel you've gained a real understanding of research methods, how and why they are relevant to *you*, and the importance of methods to sociological understanding about our world.

Key Takeaways

- Relevance to you, the reader, and accessibility of writing are two major goals of this text.
- The text will provide equal coverage of qualitative and quantitative approaches to research.

Exercise

- Look ahead and get a better idea of what's to come by perusing the book's table of contents.

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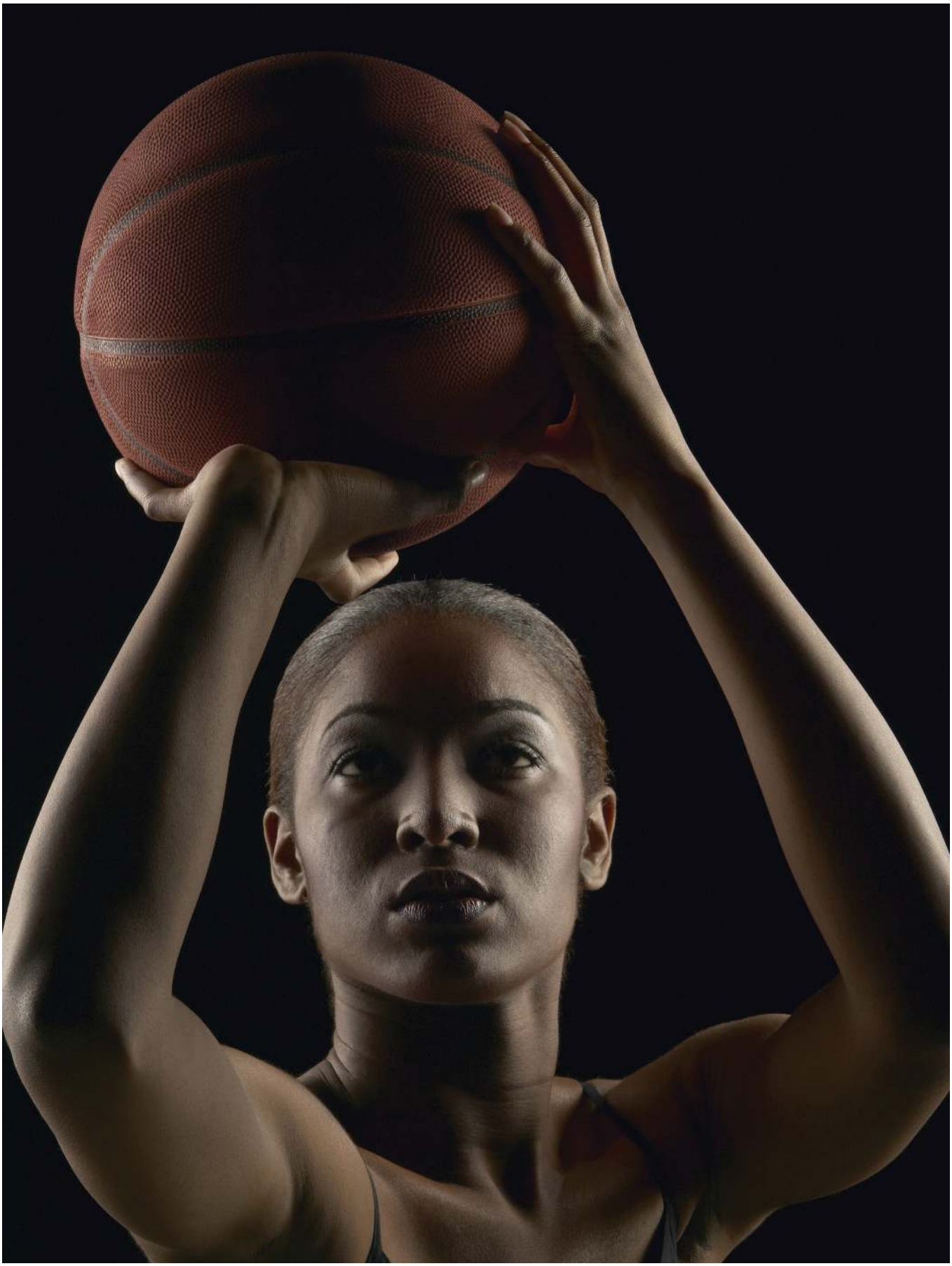
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10.2: Unobtrusive Research- Qualitative and Quantitative Approaches

Why Unobtrusive Research?

Figure 11.1





Unobtrusive research shows that women and men athletes receive unequal treatment when it comes to coverage of their respective sports. © Thinkstock

Are female and male athletes at the professional and college levels treated equally? You might think, 40 years since the passing of Title IX (the civil rights law that prohibits sex discrimination in education including athletics) and with the growing visibility of women athletes in sports such as golf, basketball, hockey, and tennis, that the answer would be an easy yes. But Professor Michael Messner's (2002)Messner, M. A. (2002). *Taking the field: Women, men, and sports*. Minneapolis: University of Minnesota Press. unobtrusive research shows otherwise, as does Professors Jo Ann M. Buysse and Melissa Sheridan Embser-Herbert's (2004)Buysse, J. A. M., & Embser-Herbert, M. S. (2004). Constructions of gender in sport: An analysis of intercollegiate media guide cover photographs. *Gender & Society, 18*, 66–81. content analysis of college athletics media guide photographs. In fact, Buysse and Embser-Herbert's unobtrusive research shows that traditional definitions of femininity are fiercely maintained through colleges' visual representations of women athletes as passive and overtly feminine (as opposed to strong and athletic). In addition, Messner and colleagues' (Messner, Duncan, & Jensen, 1993)Messner, M. A., Duncan, M. C., & Jensen, K. (1993). Separating the men from the girls: The gendered language of televised sports. *Gender & Society, 7*, 121–137. content analysis of verbal commentary in televised coverage of men's and women's sports shows that announcers' comments vary depending on an athlete's gender identity. Such commentary not only infantilizes women athletes but also asserts an ambivalent stance toward their accomplishments.

Without unobtrusive research we might be inclined to think that more has changed for women athletes over the past 40 years than actually has changed.

11.1 Unobtrusive Research: What Is It and When to Use It?

Learning Objectives

- Define unobtrusive research.
- Define historical comparative research.

In this chapter, we explore unobtrusive methods of collecting data. Unobtrusive research refers to methods of collecting data that don't interfere with the subjects under study (because these methods are not *obtrusive*). Both qualitative and quantitative researchers use unobtrusive research methods. Unobtrusive methods share the unique quality that they do not require the researcher to interact with the people he or she is studying. It may seem strange that sociology, a discipline dedicated to understanding human social behavior, would employ a methodology that requires no interaction with human beings. But humans create plenty of evidence of their behaviors—they write letters to the editor of their local paper, they create various sources of entertainment for themselves such as movies and televisions shows, they consume goods, they walk on sidewalks, they lie on the grass in public parks. All these activities leave something behind—worn paths, trash, recorded shows, and printed papers. These are all potential sources of data for the unobtrusive researcher.

Sociologists interested in history are likely to use unobtrusive methods, which are also well suited to comparative research. Historical comparative research is "research that focuses either on one or more cases over time (the historical part) or on more than one nation or society at one point in time (the comparative part)" (Esterberg, 2002, p. 129).Esterberg, K. G. (2002). *Qualitative methods in social research*. Boston, MA: McGraw-Hill. While not all unobtrusive researchers necessarily conduct historical, comparative, or even some combination of historical and comparative work, unobtrusive methods are well suited to such work. As an example, Melissa Weiner (2010)Weiner, M. (2010). *Power, protest, and the public schools: Jewish and African American struggles in New York City*. Piscataway, NJ: Rutgers University Press. used a historical comparative approach to study racial barriers historically experienced by Jews and African Americans in New York City public schools. Weiner analyzed public records from several years of newspapers, trial transcripts, and several organizations as well as private manuscript collections to understand how parents, children, and other activists responded to inequality and worked to reform schools. Not only did this work inform

readers about the little-known similarities between Jewish and African American experiences, but it also informs current debates over inequalities experienced in public schools today.

Figure 11.2


HIGH SCHOOL



Sociologist Melissa Weiner used historical comparative research to study racial barriers experienced by Jews and African Americans in New York City public schools. © Thinkstock

In this chapter, we'll examine content analysis as well as analysis of data collected by others. Both types of analysis have in common their use of data that do not require direct interaction with human subjects, but the particular type and source of data for each type of analysis differs. We'll explore these similarities and differences in the following sections, after we look at some of the pros and cons of unobtrusive research methods.

Key Takeaways

- Unobtrusive methods allow researchers to collect data without interfering with the subjects under study.
- Historical comparative methods, which are unobtrusive, focus on changes in multiple cases over time or on more than one nation or society at a single point in time.

Exercises

- What are some additional sources of unobtrusive data, aside from those already mentioned, that sociologists might take interest in examining?
- What locations might you like to compare in your own research? Are there changes that occur over time that you might be interested in exploring? Explain.

11.2 Pros and Cons of Unobtrusive Research

LEARNING OBJECTIVES

Learning Objectives

- Identify the major strengths of unobtrusive research.
- Identify the major weaknesses of unobtrusive research.
- Define researcher bias.
- Define the Hawthorne effect.

As is true of the other research types examined in this text, unobtrusive research has a number of strengths and several weaknesses.

Strengths of Unobtrusive Research

Researchers who seek evidence of what people actually *do*, as opposed to what they say they do (as in survey and interview research), might wish to consider using unobtrusive methods. Field researchers may also claim this advantage over interview and survey research, but field researchers cannot be certain about what effect their presence in the field may have on the people and the interactions that they observe. While unobtrusive research projects, like all research projects, face the risk of introducing researcher bias into the work, researchers employing unobtrusive methods do not need to be concerned about the effect of the research *on their subjects*. This effect, known as the Hawthorne effect, is not a concern for unobtrusive researchers because they do not interact directly with their research participants. In fact, this is one of the major strengths of unobtrusive research.

Another benefit of unobtrusive research is that it *can* be relatively low-cost compared to some of the other methods we've discussed. Because "participants" are generally inanimate objects as opposed to human beings, researchers may be able to access data without having to worry about paying participants for their time (though certainly travel to or access to some documents and archives can be costly).

Unobtrusive research is also pretty forgiving. It is far easier to correct mistakes made in data collection when conducting unobtrusive research than when using any of the other methods described in this text. Imagine what you would do, for example, if you realized at the end of conducting 50 in-depth interviews that you'd accidentally omitted two critical questions from your interview guide. What are your options? Reinterview all 50 participants? Try to figure out what they might have said based on their other responses? Reframe your research question? Scratch the project entirely? Obviously none of these options is ideal. The same problems arise if a mistake is made in survey research. For field researchers, the consequences of "messing up" during data collection can be even more disastrous. Imagine discovering after tagging along on a political candidate's campaign that you needed a "do-over." In this case, that simply isn't an option. The campaign is over, and you'd need to find a new source of data. Fortunately for unobtrusive researchers, going back to the source of the data to gather more information or correct some problem in the original data collection is a relatively straightforward prospect.

Finally, as described in Section 11.1 "Unobtrusive Research: What Is It and When to Use It?", unobtrusive research is well suited to studies that focus on processes that occur over time. While longitudinal surveys and long-term field observations are also suitable ways of gathering such information, they cannot examine processes that occurred decades before data collection began, nor are they the most cost-effective ways to examine long-ranging processes. Unobtrusive methods, on the other hand, enable researchers to investigate events and processes that have long since passed. They also do not rely on retrospective accounts, which may be subject to errors in memory, as some longitudinal surveys do.

In sum, the strengths of unobtrusive research include the following:

1. There is no possibility for the Hawthorne effect.
2. The method is cost effective
3. It is easier in unobtrusive research than with other methods to correct mistakes.
4. Unobtrusive methods are conducive to examining processes that occur over time or in the past.

Weaknesses of Unobtrusive Research

While there are many benefits to unobtrusive research, this method also comes with a unique set of drawbacks. Because unobtrusive researchers analyze data that may have been created or gathered for purposes entirely different from the researcher's aim, problems of validity sometimes arise in such projects. It may also be the case that data sources measuring whatever a researcher wishes to examine simply do not exist. This means that unobtrusive researchers may be forced to tweak their original research interests or questions to better suit the data that are available to them. Finally, it can be difficult in unobtrusive research projects to account for context. In a field research project, for example, the researcher is able to see what events lead up to some occurrence and observe how people respond to that occurrence. What this means for unobtrusive research is that while it can be difficult to ascertain *why* something occurred, we can gain a good understanding of *what* has occurred.

In sum, the weaknesses of unobtrusive research include the following:

1. There may be potential problems with validity.
2. The topics or questions that can be investigated are limited by data availability.
3. It can be difficult to see or account for social context.

? Key Takeaways

- Unobtrusive research is cost effective and allows for easier correction of mistakes than other methods of data collection do.
- The Hawthorne effect, which occurs when research subjects alter their behaviors because they know they are being studied, is not a risk in unobtrusive research as it is in other methods of data collection.
- Weaknesses of unobtrusive research include potential problems with validity, limitations in data availability, and difficulty in accounting for social context.

? Exercises

- Want to see the Hawthorne effect in action? Check out this totally nonscientific yet wholly entertaining application of the principle from Korea:
  ">(click to see video)

What do you view as the most important strength and the most important weakness of unobtrusive research? Why?

11.3 Unobtrusive Data Collected by You

Learning Objectives

- Define content analysis.
- Describe the kinds of texts that content analysts analyze.
- Name at least two examples of content analysis research.
- Define primary and secondary sources, describe their differences, and provide an example of each.
- Define physical traces and compare them to material artifacts.
- Outline the differences between manifest content and latent content.
- Discuss the differences between qualitative and quantitative content analysis.
- Describe code sheets and their purpose.

This section focuses on how to gather data unobtrusively and what to do with those data once they have been collected. There are two main ways of gathering data unobtrusively: conducting a content analysis of existing texts and analyzing physical traces of human behavior. We'll explore both approaches.

Content Analysis

One way of conducting unobtrusive research is to analyze texts. Texts come in all kinds of formats. At its core, content analysis addresses the questions of "Who says what, to whom, why, how, and with what effect?" (Babbie, 2010, pp. 328–329).Babbie, E. (2010). *The practice of social research* (12th ed.). Belmont, CA: Wadsworth. Content analysis is a type of unobtrusive research that involves the study of human communications. Another way to think of content analysis is as a way of studying texts and their meaning. Here we use a more liberal definition of *text* than you might find in your dictionary. The text that content analysts investigate includes such things as actual written copy (e.g., newspapers or letters) and content that we might see or hear (e.g., speeches or other performances). Content analysts might also investigate more visual representations of human communication such as television shows, advertisements, or movies. The following table provides a few specific examples of the kinds of data that content analysts have examined in prior studies. Which of these sources of data might be of interest to you?

Table 11.1 Content Analysis Examples

Data	Research question	Author(s) (year)
Spam e-mails	What is the form, content, and quantity of unsolicited e-mails?	Berzins (2009)Berzins, M. (2009). Spams, scams, and shams: Content analysis of unsolicited email. *International Journal of Technology, Knowledge, and Society, 5*, 143–154.
James Bond films	How are female characters portrayed in James Bond films, and what broader lessons can be drawn from these portrayals?	Neuendorf, Gore, Dalessandro, Janstova, and Snyder-Suhy (2010)Neuendorf, K. A., Gore, T. D., Dalessandro, A., Janstova, P., & Snyder-Suhy, S. (2010). Shaken and stirred: A content analysis of women's portrayals in James Bond films. *Sex Roles, 62*, 747–761.
Console video games	How is male and female sexuality portrayed in the best-selling console video games?	Downs and Smith (2010)Downs, E., & Smith, S. L. (2010). Keeping abreast of hypersexuality: A video game character content analysis. *Sex Roles, 62*,721–733.

Data	Research question	Author(s) (year)
Newspaper articles	How do newspapers cover closed-circuit television surveillance in Canada, and what are the implications of coverage for public opinion and policymaking?	Greenberg and Hier (2009)Greenberg, J., & Hier, S. (2009). CCTV surveillance and the poverty of media discourse: A content analysis of Canadian newspaper coverage. *Canadian Journal of Communication*, *34*, 461–486.
Pro-eating disorder websites	What are the features of pro-eating disorder websites, and what are the messages to which users may be exposed?	Borzekowski, Schenk, Wilson, and Peebles (2010)Borzekowski, D. L. G., Schenk, S., Wilson, J. L., & Peebles, R. (2010). e-Ana and e-Mia: A content analysis of pro-eating disorder Web sites. *American Journal of Public Health*, *100*, 1526–1534.

One thing you might notice about primary sources. That is, they are original. Secondary sources, on the other hand, are those that have already been analyzed. Shulamit Reinharz offers a helpful way of distinguishing between these two types of sources in her methods text. She explains that while primary sources represent the "'raw' materials of history," secondary sources are the "'cooked' analyses of those materials" (1992, p. 155).Reinharz, S. (1992). *Feminist methods in social research*. New York, NY: Oxford University Press. The distinction between primary and secondary sources is important for many aspects of social science, but it is *especially* important to understand when conducting content analysis. While there are certainly instances of content analysis in which secondary sources are analyzed, I think it is safe to say that it is more common for content analysts to analyze primary sources.

Figure 11.3







You might say that flour represents a primary source in that it is a “raw” material. Manipulating, or analyzing, that material results in a secondary, or “cooked” source, as represented by the cake. © Thinkstock

In those instances where secondary sources are analyzed, the researcher’s focus is usually on the process by which the original analyst or presenter of data reached his conclusions or on the choices that were made in terms of how and in what ways to present the data. For example, Ferree and Hall (1990)Ferree, M. M., & Hall, E. J. (1990). Visual images of American society: Gender and race in introductory sociology textbooks. *Gender & Society, 4*(4), 500–533. conducted a content analysis of introductory sociology textbooks, but their aim was not to learn about the content of sociology as a discipline. Instead, the researchers sought to learn how students are *taught* the subject of sociology and understand what images are presented to students as representative of sociology as a discipline.

Sometimes students new to research methods struggle to grasp the difference between a content analysis of secondary sources and a review of literature, which is discussed in Chapter 5 “Research Design”. In a review of literature, researchers analyze secondary materials to try to understand what we know, and what we don’t know, about a particular topic. The sources used to conduct a scholarly review of the literature are typically peer-reviewed sources, written by trained scholars, published in some academic journal or press, and based on empirical research that has been conducted using accepted techniques of data collection for the discipline (scholarly theoretical pieces are included in literature reviews as well). These sources are culled in a review of literature in order to arrive at some conclusion about our overall knowledge about a topic. Findings are generally taken at face value.

Conversely, a content analysis of scholarly literature would raise questions not raised in a literature review. A content analyst might examine scholarly articles to learn something about the authors (e.g., Who publishes what, where?), publication outlets (e.g., How well do different journals represent the diversity of the discipline?), or topics (e.g., How has the popularity of topics shifted over time?). A content analysis of scholarly articles would be a “study of the studies” as opposed to a “review of studies.” Perhaps, for example, a researcher wishes to know whether more men than women authors are published in the top-ranking journals in the discipline. The researcher could conduct a content analysis of different journals and count authors by gender (though this may be a tricky prospect if relying only on names to indicate gender). Or perhaps a researcher would like to learn whether or how various topics of investigation go in and out of style. She could investigate changes over time in topical coverage in various journals. In these latter two instances, the researcher is not aiming to summarize the content of the articles but instead is looking to learn something about how, why, or by whom particular articles came to be published.

Content analysis can be qualitative or quantitative, and often researchers will use both strategies to strengthen their investigations. In qualitative content analysis the aim is to identify themes in the text being analyzed and to identify the underlying meaning of those themes. A graduate student colleague of mine once conducted qualitative content analysis in her study of national identity in the United States. To understand how the boundaries of citizenship were constructed in the United States, Alyssa Goolsby (2007)Goolsby, A. (2007). *U.S. immigration policy in the regulatory era: Meaning and morality in state discourses of citizenship* (Unpublished master’s thesis). Department of Sociology, University of Minnesota, Minneapolis, MN. conducted a qualitative content analysis of key historical congressional debates focused on immigration law. Quantitative content analysis, on the other hand, involves assigning numerical values to raw data so that it can be analyzed using various statistical procedures. One of my research collaborators, Jason Houle, conducted a quantitative content analysis of song lyrics. Inspired by an article on the connections between fame, chronic self-consciousness (as measured by frequent use of first-person pronouns), and self-destructive behavior (Schaller, 1997),Schaller, M. (1997). The psychological consequences of fame: Three tests of the self-consciousness hypothesis. *Journal of Personality, 65*, 291–309. Houle counted first-person pronouns in Elliott Smith song lyrics. Houle found that Smith’s use of self-referential pronouns increased steadily from the time of his first album release in 1994 until his suicide in 2003 (2008).Houle, J. (2008). Elliott Smith’s self referential pronouns by album/year. Prepared for teaching SOC 207, Research Methods, at Pennsylvania State University, Department of Sociology. We’ll elaborate on how qualitative and quantitative researchers collect, code, and analyze unobtrusive data in the final portion of this section.

Indirect Measures

Texts are not the only sort of data that researchers can collect unobtrusively. Unobtrusive researchers might also be interested in analyzing the evidence that humans leave behind that tells us something about who they are or what they do. This kind evidence includes the physical traces left by humans and the material artifacts that tell us something about their beliefs, values, or norms. Physical traces include such things as worn paths across campus, the materials in a landfill or in someone's trash can (a data source William Rathje and colleagues [Rathje, 1992; Rathje & Murthy, 1992]Rathje, W. (1992). How much alcohol do we drink? It's a question…so to speak. *Garbage*, *4*, 18–19; Rathje, W., & Murthy, C. (1992). Garbage demographics. *American Demographics*, *14*, 50–55. have used), indentations in furniture, or empty shelves in the grocery store. Examples of material artifacts include video games and video game equipment, sculptures, mementos left on gravestones, housing structures, or even kitchen utensils. What kinds of physical traces or material artifacts might be of interest to you?

I recently visited the National Museum of American History in Washington, DC. While there I saw an exhibit displaying chef Julia Child's home kitchen, where she filmed many of her famous cooking shows. Seeing the kitchen made me wonder how cooking has changed over the past few decades since Child's shows were on air. I wondered how the layout of our kitchens and the utensils and appliances they contain might influence how we entertain guests, how much time we spend preparing meals, and how much time we spend cleaning up afterward. Our use of particular kitchen gadgets and utensils might even indicate something about our social class identities.Watch the following clip, featuring satirist Joe Queenan, from the PBS documentary *People Like Us* on social class in the United States: http://www.youtube.com/watch?v=j_Rtl3Y4EuI. The clip aptly demonstrates the sociological relevance of kitchen gadgets. Answers to these questions have bearing on our norms and interactions as humans; thus they are just the sorts of questions sociologists using unobtrusive methods might be interested in answering. I snapped a few photos of the kitchen while at the museum. Though the glass surrounding the exhibit prevents ideal picture taking, I hope the photos in Figure 11.4 give you an idea of what I saw. Might the organizational scheme used in this kitchen, or the appliances that are either present or missing from it, shape the answers to the questions I pose above about human behaviors and interactions?

Figure 11.4



A visit to Chef Julia Child's kitchen at the National Museum of American History inspired the author to think about how kitchens, kitchen utensils, and kitchen appliances have changed over time.

One challenge with analyzing physical traces and material artifacts is that you generally don't have access to the people who left the traces or created the artifacts that you are analyzing. (And if you did find a way to contact them, then your research would no longer qualify as unobtrusive!) It can be especially tricky to analyze meanings of these materials if they come from some historical or cultural context other than your own. Situating the traces or artifacts you wish to analyze both in their original contexts and in your own is not always easy and can lead to problems related to validity and reliability. How do you know that you are viewing an object or physical trace in the way that it was intended to be viewed? Do you have the necessary understanding or knowledge about the background of its original creators or users to understand where they were coming from when they created it?

Imagine an alien trying to understand some aspect of Western human culture simply by examining our artifacts. Cartoonist Mark Parisi demonstrates the misunderstanding that could ensue in his drawing featuring three very small aliens standing atop a toilet.

One alien says, “Since water is the life-blood on this planet, this must be a temple of some sort.…Let’s stick around and see how they show their respect” (1989).Parisi, M. (1989). Alien cartoon 6. *Off the Mark*. Retrieved from http://www.offthemark.com/aliens/aliens06.htm Without a contextual understanding of Western human culture, the aliens have misidentified the purpose of the toilet, and they will be in for quite a surprise when someone shows up to use it!

The point is that while physical traces and material artifacts make excellent sources of data, analyzing their meaning takes more than simply trying to understand them from your own contextual position. You must also be aware of who caused the physical trace or created the artifact, when they created it, why they created, and for whom they created it. Answering these questions will require accessing materials in addition to the traces or artifacts themselves. It may require accessing historical documents or, if a contemporary trace or artifact, perhaps another method of data collection such as interviews with its creators.

Analysis of Unobtrusive Data Collected by You

Once you have identified the set of texts, physical traces, or artifacts that you would like to analyze, the next step is to figure out *how* you’ll analyze them. This step requires that you determine your procedures for coding, understand the difference between manifest and latent content, and understand how to identify patterns across your coded data. We’ll begin by discussing procedures for coding.

You might recall being introduced to coding procedures in Chapter 9 “Interviews: Qualitative and Quantitative Approaches”, where we discussed the coding of qualitative interview data. While the coding procedures used for written documents obtained unobtrusively may resemble those used to code interview data, many sources of unobtrusive data differ dramatically from written documents or transcripts. What if your data are sculptures or worn paths, or perhaps kitchen utensils, as in the previously discussed example? The idea of conducting open coding and focused coding on these sources as you would for a written document sounds a little silly, not to mention impossible. So how do we begin to identify patterns across the sculptures or worn paths or utensils we wish to analyze? One option is to take field notes as we observe our data and then code patterns in those notes. Let’s say, for example, that we’d like to analyze kitchen utensils. Taking field notes might be a useful approach were we conducting observations of people actually using utensils in a documentary or on a television program. (Remember, if we’re observing people *in person* then our method is no longer unobtrusive.)

If rather than observing people in documentaries or television shows our data include a collection of actual utensils, note taking may not be the most effective way to record our observations. Instead, we could create a code sheet to record details about the utensils in our sample. A code sheet, sometimes referred to as a tally sheet in quantitative coding, is the instrument an unobtrusive researcher uses to record observations.

In the example of kitchen utensils, perhaps we’re interested in how utensils have changed over time. If we had access to sales records for utensils over the past 50 years, we could analyze the top-selling utensil for each year. To do so, we’d want to make some notes about each of the 50 utensils included in our sample. For each top-rated utensil, we might note its name, its purpose, and perhaps its price in current dollar amounts. We might also want to make some assessment about how easy or difficult it is to use or some other qualitative assessment about the utensil and its use or purpose. To rate the difficulty of use we could use a 5-point scale, with 1 being very easy to use and 5 being very difficult to use. We could even record other notes or observations about the utensils that may not occur to us until we actually see the utensils. Our code sheet might look something like the sample shown in Table 11.2 “Sample Code Sheet for Study of Kitchen Utensil Popularity Over Time”. Note that the sample sheet contains columns only for 10 years’ worth of utensils. If you were to conduct this project, obviously you’d need to create a code sheet that allows you to record observations for each of the 50 items in your sample.

Table 11.2 Sample Code Sheet for Study of Kitchen Utensil Popularity Over Time

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Utensil name										
Utensil purpose										
Price (in 2011 $)										

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Ease of use (1–5 scale)										
Other notes										

As you can see, our code sheet will contain both qualitative and quantitative data. Our "ease of use" rating is a quantitative assessment; we can therefore conduct some statistical analysis of the patterns here, perhaps noting the mean value on ease of use for each decade we've observed. We could do the same thing with the data collected in the row labeled *Price*, which is also quantitative. The final row of our sample code sheet, containing notes about our impressions of the utensils we observe, will contain qualitative data. We may conduct open and focused coding on these notes to identify patterns across those notes. In both cases, whether the data being coded are quantitative or qualitative, the aim is to identify patterns across the coded data.

The *Purpose* row in our sample code sheet provides an opportunity for assessing both manifest and latent content. Manifest content is the content we observe that is most apparent; it is the surface content. This is in contrast to latent content, which is less obvious. Latent content refers to the underlying meaning of the surface content we observe. In the example of utensil purpose, we might say a utensil's manifest content is the stated purpose of the utensil. The latent content would be our assessment of what it means that a utensil with a particular purpose is top rated. Perhaps after coding the manifest content in this category we see some patterns that tell us something about the meanings of utensil purpose. Perhaps we conclude, based on the meanings of top-rated utensils across five decades, that the shift from an emphasis on utensils designed to facilitate entertaining in the 1960s to those designed to maximize efficiency and minimize time spent in the kitchen in the 1980s reflects a shift in how (and how much) people spend time in their homes.

Kathleen Denny's (2011)Denny, K. (2011). Gender in context, content, and approach: Comparing gender messages in Girl Scout and Boy Scout handbooks. *Gender & Society, 25*, 27–47. recent study of scouting manuals offers another excellent example of the differences between manifest and latent content. Denny compared Boy Scout and Girl Scout handbooks to understand gender socializing among scouts. By counting activity types described in the manuals, Denny learned from this *manifest content* that boys are offered more individual-based and more scientific activities while girls are offered more group-based and more artistic activities. Denny also analyzed the *latent meaning* of the messages that scouting handbooks portray about gender; she found that girls were encouraged to become "up-to-date traditional women" while boys were urged to adopt "an assertive heteronormative masculinity" (p. 27).

? Key Takeaways

- Content analysts study human communications.
- The texts that content analysts analyze include actual written texts such as newspapers or journal entries as well as visual and auditory sources such as television shows, advertisements, or movies.
- Content analysts most typically analyze primary sources, though in some instances they may analyze secondary sources.
- Indirect measures that content analysts examine include physical traces and material artifacts.
- Manifest content is apparent; latent content is underlying.
- Content analysts use code sheets to collect data.

? Exercises

- Identify a research question you could answer using unobtrusive research. Now state a testable hypothesis having to do with your research question. Next identify at least two potential sources of data you might analyze to answer your research question and test your hypothesis.
- Create a code sheet for each of the two potential sources of data that you identified in the preceding exercise.

11.4 Analyzing Others' Data

Learning Objectives

- Name at least two sources of publicly available quantitative data.
- Name at least two sources of publicly available qualitative data.

One advantage (or disadvantage, depending on which parts of the research process you most enjoy) of unobtrusive research is that you may be able to skip the data collection phase altogether. Whether you wish to analyze qualitative data or quantitative data sources, there are a number of free data sets available to social researchers. This section introduces you to several of those sources.

Many sources of quantitative data are publicly available. The General Social Survey (GSS), which was discussed in http://www.norc.uchicago.edu/GSS+Website). Data for the GSS have been collected regularly since 1972, thus offering social researchers the opportunity to investigate changes in Americans' attitudes and beliefs over time. Questions on the GSS cover an extremely broad range of topics, from family life to political and religious beliefs to work experiences.

Other sources of quantitative data include Add Health (http://www.cpc.unc.edu/projects/addhealth), a study that was initiated in 1994 to learn about the lives and behaviors of adolescents in the United States, and the Wisconsin Longitudinal Study (http://www.ssc.wisc.edu/wlsresearch), a study that has, for over 40 years, surveyed 10,000 women and men who graduated from Wisconsin high schools in 1957. Quantitative researchers interested in studying social processes outside of the United States also have many options when it comes to publicly available data sets. Data from the British Household Panel Study (http://www.iser.essex.ac.uk/bhps), a longitudinal, representative survey of households in Britain, are freely available to those conducting academic research (private entities are charged for access to the data). The International Social Survey Programme (http://www.issp.org) merges the GSS with its counterparts in other countries around the globe. These represent just a few of the many sources of publicly available quantitative data.

Unfortunately for qualitative researchers, far fewer sources of free, publicly available qualitative data exist. This is slowly changing, however, as technical sophistication grows and it becomes easier to digitize and share qualitative data. Despite comparatively fewer sources than for quantitative data, there are still a number of data sources available to qualitative researchers whose interests or resources limit their ability to collect data on their own. The Murray Research Archive Harvard, housed at the Institute for Quantitative Social Science at Harvard University, offers case histories and qualitative interview data (http://dvn.iq.harvard.edu/dvn/dv/mra). The Global Feminisms project at the University of Michigan offers interview transcripts and videotaped oral histories focused on feminist activism; women's movements; and academic women's studies in China, India, Poland, and the United States.These data are not free, though they are available at a reasonable price. See the Global Feminism's order site for more on pricing: http://www.umich.edu/~glblfem/dvd.html; http://www.umich.edu/~glblfem/index.html. At the University of Connecticut, the Oral History Office provides links to a number of other oral history sites (http://www.oralhistory.uconn.edu/links.html). Not all the links offer publicly available data, but many do. Finally, the Southern Historical Collection at University of North Carolina–Chapel Hill offers digital versions of many primary documents online such as journals, letters, correspondence, and other papers that document the history and culture of the American South (http://dc.lib.unc.edu/ead/archivalhome.php?CISOROOT=/ead).

Keep in mind that the resources mentioned here represent just a snapshot of the many sources of publicly available data that can be easily accessed via the web. Table 11.3 "Sources of Publicly Available Data" summarizes the data sources discussed in this section.

Table 11.3 Sources of Publicly Available Data

Organizational home	Focus/topic	Data	Web address
National Opinion Research Center	General Social Survey; demographic, behavioral, attitudinal, and special interest questions; national sample	Quantitative	http://www.norc.uchicago.edu/GSS+Website/
Carolina Population Center	Add Health; longitudinal social, economic, psychological, and physical well-being of cohort in grades 7–12 in 1994	Quantitative	http://www.cpc.unc.edu/projects/addhealth

Organizational home	Focus/topic	Data	Web address
Center for Demography of Health and Aging	Wisconsin Longitudinal Study; life course study of cohorts who graduated from high school in 1957	Quantitative	http://www.ssc.wisc.edu/wlsresearch/
Institute for Social & Economic Research	British Household Panel Survey; longitudinal study of British lives and well-being	Quantitative	http://www.iser.essex.ac.uk/bhps
International Social Survey Programme	International data similar to GSS	Quantitative	http://www.issp.org/
The Institute for Quantitative Social Science at Harvard University	Large archive of written data, audio, and video focused on many topics	Quantitative and qualitative	http://dvn.iq.harvard.edu/dvn/dv/mra
Institute for Research on Women and Gender	Global Feminisms Project; interview transcripts and oral histories on feminism and women's activism	Qualitative	http://www.umich.edu/~glblfem/index.html
Oral History Office	Descriptions and links to numerous oral history archives	Qualitative	http://www.oralhistory.uconn.edu/links.html
UNC Wilson Library	Digitized manuscript collection from the Southern Historical Collection	Qualitative	http://dc.lib.unc.edu/ead/archivalhome.php?CISOROOT=/ead

While the public and free sharing of data has become increasingly common over the years, and it is an increasingly common requirement of those who fund research, Harvard researchers recently learned of the potential dangers of making one's data available to all (Parry, 2011).Parry, M. (2011, July 10). Harvard researchers accused of breaching students' privacy. *The Chronicle of Higher Education*. Retrieved from http://chronicle.com/article/Harvards-Privacy-Meltdown/128166 In 2008, Professor Nicholas Christakis, Jason Kaufman, and colleagues, of Harvard's Berkman Center for Internet & Society, rolled out the first wave of their data collected from the profiles of 1,700 Facebook users (2008).Berkman Center for Internet & Society. (2008, September 25). Tastes, ties, and time: Facebook data release. Retrieved from http://cyber.law.harvard.edu/node/4682 But shortly thereafter, the researchers were forced to deny public access to the data after it was discovered that subjects could easily be identified with some careful mining of the data set. Perhaps only time and additional experience will tell what the future holds for increased access to data collected by others.

Figure 11.5


Social
Network



What do you think the future holds for making social scientific data publicly available, and how might the Harvard researchers' experiences with their Facebook data shape that future? © Thinkstock

? Key Takeaways

- Previously collected data sources enable researchers to conduct analysis without having to collect any of their own data.
- Some publicly available data sources are quantitative; others are qualitative.

? Exercises

- If you're interested in learning about additional sources of publicly available data, check out the American Sociological Association's lengthy and thorough list of public data resources: http://www2.asanet.org/student/pubdata00a.html. Which of those that you read about on the site are of most interest to you? Why?
- Read *The Chronicle of Higher Education* article on Harvard's recent "privacy meltdown": http://chronicle.com/article/Harvards-Privacy-Meltdown/128166/. What do you think the future holds for the public sharing of data? How might the incident described in the *Chronicle* article shape how, when, and whether public sharing of social scientific data occurs?

11.5 Reliability in Unobtrusive Research

Learning Objectives

- Define *stability* and describe strategies for overcoming problems of stability.
- Define *reproducibility* and describe strategies for overcoming problems of reproducibility.
- Define *accuracy* and describe strategies for overcoming problems of accuracy.

This final section of the chapter investigates a few particularities related to reliability in unobtrusive research projects (Krippendorff, 2009)Krippendorff, K. (2009). Testing the reliability of content analysis data: What is involved and why. In K. Krippendorff & M. A. Bock (Eds.), *The content analysis reader* (pp. 350–357). Thousand Oaks, CA: Sage. that warrant our attention. These particularities have to do with how and by whom the coding of data occurs. Issues of stability, reproducibility, and accuracy all speak to the unique problems—and opportunities—with establishing reliability in unobtrusive research projects.

Stability refers to the extent to which the results of coding vary across different time periods. If stability is a problem, it will reveal itself when the same person codes the same content at different times and comes up with different results. Coding is said to be stable when the same content has been coded multiple times by the same person with the same result each time. If you discover problems of instability in your coding procedures, it is possible that your coding rules are ambiguous and need to clarified. Ambiguities in the text itself might also contribute to problems of stability. While you cannot alter your original textual data sources, simply being aware of possible ambiguities in the data as you code may help reduce the likelihood of problems with stability. It is also possible that problems with stability may result from a simple coding error, such as inadvertently jotting a *1* instead of a *10* on your code sheet.

Reproducibility, sometimes referred to as intercoder reliability (Lombard, Snyder-Duch, & Campanella Bracken, 2010),Lombard, M., Snyder-Duch, J., & Campanella Bracken, C. (2004). Practical resources for assessing and reporting intercoder reliability in content analysis research projects. Retrieved from http://astro.temple.edu/~lombard/reliability is the extent to which one's coding procedures will result in the same results when the same text is coded by different people. Cognitive differences among the individuals coding data may result in problems with reproducibility, as could ambiguous coding instructions. Random coding errors might also cause problems. One way of overcoming problems of reproducibility is to have coders code together. While working as a graduate research assistant, I participated in a content analysis project in which four individuals shared the responsibility for

coding data. To reduce the potential for reproducibility problems with our coding, we conducted our coding at the same time in the same room, while sitting around a large, round table. We coded at the same time in the same room so that we could consult one another when we ran into problems or had questions about what we were coding. Resolving those ambiguities together meant that we grew to have a shared understanding of how to code various bits of data.

Finally, accuracy refers to the extent to which one's coding procedures correspond to some preexisting standard. This presumes that a standard coding strategy has already been established for whatever text you're analyzing. It may not be the case that official standards have been set, but perusing the prior literature for the collective wisdom on coding on your particular area is time well spent. Scholarship focused on similar data or coding procedures will no doubt help you to clarify and improve your own coding procedures.

? Key Takeaways

- Stability can become an issue in unobtrusive research project when the results of coding by the same person vary across different time periods.
- Reproducibility has to do with multiple coders' results being the same for the same text.
- Accuracy refers to the extent to which one's coding procedures correspond to some preexisting standard.

? Exercises

- With a peer, create a code sheet that you can use to record instances of violence on the television program of your choice. Now, on your own, watch two or three episodes of that program, coding for instances of violence as you go along. Your peer should do the same. Finally, compare your code sheet to that of your peer. How similar were you in your coding? Where do your coding results differ, and why? Which issues of reliability may be relevant?

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CHAPTER OVERVIEW

11: From the War on Poverty to the War on the Poor

11.1: Where the War on Poverty and Black Power Meet- A Right to the City Perspective on American Urban Politics in the 1960s

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11.1: Where the War on Poverty and Black Power Meet- A Right to the City Perspective on American Urban Politics in the 1960s

Abstract

This paper looks at the U.S. American federal War on Poverty programs as a progressive attempt at rejuvenating local communities with citizen participation in the post-Civil Rights era. The anti-poverty measures set out to enhance the political empowerment of impoverished communities of color that by the late 1960s had become increasingly segregated and socially polarized. The federal programs did so by encouraging participatory democracy at the grassroots level and with recourse to the rights discourse. Both these aspects of the War on Poverty mobilized the targeted communities to fight for greater social justice and, eventually but unintentionally, to self-organize under the slogan of Black Power. As will be shown in this paper, both the federally-sponsored War on Poverty and Black Power activism, as dialectically related to each other, can be regarded as natural antecedents of the right to the city movements in the contemporary U.S.

Full text

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This paper looks back to the 1960s Black Power Movement in the U.S. as one of the unacknowledged antecedents of today's right to the city movements. It draws on the right to the city both as an ideal of urban governance and a critical perspective through which urban histories can be re-told and diverse social practices investigated. I am particularly interested in two 1960s federal War on Poverty programs and how they were related to black grassroots movements. In that period, the federal government gave leeway to the local expression of collective grievances by encouraging the urban poor to become stakeholders in community-level politics. Incremental urban regeneration was the War on Poverty's professed goal. To achieve this the state would devolve some of its functions to the level of the local community, bypass the unresponsive and ossified state and municipal bureaucracies, and thus gradually dismantle the racial and power inequalities. This ideological shift towards space-based politics and a recognition of the poor as collective political actors happened almost synchronously with Henri Lefebvre's articulation of the right to the city idea in France. Yet, recourse to participatory politics during the Johnson era, a fundamental tenet of the right to the city activism today, turned into a fleeting political concern with fleeting rewards to local communities. As soon as grassroots mobilization inspired the urban poor to affect change, the federal government retreated from its unprecedented support for participatory politics. Its initial commitment to the recovery of direct democracy was followed by withdrawal from local political enfranchisement—a factor that triggered the piecemeal radicalization of urban Blacks. What citizen participation was to the anti-poverty programs, community control was to Black Power activism. Grounded in the philosophy of racial empowerment which had taken root in American cities during the Garvey movement of the 1920s, Black Power of the 1960s offered a viable alternative to the War on Poverty's investment in participatory politics. While the latter ended up reinforcing the political and racial status quo, the former encouraged a nationalist and even a separatist agenda. The racial self-help programs run by such Black Power organizations as the Black Panther Party dethroned the state from its position as a sole redistributor of wealth and derailed its attempts at restoring national unity with policies bent on cultural conformity.

Due to modest scholarly interest in the political agenda of welfare programs of the Kennedy-Johnson era today, my discussion draws on critical analyses written in the 1960s and 1970s and is based on few case studies. But I would like to argue that it is the early scholarship on citizen participation published as the War on Poverty unfolded in the urban "battlefield" that foreshadowed the key preoccupations of the right to the city movements of today.

The right to the city is a political ideal that calls for a radical rearrangement of power relations in the capitalist city. Introduced into sociological parlance in the late 1960s by French Marxist philosopher Henri Lefebvre, the right to the city stands for a right to "urban life, to renewed centrality, to places of encounter and exchange, to life rhythms and time uses, enabling the full and complete *usage* of these moments and places, etc."[1] Highly critical of the post-World War II France as "a bureaucratized society of organized consumption," Lefebvre defied the primacy of capital and repressive state control in the production of urban space.[2] As a solution to the excessively segregated and spatially divided city, he proposed the democratic control of urban processes as a prominent feature of local urban politics. The new forms of urban governance rested on what he called *autogestion*, that is, self-management at the grassroots. Lefebvre assumed that the devolution of power to lower scales would obliterate the state hierarchies and allow the participatory democracy to flourish.[3] Political enfranchisement of urban citizens would pave the way for their commitment to the planning and development of their cities, as well as challenge the primacy of the exchange value of land that served the interests of power elites and corporate businesses.

That today urban activists and social justice advocates in all parts of the globe evoke the right to the city as an ideal of urban politics reveals the pervasiveness of the socio-spatial injustices brought on by the profit-oriented urban politics. Regardless of the state of affiliation, geographical location, or histories of urbanization, cities and metropolitan regions networked into a global system of local economies suffer the destructive effects of growth and capital accumulation. In this context, the right to the city articulates the ever pressing need for a re-orientation of political and socio-economic priorities. The contemporary urban justice movements insist on the revival of local democracies as a way of countervailing exclusionary urban geographies forged by the unconstrained market forces: poor schools, meager educational and employment opportunities, substandard housing, residential displacement, food deserts, lack of public transportation and health services, and paucity of recreational spaces. Thus etched into the fabric of the contemporary city, as into the French city of Lefebvre's time, are the oppressive power relationships brought by the workings of capital and the muting of the affected publics. A fight for a more equitable access to public spaces, facilities, and public infrastructure necessitates a recognition of diverse urban actors (racial or sexual minorities, the poor, immigrants or otherwise disadvantaged) as relevant participants in urban politics.

When in his State of the Union address on January 8, 1964, President Lyndon B. Johnson announced his administration "declare[d] unconditional war on poverty in America," one quarter of the U.S. population lived in poverty. Brought to national attention by liberal poverty scholars[4] as well as the civil rights movement, poverty became the target of the largest federally-funded welfare program since F. D. Roosevelt's New Deal. The quote from the President's speech aptly illustrates the comprehensive nature of the program:

. . . this attack, to be effective, must also be organized at the State and the local level and must be supported and directed by State and local efforts. . . . Our chief weapons in a more pinpointed attack will be better schools, and better health, and better homes, and better training, and better job opportunities to help more Americans, especially young Americans, escape from squalor and misery and unemployment rolls where other citizens help to carry them. Very often a lack of jobs and money is not the cause of poverty, but the symptom. The cause may lie deeper in our failure to give our fellow citizens a fair chance to develop their own capacities, in a lack of education and training, in a lack of medical care and housing, in a lack of decent communities in which to live and bring up their children. . . . We must help obtain more modern mass transit within our communities as well as low-cost transportation between them. . . . All of these increased opportunities — in employment, in education, in housing, and in every field —must be open to Americans of every color. As far as the writ of Federal law will run, we must abolish not some, but all racial discrimination. For this is not merely an economic issue, or a social, political, or international issue. It is a moral issue . . . . All members of the public should have equal access to facilities open to the public. All members of the public should be equally eligible for Federal benefits that are financed by the public. All members of the public should have an equal chance to vote for public officials and to send their children to good public schools and to contribute their talents to the public good.[5]

The anti-poverty agenda that transpires from Johnson's "declaration of war" does not essentially differ from the right to the city postulates. Both look up to an ideal of social justice that is achieved with public/urban policies bent on empowering the disadvantaged groups, and measured with greater equity. Redistributive at their core, equity-oriented programs aim to vest power in the hands of the socially invisible, economically disadvantaged and politically underrepresented. Such programs do not take away from the better off, but aim to eliminate a group's disadvantage where it exists.[6] But the War on Poverty programs did not set out to eliminate destitution by means of direct social aid alone; their understanding of equality was as social as it was political. In a manner that is reminiscent of the right to the city movement's appeal to the civil and human rights, the War on Poverty was concerned with structural inequalities and institutional racism that the spatial segregation of the racialized poor clearly instantiates.

When looked at through the prism of the right to the city idea, the federal anti-poverty policies come across as a radical attempt at reorganizing the welfare model of urban governance. Weaving together political, economic, and cultural concerns, the Community Action Program and the Model Cities Program, at least at their inception, conceived of small urban geographies, neighborhood and block communities, as sites of participatory democracy rather than mere peripheries governed in a top-down authoritarian fashion by the state and municipal administrative machine.

The Johnson administration's long overdue reaction to poverty was necessitated by the socio-political realities of the era: the civil rights activists' disenchantment with the peaceful strategies of fighting racial inequalities; the failure of the government to address the African Americans' political and social demands, their continued racial oppression by the police and white-dominated institutions, and importantly, a simmering rage among the black youth in the North and the West who were excessively drawn to the separatist agenda of black nationalist organizations. The socio-political unrest in the nation's racial ghettoes as well as the pervasiveness of poverty in the American society explain why the federal program embraced political enfranchisement as a conduit

of change. But what may also account for the promotion of citizen participation in the 1960s is the broad scholarly and political appeal of anthropologist Oscar Lewis's concept of "the culture of poverty."

A result of Lewis's study of the urban poor in Mexico, the concept of "culture of poverty" points to the mechanism behind the persistence of poverty, as "both an adaptation and a reaction of the poor to their marginal position in a class-stratified, highly individuated, capitalistic society." Although its foundations are both economic and cultural, it is transmitted across generations and leads to the perpetuation of poverty.[7] One way of looking at the War on Poverty programs would be to recognize their far-reaching goals. If translated into action, the language of "equal opportunity" and "fair access" that permeated President Johnson's address would serve as an antidote to the "culture of poverty," and harbinger of the cultural mainstreaming of the poor. Equal educational and professional opportunities as well as equal access to public goods and services, accompanied by equal political rights, appeared as viable strategies of including the nation's poor into the cultural mainstream. In light of the "culture of poverty" thesis, putting authority in the hands of the impoverished local communities and encouraging them to take a pro-active stance carried the hope that they would slough off the cultural residue of deprivation.[8] The 1967 Seattle Model Cities grant application concerning the Central area, the city's all black neighborhood,[9] offers substantive evidence of the Seattle authorities' preoccupation with social dysfunction as a symptom of poverty: "single-parent families, lack of adequate child care facilities, school expulsions, disorganized homes, illegitimacy, mental illness, and poor use of leisure time."[10] The description bears a striking resemblance to the notorious 1966 Moynihan Report's claim about the underclass black family as the source of persistent social problems and culprit in the intergenerational reproduction of poverty.[11]

Community Action and Model Cities Programs

The Economic Opportunity Act of August 20, 1964, was the bedrock of President Johnson's War on Poverty. Established to administer the law's implementation, the federal Office of Economic Opportunity (OEO) brought to life, among others, the Community Action Program (CAP), which operated directly via local-based Community Action Agencies (CAAs). Usually run by private and public not-for-profit organizations, the CAAs were initially "exempt from direct political review or control at the local or state level."[12] Designed so that socially and economically disadvantaged citizens from blighted neighborhoods would partake in the planning and implementation of anti-poverty measures, the agencies offered literacy and skills training, health care, social and welfare services such as the pre-school Head Start program, food pantries, utility bill assistance, and drug rehabilitation. To increase local resident input, the OEO required that at least 1/3 of all the staff positions on community action agency boards be allocated to nonwhite community residents. Though the War on Poverty was not race-specific in its origin, it acquired a more racial and urban character when the nation's black ghettoes erupted in riots. What may not immediately transpire from the anti-poverty program's assumptions is a top-down legitimization of citizen participation, that is, granting political power to the poor (predominantly people of color confined to urban ghettoes) who lacked adequate democratic representation in the official power structures. In their informative study, *Race and Authority in Urban Politics: Community Relations and the War on Poverty*, David Greenstone and Paul E. Petersen make a compelling claim about the long-term goals of the community action programs:

Although apparently addressed to the economic problems of the nation's poor, community action, the heart of the war on poverty was in its content, origins, and consequences a political response to a political problem. Its content addressed the relationship of poor people to the American regime, not the economic relationships of poor people to the marketplace; its origins were rooted in a civil rights movement that focused on altering the country's political, not its socioeconomic relationships; and its long-range impact has related to the political condition of black Americans, not their economic state. To judge the war on poverty as an economic failure is to misinterpret its character.[13]

Greenstone and Peterson are cautious to avoid any generalizations about the effectiveness of the community action program. Depending on place-based urban political traditions, the voice of the grassroots as a countervailing economic and political force met with varied responses from the local power structures. For example, unlike their counterparts in Philadelphia, Chicago and Los Angeles, poor communities of color in New York and Detroit had a significant impact on the community-action programs.

The civil rights activists, neighborhood organizers, as well as black nationalists were drawn to black empowerment and community control as tools of change in a racially polarized society. They would not merely stop at securing the anti-poverty grants.[14] Rather, encouraged by the government agenda of citizen participation in the urban rehabilitation process, the young generation of urban Blacks emerged as crucial players in local politics. The shared experience of racial oppression and spatial segregation became a potent force on the road to Blacks' political enfranchisement. They did not shy away from a confrontational rhetoric which had increasingly been gaining popularity in black urban ghettoes across the nation. Seeing the black populations' successful community-level organizing, the local political elites attempted to recover some of their diminishing political influence, and demanded that the federal government take action.

The exercise of political power through citizen participation suggested that, as John H. Strange notes, "if control of a publicly financed organization could be acquired, a significant redistribution of the rewards and benefits (jobs, prestige, security) of the political and social welfare systems could be attained. Participation here was equated with control."[15] This view substantiates Greenstone and Peterson's claim about the political nature of the War on Poverty.

The residents' take on the pending problems of day-by-day life in the ghetto stood at odds with the city authorities' rendition of the problem in terms of the "culture of poverty." The Model Cities Law and Justice Task Force (LJTF) articulated the residents' grievances most forcefully.[16] Though they saw a need for a better quality of social services, their main complaint pertained to mistreatment by the police, particularly brutality and unfair arrests. Improving neighborhood security and curtailing racial discrimination and legal injustice were the key demands that urban Blacks univocally agreed on. Framing the community-police relationship in terms of colonial-like occupation and oppression, the residents revealed a commitment to the politics of community empowerment.[17]

Rather than regain the urban poor's trust in the federal government by way of the politics of inclusion, administrators of Community Action and Model Cities programs perpetuated the former's racial disenfranchisement and their ultimate disenchantment with the state's professed agenda of fighting poverty with citizen participation.[18] Writing on the failure of the bureaucratic ideology of citizen participation in 1968, Krause perceptively noted that "this loss of hope in the efficacy of the community action program and the rejection of the ideology may very well have added to the frustration which explodes in riots."[19] The War on Poverty discourse of citizen participation appealed to young community organizers and activists precisely because it carried a promise of solving ground-level problems with governmental action.[20] As long as the federal programs yielded palpable results such as effective neighborhood revitalization and increased employment, the community activists remained cooperative. Yet since the grassroots endeavors were torpedoed as soon as they proved effective, Black Power gained ground as an ideology of racial and political empowerment in segregated black neighborhoods.

"All Power to the People"

The timing of the centerpiece legislation of Johnson's War on Poverty was not coincidental. As the Economic Opportunity Act was written into law, the news of race riots on the East Coast circulated in the media. The Harlem Race Riot and Rochester Race Riots of July, 1964, and the Philadelphia Race Riot of late August, 1964, set off alarm bells about the gravity of interracial tensions in the country's urban ghettoes. Those outbursts of spontaneous violence were all triggered by a rumor of a brutal police assault on a member of the black community.

Yet, contrary to popular opinion, such violence did not have the endorsement of black radical groups. For instance, the clenched fist of Black Power activists, often shown as a symbol of racialized violence, was a call for armed self-defense inspired with Malcolm X's political philosophy. Disappointed with the civil rights struggle for dignity, equality, and basic political rights, young urban Blacks found Malcolm X's notion of black nationalism a feasible alternative to the peaceful protests of the Civil Rights era. In April, 1964, a few months prior to the passage of the EOA and the race riots, Malcolm gave the famous speech "A Ballot or a Bullet" to a black audience in Cleveland. His words vividly captured the political mood of young urban America at the time: "No, I'm not an American. I'm one of 22 million black people who are the victims of Americanism. One of the … victims of democracy, nothing but disguised hypocrisy. So I'm not standing here speaking to you as an American, or a patriot, or a flag-saluter, or a flag-waver – no, not I! I'm speaking as a victim of this American system. I don't see any American dream; I see an American nightmare!"[21] The African Americans' "political maturity," Malcolm X believed, would show in the way they used their collective voting power to bring about social change. He put forward a new understanding of the civil rights struggle as a black nationalist project that would empower black communities politically and economically, on condition that their political targets were articulated and strategies of empowerment well-crafted. The "ballot"—the black citizens' use of political rights— would challenge the political hegemony of the white power structure. "A ballot is like a bullet," he urged his audiences to fight for political rights granted them as U.S. citizens and to hold the black political leaders accountable for their actions.[22] Efforts to bring justice and equality in social and economic life rested on the Blacks' collective "unity and harmony," moral betterment and self-work. In words that foreshadowed the War on Poverty's investment in national cohesion, Malcolm X made a realistic assessment of white power structure's response to black nationalism: "The white man is more afraid of separation than he is of integration. And the white man will integrate faster than he'll let you separate."[23]

In their 1967 political manifesto *Black Power: The Politics of Liberation in America*, Stokely Carmichael and Charles Hamilton professed "strategic separatism" as a temporary measure, a transient yet inevitable stage in the process of group empowerment leading towards future integration. To them, Black Power was about "proper representation and sharing of control."[24] Working within the ethnic paradigm, Carmichael and Hamilton called on African Americans to develop a political and institutional base—"a

bargaining position of strength in a pluralistic society"—so that, like immigrant groups, they would gain "an effective share in the total of the society."[25] To this end, they gave priority to cooperative forms of economic activity, but insisted on the uniqueness of the black experience and cultural heritage.

A powerful response to institutional racism, with slum clearance programs as the most devastating instances of the technocratic approach to urban renewal, the Black Power ideology appealed to Blacks confined by zoning regulations to segregated inner-city neighborhoods. They wanted to eradicate the social and spatial injustices that race and class oppression perpetuated: destruction of long-standing ethnic neighborhoods, as well as the territorial dispersal of the poor to new areas, which created more congestion and segregation.[26] Black Power advocates recognized that community control was crucial to African Americans' political and social empowerment. Substandard and segregated schools, lack of municipal health clinics or public transportation were on their agenda, as were substandard, unhealthy housing, lack of sewage, or exploitative practices of white landlords. Although the governmental officials' and grassroots activists' political diagnoses overlapped significantly, only the latter considered building institutional alternatives in the event the extant political processes failed to bring about substantial change: black-controlled bodies such as school boards, law enforcement, municipal planning, and housing commissions should wield power in the black communities, Carmichael and Hamilton argued.[27]

In his 1968 political autobiography, *Seize the Time: The Story of the Black Panther Party*, Bobby Seale gives a detailed account of how Huey P. Newton's and his own participation in the anti-poverty programs in Oakland, CA, led them to establish a revolutionary black nationalist party that would operate in the streets and address the needs of the black community.[28] Working in summer youth work program supervised by the North Oakland Neighborhood Anti-Poverty Center, Seale acted as a foreman to a group of 100 young unemployed men and women, many of whom would later become members of the Black Panther Party.[29] His duty was to offer basic literacy training as well as act as an instructor showing his students how to perform small jobs such as cutting lawns or fixing broken fences. It seems that Seale was given the job to act as a role model and a leader: a college student, yet an insider to black youth culture, he would teach the black youth to emulate the mainstream culture's norms and behaviors: "In the poverty program the young brothers many times would try to be slick and think they were pimps, or think they could out-gamble or out-talk or out-rap anybody. . . .They drank wine, shot dice, and things like that. I knew here was a way to reach these brothers because I wasn't too much different from them. I knew how to drink wine, how to shoot dice, play cards and chase women."[30] Using his position he developed in his team members an awareness of black history and racial oppression and a need for collective action.[31] What seems to have been the biggest irony of the federal program is that it was at the poverty center's offices that Seale and Newton founded the Black Panther Party for Self-Defense (BPP), wrote down, copied and distributed the party's ten-point program. More, Seale and Newton opened the first BPP office with the money earned in the anti-poverty program. It was also at the center's law service section that Newton studied the gun law which he would later recite to the white police officers if they attempted to violate his or anyone else's constitutional rights to carry guns. Clad in black leather jackets and black berets, as well as ostentatiously flaunting their weapons, the Panthers embodied a challenge to the political and institutional status quo. They patrolled the police in the neighborhood and, if necessary, intervened to stop a brutal assault and demanded equal treatment under law.

The Panthers' community activism grew out of Seale's and Newton's engagement in the government program. Their agenda was not at odds with the anti-poverty program: it prioritized community work as well as armed self-defense. For instance, in a 1967 struggle over a traffic light, the Panthers used the administrative and legal framework of the anti-poverty program to urgently demand the installation of traffic lights at a dangerous intersection. They cooperated with the poverty center's staff and advisory council, all of which were equally committed to the cause. Only when the Oakland City authorities postponed the installation until the end of 1968, apparently for technical reasons, did the Panthers make a public performance of their determination to make change happen. They announced that armed party members would direct traffic as long as necessary to ensure that no black resident, especially no child from the nearby school, would be hurt. It transpires from Seale's account that the very threat of the gun-toting Panthers pushed the city to change tack and the traffic lights were erected by October, 1967.[32]

The Panthers set out to address the spatial injustices of class and race via recourse to the philosophy of Black Power, which in their case evolved from the embrace of revolutionary nationalism, linking nationalism and socialism, to the gradual acceptance of capitalist economics as a means of building self-determining and self-governing black communities.[33] Their ten-point platform articulated the most severe problems ailing ghettoized African Americans: an ineffective segregated school system, poor access to medical services, undernourishment and sickness that came from destitution, hazardous housing conditions, a discriminatory criminal justice system, and excessive police surveillance. Between 1966 and 1982, the Panthers' local affiliates across the nation ran an impressive list of community-based survival programs, with the collective input of the party's members: the free breakfast program for schoolchildren, the free clothing program, free busing to prison program, free shoe program, free health clinics, free

plumbing and maintenance program, free pest control program, as well as free black liberation schools.[34] Newton's speeches from the early 1970s, published in the volume *To Die for the People*, reveal his persistent belief in the empowerment of black communities through survival programs and a retreat from the earlier confrontational rhetoric and armed self-defense. He insisted that the survival programs would be "a political revolutionary vehicle . . . in [blacks'] quest for freedom," while "any action which [did] not mobilize the community toward the goal [of raising Blacks' political consciousness would] not [be] a revolutionary action."[35] The immense popularity of the survival programs indicates that they were desperately needed and testifies to the Panthers' efficacy in engaging the black community in practical reforms that the citizen-participation oriented anti-poverty programs fell short of approximating.[36]

When after Martin Luther King's assassination in 1968 many black urban communities went up in flames, Oakland's Blacks did not riot, loot, or burn their neighborhoods. Urged by Seale, they abstained from the use of violence. Government reports on the causes and prevention of violence pointed to the Panthers' official distancing from spontaneous outbreaks of violence as a powerful anti-riot measure. Indeed, as Jones and Jeffries note, the Panthers' official stance on riots was that they would impair progress and make the group prone to state-led surveillance.[37] But whether the Panthers' chapters advocated armed self-defense or focused their energies on free breakfast and free clinic programs was of little importance to the state. In 1967 the federal agency launched a counterintelligence program known as COINTELPRO (discontinued in 1971) to target "Black Nationalist Hate Groups." The clandestine FBI operations included such techniques as surveillance, harassment, arrest and detention, provocations, infiltration, and misinformation. Infrequently helped by the local police, the FBI managed to divide the party's political leadership, incarcerate the most prominent members, disrupt their community work, deplete their financial resources, as well as undermined the Panthers' credibility among the public at large.[38] To make matters worse, when COINTELPRO activities were discontinued, intra-party conflict weakened the political and social capital it had accumulated. Starting from 1973, Newton resorted to the authoritarian concentration of power. He centralized finance management, assaulted and expelled established party members, and used extortion to run the party's operations.[39]

Conclusions

With the rising prominence of the right to the city ideal worldwide as a paragon of new urban governance, many tend to be drawn to the idea of political participation as a panacea for the long discredited authoritarian mode of urban management. They find participation in local political processes fundamental to achieving social justice, which they render in terms of equality of opportunities, equitable access to affordable housing, quality education, healthy food, recreational facilities, and open public spaces. One key aspect of urban power struggles that needs attention, however, is the policy of the state towards the right to the city movements. Are they perceived as legitimate players in local politics, or as potential contenders for power, or else, as anti-statist elements that threaten to dismantle the state?

As the foregoing discussion has shown, both the War on Poverty and Black Power politics made an investment in restoring local democracies via citizen participation. The trust deposited in the state by the urban poor waned as soon as their grievances became secondary to the public officials' contest for political influence. Indeed, when the time was ripe for making concessions to the demands of urban Blacks, the state enhanced its position as "a bordered power container"[40] unwilling to relinquish its administrative, political, and military power over the nation's segregated neighborhoods.

Black Power activism stands as a compelling example of *autogestion*as elaborated on by Lefebvre: "*autogestion* tends to reorganize the State as a function of its development, which is to say it tends to engender the State's withering away. *Autogestion* revives all the contradictions at the heart of the State, and notably the supreme contradiction, which can be expressed only in general, philosophical, terms, between the reason of the State and human reason, which is to say, liberty."[41] In the case of the 1960s Black Power movement, seeking independent statehood was, in some instances, a natural consequence of community control.[42]

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1. Henri Lefebvre, "The Right to the City" in Writings on Cities, eds. and trans. Eleonore Kofman and Elizabeth Lebas (Oxford: Blackwell Publishing, 2000 [1968]), 179. ↵
2. Henri Lefebvre, The Urban Revolution (Minneapolis: University of Minnesota Press, 2003[1970]), 178, 92. ↵
3. Ibid., 150. ↵
4. For example, Michael Harrington's The Other America (1962) is reported to have influenced the federal anti-poverty policies of the era. ↵
5. President Lyndon B. Johnson, State of the Union Speech, 8 January 1964. http://www.americanrhetoric.com/speeches/lbj1964stateoftheunion.htm↵

6. Susan S. Fainstein, The Just City (Ithaca: Cornell University Press, 2010), 36. ↵
7. Oscar Lewis, “The Culture of Poverty,” Scientific American 215, no. 4 (October 1966): 21. ↵
8. In the conservative 1980s “culture of poverty” became a mere code word for the cultural shortcomings of poor individuals, and bereft of structural considerations. For a detailed discussion, go to Stephen Steinberg, The Ethnic Myth: Race, Ethnicity, and Class in America (New York: Atheneum, 1981) and William Julius Wilson, The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy (Chicago: University of Chicago Press, 1987). ↵
9. Seattle was awarded the first Model Cities grant and the program continued between 1967 and 1974. ↵
10. James Braman quoted in Elizabeth Brown, “Race, Urban Governance, and Crime Control: Creating Model Cities,” Law & Society Review 44, no. 3/4 (September/December 2010): 780. ↵
11. For more go to Daniel Patrick Moynihan, “The Negro Family: The Case for National Action” in The Moynihan Report and the Politics of Controversy, eds. Lee Rainwater and William L. Yancey (Cambridge: MIT Press, 1967 [1965]), 39-102. ↵
12. John H. Strange, “Citizen Participation in Community Action and Model Cities Programs,” Public Administration Review 32, Special Issue: Curriculum Essays on Citizens, Politics, and Administration in Urban Neighborhoods (Oct., 1972): 655. ↵
13. David Greenstone and Paul E. Peterson, Race and Authority in Urban Politics: Community Relations and the War on Poverty (Chicago: University of Chicago Press, 1976), xiv. ↵
14. Ibid., xi, xiv. ↵
15. Strange, “Citizen Participation,” 660. ↵
16. The right to vote on a proposal was given to residents only. ↵
17. Brown, “Race,” 782-785. ↵
18. The city did, however, accept the residents’ proposal of establishing an “observer program,” which would involve placing a young black person in every police car patrol an objective observer to witness any abuse of power during the police-resident interaction and testify when needed. ↵
19. Krause, “Functions,” 140-141. ↵
20. Strange, “Citizen Participation,” 659. ↵
21. Malcolm X, “The Ballot or the Bullet” in Malcolm X Speaks: Selected Speeches and Statements, ed. George Breitman (New York: Grove Press, 1990), 26. ↵
22. At the time of the speech, Malcolm disapproved of the black leaders’ support for mainstream party politics and the Democrats’ ineffectiveness in pushing through the Civil Rights legislation. The Civil Rights Act would be passed a few months later, in July, 1964, and the Voting Rights Act a year later, in August, 1965. ↵
23. Malcolm X, “The Ballot,” 38, 40, 42. ↵
24. Stokely Carmichael and Charles V. Hamilton, Black Power: The Politics of Liberation in America (New York: Vintage Books, 1967), 120, 46. ↵
25. Ibid., 44, 47. ↵
26. Ibid., 156. ↵
27. Ibid.,71, 41-42. ↵
28. According to Robert O. Self, Oakland had a long tradition of black political organizing and coalition building with the labor organizations. One of the main destinations for black sharecroppers from the South in the 1940s and 1950s, Oakland was a typical industrial center of the WWII era. It was the site of the Southern Pacific Railroad, the Pullman Company, shipyards and the military industry (the Oakland Army Base and the U.S. Naval Supply Station developed around the city’s port and recruited blacks in large numbers). By the late 1950s Oakland had been severely affected by suburban flight, disinvestment and urban decay; urban renewal, which claimed black property under eminent domain laws, destroyed thousands of housing units and led to community displacement and concentration of racialized poverty. The federal and state governments as well as private-not-for profits offered programs to stop the expansion of poverty among the working-class blacks. Via the introduction of civic councils and a range of community-based services, those early efforts, as Self informs us, “dramatically reengaged” black urban communities. The War on Poverty, with its ever-present stress on citizen participation, drew on the rich tradition of labor and community organizing. Robert O. Self, “‘Negro Leadership and Negro Money’: African American Political Organizing in Oakland before the Panthers” in Freedom North: Black Freedom Struggles outside the South, 1940-1980, eds.Jeanne Theoharis and Komozi Woodard (New York : Palgrave Macmillan, 2003), 108-111. ↵
29. Although an average Panther was a high school or college student, the Panthers’ backgrounds were diverse. For more, see Charles E. Jones and Judson L. Jeffries, “‘Don’t Believe the Hype’: Debunking the Panther Mythology” in The Black Panther Party Reconsidered, ed. Charles E. Jones (Baltimore, MD: Black Classic Press, 1998), 46. ↵
30. Bobby Seale, Seize the Time: The Story of the Black Panther Party (London: Arrow Books Ltd., 1970), 53. ↵

31. Ibid., 61-63. ↵
32. Ibid.,123-126. ↵
33. See for example Newton's 1971 speeches "Black Capitalism Re-Analyzed I" and "Black Capitalism Re-Analyzed II (Practical Application)" in Huey P. Newton, To Die for the People: The Writings of Huey P. Newton: Selected Writings and Speeches, ed. Toni Morrison (New York: Writers and Readers Publishing, Inc., 1999), 101-108,109-111. ↵
34. Jones and Jeffries, "'Don't Believe the Hype,'" 30. See also Newton, To Die,66-68. ↵
35. Newton, To Die, 47, 53. ↵
36. As regards the financial side of the operation, the party relied on donations from white philanthropists and corporations, church and community organizations, but black businesses were also expected to pay contributions to support the community programs, the logic being that those businesses prospered thanks to the black clientele. ↵
37. Jones and Jeffries, "'Don't Believe the Hype,'" 40. ↵
38. Winston A. Grady-Willis, "The Black Panther Party: State Repression and Political Prisoners" in The Black Panther Party Reconsidered, ed. Charles E. Jones (Baltimore, MD: Black Classic Press, 1998), 363-389. ↵
39. Ollie A. Johnson, III, "Explaining the Demise of the Black Panther Party: The Role of Internal Factors" inThe Black Panther Party Reconsidered, ed. Charles E. Jones (Baltimore, MD: Black Classic Press, 1998), 391-409. ↵
40. Anthony Giddens, The Nation-State and Violence (Cambridge: Polity Press, 1985), 120. ↵
41. Henri Lefebvre, "Theoretical Problems of Autogestion" in State, Space, World: Selected Essays, eds. Neil Brenner and Stuart Elden (Minneapolis: University of Minnesota Press, 2009), 147. ↵
42. While the Panthers did not advocate territorial separatism, other radical black nationalist organizations did. The most pronounced claims to a sovereign territory were made by the Nation of Islam and the Republic of New Africa. For a detailed discussion of territorial nationalism, see William L. Van Deburg, New Day in Babylon: The Black Power Movement and American Culture, 1965-1975 (Chicago: University of Chicago Press, 1992), 132-152. ↵

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CHAPTER OVERVIEW

12: From the War on Crime to the War on Drugs

12.1: Book Review- From the War on Poverty to the War on Crime- The Making of Mass Incarceration in America by Elizabeth Hinton

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12.1: Book Review- From the War on Poverty to the War on Crime- The Making of Mass Incarceration in America by Elizabeth Hinton

Elizabeth Hinton has a produced a work that is exceedingly relevant to modern debates and useful not only to specialists but to anyone interested in the historical roots of controversial topics such as mass incarceration, the policing of urban communities, stop and frisk searches, civil asset forfeiture, and the militarisation of American police forces. Hinton makes the connections to current events explicit and displays a striking earnestness; she is not simply discussing abstract policies but also critiquing modern American society.



Police arrest a protestor in Baton Rouge, Louisiana in July 2016 http://www.mirror.co.uk/news/world-n...-photo-8395123



Police in Ferguson, Missouri in August 2014. http://www.huffingtonpost.com/entry/...b08cd3359d1fc1

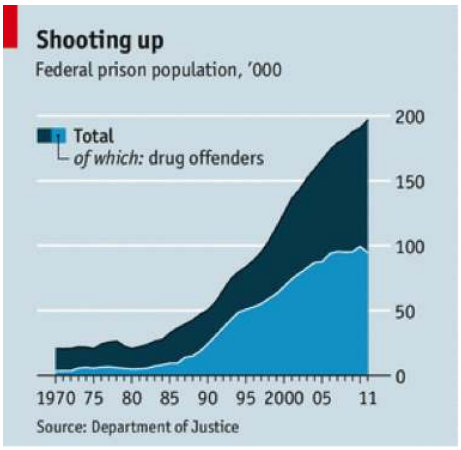
Hinton embraces that idea that the war on crime emerged as a backlash to the civil rights movement. She points out that, in the century from the 1865 to 1965, just under 185,000 Americans entered prisons; today, '2.2 million citizens are behind bars' (5). Such figures are damning, but Hinton further argues that when white youths began to be swept up into the system in large numbers in the 1970s, legislators stepped in to pass the Juvenile Justice and Delinquency Prevention Act, with the effect being that many whites were offered opportunities for rehabilitation, while African Americans were disproportionately imprisoned. Hinton does not portray this as deliberate, racist plot. Rather she argues that a shared 'set of assumptions about race, poverty, and criminal behavior' influenced government officials of both parties throughout the war on crime (123). Meanwhile, many states disenfranchised felons, resulting in 6 million Americans not being able to vote, including one in thirteen African Americans. While complimenting Michelle Alexander's *The New Jim Crow*, which focuses on mass incarceration since 1980, Hinton argues that such trends actually began 'much earlier' than Alexander suggests.



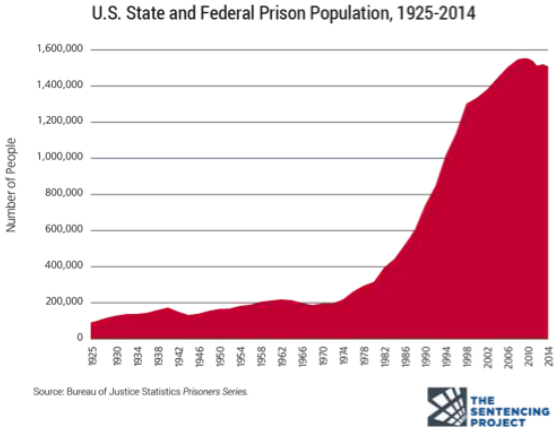
Picture taken during the 1967 riot in Newark, NJ https://www.popularresistance.org/re...llion-of-1967/

While clearly claiming relevance to current debates, Hinton's book focuses on this 'earlier' period, studying the years from Kennedy to Reagan. Hinton traces how the war on crime developed during those decades and stresses the continuity from one presidential administration to the next. Rather than portraying such policies as conservative, as many have done, she argues that they began during the heyday of liberalism. First, Kennedy launched a first 'total attack' on youth delinquency and crime. Johnson, Hinton argues, then 'expanded Kennedy's intervention' (3) by simultaneously launching the Great Society and a War on Crime, putting forth the Law Enforcement Assistance Act the very same week as the Voting Rights Act. As riots erupted in American cities, LBJ began to talk about 'fighting a war within our own boundaries' and began to arm police departments with military grade weapons so that the 'frontline soldiers' could combat civil unrest (87). Meanwhile, he used law enforcement agencies to spy on African Americans whom he considered to be agitators. Even during the heyday of civil rights, therefore, programs were being implemented to monitor and control African Americans. Subsequent presidents built upon such policies and precedents. Nixon increased funding for the Law Enforcement Assistance Administration thirteen-fold and helped to usher in a new emphasis on incarceration as a deterrent, funding a wave of prison construction. By the Ford years, many were acknowledging that such policies had not reduced crime, but the Ford administration doubled down on incarceration nonetheless, dismissing ideas of rehabilitation, warning of repeat offenders, and calling for new sentencing guidelines. Hinton argues that Carter did little to reverse these trends and instead 'laid the groundwork' for Regan's eventual war on drugs that expanded these programs even further. 'Rather than a sharp pivot […] Reagan's policies were', according to Hinton, 'more the outgrowth of a process that liberals themselves had developed within a broad political consensus' (305).

Arguing, reasonably, that state-level studies cannot capture the 'profound national dimensions of crime control', Hinton chose to focus her attention on the federal government, crafting a top-down study, one focused almost exclusively on presidents and their close advisors (8). At times this focus on the executive branch seems too narrow. One cannot but help wonder about the sorts of pressures and constraints under which these presidents were operating. For instance, Hinton notes that Johnson signed the DC Crime Control Bill 'despite his reservations about the mandatory minimum sentences the act imposed' but does not sufficiently explain the reasons for which he ultimately accepted mandatory minimums (155). Was he responding to media pressure, congressional maneuvers, or public opinion? Interestingly, while Hinton does not spend much time on the press, judiciary, or Congress, she does provide detailed analysis of academic policy advisors such as Daniel Patrick Moynihan, James Q. Wilson, Edward Banfield, and Charles Murray. The attention given to academic advisers fits with the overall argument that racial assumptions were affecting all the policymakers in this so-called war, even the supposed experts. However, it further contributes to the impression that policy was crafted in vacuum, rather than shaped by political pressures and institutional constraints.



The growth of the American prison population, from VOX and The Economist respectively:



http://www.vox.com/2015/7/13/8913297...on-maps-charts http://www.economist.com/news/united...iance-left-and

Hinton's insights and proposals are interesting and provocative. Some reformers today call for the police to ingratiate themselves in communities by using old-fashioned foot patrols and by having the police take a role in youth activities, to improve community relations and straighten out at-risk youths; Hinton makes the case that both of those strategies were counterproductive in the past. Many residents felt as though they lived in occupied territory and police used community programs to scout for future criminals. Instead of increasing the police presence, Hinton argues that 'residents in communities should be responsible for keeping their own communities safe' (339). She points to several successful programs that were undercut by officials, such as the Boys Brotherhood Republic of New York and the League to Improve the Community in Chicago, both bemoaning the lost opportunities they represented and suggesting that such programs may provide a way forward.

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CHAPTER OVERVIEW

13: Black Youth

13.1: Recognizing Dignity- Young Black Men Growing Up in an Era of Surveillance

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13.1: Recognizing Dignity- Young Black Men Growing Up in an Era of Surveillance

Abstract

An enduring finding is that marginalized young men of color aggressively seek "respect," or masculine status. Drawing on ethnographic fieldwork at an all-boys public high school, the author found that respect—a desire to "be known"—offers an incomplete explanation for how young black men claim recognition in an era of surveillance. These findings reveal an alternative and more complex portrait of criminalized young black men in search of multiple *dignities*. With the help of adults, the young men in this study made claims to the right to grow as individuals. They also continued to yearn for a form of respect that rejected a sexually victimized identity, in a manner rarely captured in previous research. Their yearnings also highlight claims to a third form of dignity: to "be unknown," or the privilege of anonymity.

How do marginalized young men of color claim recognition? The enduring answer in research is that they yearn above all for *respect*—the deference of others—and to "be known" (Anderson 1999; Bourgois 2003; Ferguson 2000; Morris 2012). These young men respond to race and class subordination by asserting masculine domination over others (Connell 2005). "Respect" highlights a portrait of a masculine identity that seeks power, rejects weakness, and is prepared to use violence. In this context, recognition is a matter of difference; lacking institutional forms of power, young men of color gain visibility—a reputation—in alternative status systems in which they can be competitive (Ferguson 2000; Wilkins 2008).

A heavy police presence and the logic of crime control are now mainstays in poor urban neighborhoods (Garland 2001). These forms of surveillance have had important repercussions for how youth maintain self-worth. When they are embarrassed and emasculated by authorities, young men of color invest more deeply in "hypermasculine" behavior marked by aggression and the mistreatment of women (Rios 2011). In a related strand of research, scholars have documented how excessive punishment erodes the moral authority of schools, which encourages transgressive behavior and acts of student resistance (Nolan 2011; Perry and Morris 2014). Yet "respect," which has long dominated the conceptual vocabulary of research on alternative status systems, offers an incomplete explanation for how marginalized young men seek recognition in this larger punitive context. As recent work has suggested, a more nuanced portrait emerges with an analysis of *dignity*.

In the context of punishment, dignity is generally taken to mean a sense of humanity distinct from status seeking, and the right to the presumption of innocence (Rios 2011). It is a matter of one's basic existence, a sentiment captured in Sennett and Cobb's (1972) observation that "no more urgent business in life can exist than establishing a sense of personal dignity" (p. 171). Dignity and respect are linked in important ways.[1] When institutions nurture dignity, young men are encouraged to disinvest from aggressively masculine behavior and status seeking (Reich 2010). When unjust forms of punishment deny them a sense of dignity, young black men gain recognition through resistance, by embracing their racial difference and by violating mainstream expectations.

In this article I address the need for an expanded understanding of the dignity claims of marginalized young men. The article's framework draws inductively on meanings of dignity in areas of sociological research in which the term has held a central place, including labor, citizenship, and human rights. This results in a tripartite model of three interrelated forms of dignity. The first and broadest meaning of the term is *social dignity*, a category that reflects that what counts as "worthy" varies over time and by context and is unevenly distributed within status hierarchies (Jacobson 2007). This definition resonates with a common definition of morality across sociological research (Hitlin and Vaisey 2010). I situate "respect" in this tradition. As related work on youth subcultures has shown, marginalized youth seek alternative forms of worthiness when they are shut out of the dominant award structure (Bettie 2014; MacLeod 1995; Wilkins 2008). When recent work in the youth criminalization literature has invoked dignity, this has resembled *inherent dignity*, or the basic humanity of all people irrespective of status or other differences (Berger 1970). A third meaning of dignity, *substantive dignity*, goes beyond basic rights to include worthiness that accrues from a sense of belonging in wider communities (Glenn 2011; Pugh 2009).[2] Across these accounts, dignity is a focal point of age narratives: of how institutions nurture or restrict the development of youth and how youth themselves envision their futures in the transition to adulthood (Fader 2013).

This article's empirical case is Perry High School, a unique all-male public school that served a low-income, black population. (All names in this article are pseudonyms.) Data for this study are drawn from 11 months of participant observation and 70 interviews at the school. Only a handful of single-sex public schools existed in the early 2000s, but that number has climbed to more than 100 nationwide (Klein et al. 2014). Some researchers contend that these unique arrangements empower young men by providing a space to interrogate racism and aim generally to steer young men away from incarceration (Terry et al. 2013). I situate Perry High within this larger context of schooling and surveillance. I characterize the school's efforts as acts of empathetic care rooted in social activism, which join a historical legacy within the African American community of mobilizing others to combat injustice (Collins 2000; McDonald 1997).

I draw on feminist theories of gender to explain how actors at Perry High make claims to *dignities*(Estrada and Hondagneu-Sotelo 2011). In examining a unique school ethnographically, I observed how a discourse of punishment refracted three major framings of black male subjectivity: as undeserving of care, as sexually victimized, and as paradoxically visible and invisible. In interpreting and contesting these subject positions, school community members made distinct claims to dignity. Although Perry High was making strides toward nurturing the inherent dignity of its young men, respect—or the desire to "be known"—remained important for the young men, but in ways rarely captured by previous research. Just as the young men began to feel a sense of racial pride and solidarity in the school, they were burdened by feelings of shame and fear bound up in the school's recent history. Moreover, primarily through conversations with older students who had had formal contact with the criminal justice system, a yearning for a third form of belonging emerged, which I call "being unknown." These findings reveal a more complex portrait of black male subjectivity that is missed in a singular focus on masculine status seeking, and more generally highlight how age inequality structures disadvantage for criminalized young men.

Three Forms of Dignity

Previous research on marginalized young men prioritizes the concept of respect. In what follows, I locate respect in a larger body of research bearing on a form of dignity called social dignity. I next identify two additional understandings of dignity: inherent dignity and substantive dignity. In explicating each form of dignity, I pay particular attention to how this concept bears on age inequality and on the criminalization of marginalized young men.

Social Dignity

Implemented in the 1980s, "tough-on-crime" policies led to expanded forms of surveillance in urban communities (Garland 2001). As Perry and Morris (2014) noted, these "policies prompted a prison boom of such proportions that incarceration, probation, and parole have become norms, rather than aberrations, for many segments of the U.S. population, especially young men of color" (p. 1068). The logic of crime control has infiltrated a number of community institutions (Brayne 2014). In schools, this has most clearly taken the form of "zero-tolerance" regulations that demand swift and harsh punishments for student offenses (Nolan 2011). In 2012, 20 percent of all black boys nationwide received an out-of-school suspension, which was more than three times the rate of punishment for white boys (Civil Rights Data Collection 2014).[3]

How do young men of color assert their self-worth? The prevailing answer in the literature draws on an understanding of the broadest form of dignity: *social dignity*. This refers generally to how the criteria for what is "worthy" varies by time and place, and can be given, earned, and lost (Jacobson 2007). It provides the template for saying that individuals engage, for example, in "dignified," "respectable," "honorable," or "decent" behavior. Social dignity converges with a dominant definition of morality in sociological research: the "temporal and social variation in the understandings of obligation, value, and worth" (Hitlin and Vaisey 2010:5).

Social dignity is "status dependent," which is rooted in an ancient notion of "social honor [that] belongs to the world of hierarchically ordered traditional societies" (Habermas 2010:472). Viewed in this light, social dignity resonates in a long line of sociological work that examines how groups protect power and privilege. Sociologists have intimated social dignity in research on how systems of classification—along lines of race, gender, class, and others—draw boundaries between worthy insiders and unworthy outsiders (Lamont and Molnár 2002). This has been a core insight for research on punishment. Drawing on social reproduction theory (Bourdieu and Passeron 1977), scholars have shown how institutions penalize youth who lack dominant, middle-class cultural capital (MacLeod 1995; Nolan 2011). In another line of research, a theory of disciplinary power holds that rational forms of punishment, such as constant monitoring, are used to control subjects in their everyday lives (Foucault 1977).

Drawing on these theoretical traditions, researchers have found that school officials perceive black boys to be more deserving of punishment than their peers. Young black men subsequently retain self-worth and "make a name for themselves" by embracing aggressive, heterosexual power (Ferguson 2000:125). This observation joins research on youth subcultures (see Bettie 2014; Wilkins 2008) that has relied on a central insight from Sennett and Cobb's (1972) classic text *The Hidden Injuries of Class*: that denied access to mainstream power, marginalized youth willfully break rules as acts of resistance, which create "badges of dignity that those in authority can't destroy" (p. 84).

This understanding of self-worth is coterminous with Anderson's (1999) analysis of a "code of a street," whereby young men of color yearn above all for respect, "loosely defined as being treated 'right' or being granted . . . the deference one deserves" (p. 33). In this context, young black men seek not only to "be known" or to have a reputation. They also seek solidarity with peers who resist unfair forms of authority. In these ways, recognition is expressed through difference. Criminalized young black men "make race difference visible . . . as an assertion of the 'we'" (Ferguson 2000:216).

Given that the body is an important resource for young men who lack institutional power, physical aggression is a key feature of the code of the street. Yet masculine respect can be gained in other ways. Young men, for example, repudiate a "fag" identity they associate with emasculation—often through the use of jokes—in order to solidify a heterosexual identity central to masculinity (Pascoe 2007). This process is racialized, however, given that insti-tutions historically have punished black male sexuality. Pathologized "controlling images" of black men as hypersexual and as potential rapists have been used to justify their racial containment (Collins 2000). Yet low-income black youth may be especially inclined to reject nonheterosexual identities in order to gain status they otherwise lack (Froyum 2007). In this article, I show how young black men link sexuality to punishment through their joking. These practices resonate in the African American traditions of ritualized verbal sparring and black humor, which have historically served as critiques of inequality (Majors and Billson 1996; Morris 2012).

Inherent Dignity

Recent work on youth criminalization has implied a need for an expanded understanding of self-worth for marginalized young men. One influential account is Rios's (2011) ethnography of surveillance in Oakland. Rios (2011) found that criminalized young men of color were, "at a more basic level, striving for dignity," which "has to do more with a sense of humanity than a sense of power" (p. 39). Yet police officers demanded obedience and emasculated the young men (e.g., by being rough with them and embarrassing them in front of their girlfriends). The young men responded to police mistreatment by investing more deeply in the code of the street and "hypermasculine" behavior among their peers. Collins (2005) has argued that this police mistreatment—rendering young men prone and submissive—is part of a larger state-sanctioned sexual violence that includes the pervasive threat of rape inside prisons.

When scholars invoke a "sense of humanity" in this context, they are drawing on a second meaning of dignity: *inherent dignity*. This meaning of dignity refers to "an intrinsic humanity divested of all socially imposed rules or norms" (Berger 1970:342). Recognition is a matter of securing and protecting basic human rights; they are the "cornerstone of human dignity" and include "the rights to be free from murder, torture, or other cruel . . . punishment" (Hafner-Burton and Tsutsui 2005:1379). Although the hierarchical notion of social dignity is centuries old, inherent dignity has a shorter history and can be traced to the 1948 Universal Declaration of Human Rights (Habermas 2010).

Struggles for inherent dignity are fundamentally demands for justice. Extending Durkheim's ([1961] 2002) account of morality, scholars have argued that unjust and unfair forms of punishment erode the moral authority of institutions (Perry and Morris 2014). This meaning of dignity is similar to that in a longer research tradition on labor, which stresses protection from abuse and opportunities to grow and to take pride in one's development (Hodson 2001).[4] The denial of these basic rights of social citizenship highlights age as an axis of inequality and power (Gordon 2009). Although feminist research has examined how race, sexuality, gender, and other systems are "reciprocally constructing phenomena" that produce inequality (Collins 2015), age has been less emphasized. When they are punished severely and are unable to make mistakes like their peers, young black men are "adultified" and denied the presumption of childhood innocence (Ferguson 2000).

How can institutions nurture the inherent dignity of marginalized young men? Rios (2011)highlighted the vital need to offer young men the presumption of innocence and to allow youth to make mistakes without fear of punishment. In a similar vein, Reich (2010) observed that criminalized youth can come together and gain a deep awareness of their own collective powerlessness instead of asserting power over others. Recognition has a "degendering" quality: "respect, formerly something 'won' through competition with other young men, becomes something akin to mutual recognition, or love" (Reich 2010:36). Historically, black women have played a vital role as care providers for extended kin and as activists in the struggle against social injustice (Collins 2000; McDonald 1997). This empathetic care grows out of the caregivers' own experiences of oppression. Researchers have increasingly examined how male mentoring for young men of color fosters "unity, trust, and open dialogue" (Jackson, Sealey-Ruiz, and Watson 2014:411; see also Hubbard and Datnow 2005; Valenzuela 1999). This study builds on this line of work by demonstrating how school officials offered recognition through provisions of care—those acts that benefit dependents, and those particularly disadvantaged—as a way of restoring the humanity of their students.

Substantive Dignity

Substantive dignity is a robust sense of worth that comes from a feeling of belonging in a wider community. The notion of substantive dignity resonates in research on citizenship (Bloemraad, Korteweg, and Yurdakul 2008; Glenn 2011; Hughey 2012) and consumption (Pugh 2009; Sykes et al. 2015). Glenn (2011) called a form of citizenship that extends past formal rights to include a sense of belonging "substantive citizenship." I amend this term to invoke the sense of self-worth that accrues in this case.

Substantive dignity reverberates in Durkheim's ([1961] 2002) account of "moral individualism." As Cotterrell (2011) wrote, for Durkheim, justice itself "does not create the sense . . . of being *part of a larger whole*, a cohesive, unified, integrated society" (p. 8). Although respect offers "alternative subject positions as a means for becoming visible and gaining recognition" (Ferguson 2000:97), belonging in this third meaning of dignity stresses something different. With substantive dignity, recognition is a matter of similarity, which reflects "the goal of joining the circle rather than one of bettering it" Pugh (2009:7).[5] In Durkheimian terms, "individualism" is not autonomy from society, but autonomy through society. As Durkheim wrote, a secular religion binds people in modern society. An individual receives "dignity from a higher source, one which he shares with all men. If he has the right to this religious respect, it is because he has in him something of humanity" (Lukes 1969:23). Individuals seek connections to local and larger, often imagined, communities because anomie signals suffering (Marks 1974). In the transition to adulthood, marginalized young black men seek not only a sense of self-efficacy but affirmation from wider communities for their accomplishments (Fader 2013). Yet the barriers to membership are inflected with race and class meanings. "Narratives of belonging" reserve full citizenship status for whites and for those who embody a middle-class respectability (Hughey 2012).

Marginalized youth seek more than affirmation. An example from Glenn's (2011) analysis of citizenship is instructive. Glenn shared the story of David, who, as an undocumented Mexican young man, lacked formal standing as a student at a university (and therefore the right to an education). Yet David continued to take classes because his identity "rests on recognition from his professors and fellow students" (p. 13). In one respect, David's struggles highlight how citizenship structures the right to personal development. David wished to be recognized as someone with potential: as someone who could have success and a chance at achieving social mobility. Yet David also wished to be accepted. I would stress here that in seeking recognition as a student, David wished to be just like everyone else, a blending in with a larger (and imagined) community: a kind of invisibility. David's example highlights how the norm group (the college community) is unaware of its privilege as documented, and therefore of *its own invisibility*. As Ray and Rosow (2012) found, the raised visibility of young black men is tethered to the privilege of hyperinvisibility afforded to white men, who are less encumbered by forms of surveillance.

Social Prisms and Subjectivities

I draw on feminist theorizing to explain how actors make claims to dignity. An intersectional approach holds that multiple forms of stratification—such as race, gender, sexuality, and age—cross cut in the production of social inequality (Bettie 2014; McCall 2001; Wilkins 2008). These categories of difference interact at multiple levels, from the interactional to the structural. My analysis follows the lead of poststructural scholars who examine these interlocking categories at the level of discourses, or frameworks of knowledge that imply an unequal distribution of power (Weedon 1996). A poststructural framework is appropriate given that marginalized young black men frequently confront and resist discourses that frame them as "in crisis" and "endangered," which tend to pathologize their behaviors even as they highlight real disadvantages (Ferguson 2000; Young 2004). Punishment emerges as the dominant discourse in the present study. Its meanings were embedded in the life of the school: in regulations, conversations, announcements, assemblies, classroom lessons, and joking.

Discourses shape subjectivities, or how individuals understand themselves in relation to the world, bound up in powerful emotions (Weedon 1996). Feminist scholars have cautioned against analyses that view actors as "simply structural positions" who succumb to discursive constraints (Cho et al. 2013:807). In this article, people—the young men, with and without the aid of adults—expressed agency by interpreting and contesting the subject positions they were discursively "recruited to" (Choo and Ferree 2010). Spade and Valentine's (2008) metaphor of a kaleidoscope offers a helpful way of understanding this process of subject formation.[6] In my analysis, the kaleidoscope "turns" in three instances. In each case, a discourse of punishment refracted a different subject position of black masculinity, inflected with meanings of race, gender, sexuality, age, and other lines of difference (like how a kaleidoscope refracts complex patterns of light): as undeserving of care, as sexually victimized, and as paradoxically highly visible and invisible. School community members interpreted and contested these subject positions through their claims to dignity.

Finally, struggles for dignity are deeply emotional experiences. Often, anger is the focus of young black men's emotional lives. In one common formulation, anger helps secure young men's masculine status (or respect). In another, black men risk being stigmatized as "angry black men" when they show too much emotion (Wilkins 2012). I view feelings not merely as "affect," but in a Durkheimian sense: as stressing the degree of connection to others (Collins 2004). Pride represents intact relationships with others and a self that has been verified (Scheff 1988). Shame is a sign of severed bonds and that one's basic humanity has been disputed. Many of the young men and school officials in this study were angry about the assaults on the young men's dignity. Pride and shame shift attention to the hopes, fears, and vulnerabilities that underlie that anger.

Setting

The Broader Context

Although private single-sex schools have long been common across the K–12 landscape, until recently their public counterparts have been quite rare. The 2002 No Child Left Behind Law and 2006 Department of Education guidelines made provisions for sex-separate schooling.[7] These guidelines support a larger public school reform effort that encourages expanded schooling options for families. In 2014, there were 106 entirely single-sex public schools in the United States (Klein et al. 2014).

Little qualitative research exists on these all-male public schools, and what does has largely examined why and how educators view these schools as an appropriate intervention for young men of color (Fergus and Noguera 2010). For example, educators can address young men's academic needs through the use of relevant cultural curricula. Or they can target young black men's social needs by cultivating positive notions of manhood through same-sex mentoring. Some research has located these schools more squarely in a context of mass incarceration and institutional discrimination. In this setting, schools are sites of racial empowerment and offer young men of color opportunities to debrief racism with black male faculty members (Terry et al. 2013). More recently, these schools have received support from the Obama administration's new My Brother's Keeper program, which is aimed at improving the life chances of boys of color (Albright 2014). For these reasons, all-male public education provides a compelling site for the study of dignity and punishment. I build on previous research by demonstrating how school officials provide care as a way of restoring young men's dignity.

Field Site

This study represents one of first ethnographic examinations of all-boys public schools (see also Fergus and Noguera 2010; Terry et al. 2013). Perry High School, the focus of this study, converted from coeducation to an all-boys model several years before I conducted my research there. The school enrolled approximately 450 young men in grades 7 through 12. The student body was 99 percent African American, and the school was labeled as "high poverty" by the district, with 89 percent of the students qualifying for free or reduced-priced lunch. The student composition reflected entrenched racial and class segregation across the large city of Morgan. Like other large cities, the Morgan school district had adopted zero-tolerance policies. Perry High employed several full-time and part-time unarmed school police officers.

During the transition to an all-boys model, another coed school, Thompson High, became the neighborhood's all-girls school. This conversion, however, was done without adequate communication with community members. This made for a rocky transition that may not necessarily be representative of other efforts to open all-male schools. These missteps in implementation limit this study from making broader claims about all-boys public education per se. However, my primary aim is to "excavate layers of social meanings" behind dignity by attending to how "the messiness of history and historical processes, social acts, and social actors fit together to construct specific ways of being and becoming" (Best 2006:18). In other words, it is precisely the school's "messy" history—its first unsuccessful attempt at an all-boys model and how school officials regrouped; moments of pride and hope, shame and fear—that threw into sharp relief a multifaceted character of dignity that is rarely stressed in research on marginalized youth populations.

Analytic Strategy

I used qualitative methods to collect data for this study. I spent 11 months—the 2009–2010 academic year and the summer-school period—conducting participant observation at Perry High School. I spent an average of 25 hours per week at the school. I sat in on classes and hung out with the young men in the hallways, the lunchroom, and at after-school activities. At times I accompanied the young men when they were off school grounds, at events such as college fairs and at locations such as the city court. I took notes by hand during the day, which did not seem out of place in a school setting. I was happy to help whenever staff members and students asked for it (e.g., tutoring after school), which helped strengthen my presence in the school (Morris 2012).

I supplemented my observations with 70 interviews. I used purposive sampling to identify a range of youth and adult interview respondents. These interviews were semistructured, which included predetermined questions tailored to each group of respondents and allowed interviewees time to speak on topics of their own choosing (Berg 2009). Twenty-five of these interviews were with students, and they typically lasted 45 to 60 minutes. I got to know the students in class before approaching them for interviews, and a few students came recommended to me by adults. This sample included young men who ranged in age 11 to 19 years, who represented all six grades in the school, and who had experienced formal punishment and contact with the criminal justice system. Eleven of the 25 young men (44 percent) self-reported having been suspended from school at least one time since elementary school. Six of the young men (24 percent) had been arrested once. I also interviewed 45 adults: 20 former and current teachers, 6

administrators, 9 support staff members (e.g., social workers and school police officers), 9 parents, and 1 school district official. These interviews with adults usually lasted 75 to 90 minutes. All of the interviews were transcribed in full. I used the software ATLAS.ti to code and analyze my field notes and interviews. In the first round of analysis, I coded for general themes, many of which were emic constructs common throughout the school (e.g., "manhood" and "respect"). In subsequent rounds of analysis, I used theoretical coding to identify and assess the forms of dignity that are presented in this article.

Following the lead of youth scholars, my chief objective was to treat the young men as individuals who could speak critically about their social worlds (Best 2007). In organizing the student interviews, I generally followed the approach taken by Young (2004) in his interviews with marginalized adult black men. I asked the young men to describe how their worlds (primarily the school, but also their peer networks, their local community, their family, and larger society) operate and to situate themselves within those worlds. I found that the young men were eager to share their thoughts on Perry High because of its uniqueness. The interviews with the school officials were aimed at their general thoughts on the school's past, present, and future; their own experiences at the school; and their perspectives on single-sex education more generally.

In relating to the young men, I largely avoided the "least-adult" role whereby a researcher "suspends all adult-like characteristics" in order to gain insider access (Mandell 1988:435). Still, I was aware that my social distance from the young men might prove to be a challenge and that the young men may have been distrusting of authority figures. I found that I was able to develop rapport by sharing my own experiences as a former urban public school teacher. This likely gave me some legitimacy and did not cast me as a complete outsider. I also found that I was able to build trust by encouraging the young men to speak about race and other sensitive topics (Bettie 2014).

"Time to Bloom": Claiming Inherent Dignity

In what follows, I examine how the students of Perry High asserted their humanity as young black men growing up in an era of surveillance. These assertions were couched in burgeoning care relationships between the students and school officials.

Deserving of Care

The importance of the coming school year weighed heavily on Mr. Bradley, Perry High's principal. As he and his staff members knew well, the first attempt at an all-boys model had been poorly executed. There had been little communication with staff members and families about the transition from a coed to a single-sex arrangement, and the staff had expressed dismay over the absence of an institutional mission and a clear rational for supporting their students. At a meeting to welcome his staff, Mr. Bradley, traded his normally jovial demeanor for a more serious tone. "We're a single-sex school," he started. "And we need to have a 'single-school culture.' Everyone has to be on the same page for this to work."

Despite the school's history of struggle, school staff members shared reasons for optimism. The school had received a large federal grant to start new programs including academic tutoring and mentoring. The school focused on building a stronger leadership, and with the aid of the school district was able to recruit a number of veteran administrators (some of whom were former principals themselves) to serve as assistants and mentors for Mr. Bradley. All told, six of the school's seven administrators were black men.

For school officials and other staff members, leading an all-boys school was an opportunity to live out their "calling" (to use Mr. Bradley's word) to help marginalized young men, and to alleviate strained relationships between black men and boys (hooks 2004). Take, for example, Mr. Youseff, a teacher and a devout Muslim. When I asked him to reflect on why he had been drawn to teaching in an all-male school, he described how he had been inspired during his days as a prison minister. There, he found his calling as an educator:

> I used to go up to the prison to talk to the prisoners—the inmates—and a lot of them are the fathers of some of the young men from this neighborhood. And almost to a man, they always ask . . . they always request of me in my other role as the Muslim leader. They say, "Brother Imam . . . make sure my seed"—meaning their sons—"don't end up in the same place."

Mr. Youseff was one of three men I interviewed who was currently active or had worked in prison ministry. He felt his life's work was "in the trenches" with the boys. He described experiencing a "moral awakening" as a child growing up in the civil rights era and how his empathy for boys grew out of his own experiences of racial marginalization. Other men in the school viewed themselves as social activists. One administrator found his calling to help young black men while a student at a historically black university. Another staff member had grown up in Morgan and made the switch to working inside schools after years as a respected police officer in the neighborhood. Mr. Bradley himself came from a family of public school educators, and he was determined to lead Perry into a more promising future.

Mr. Jeffries grew up in the neighborhood and was perhaps the most well respected staff member at Perry (and called by many an unofficial administrator). After being incarcerated himself as a young man, he returned to Morgan and became a tireless antidrug advocate. As Mr. Jeffries saw it, drugs had harmed community life and had created a "loveless generation" at a time when young men needed love the most. In his eyes, the school's new mission was both simple and challenging:

> When you get down to it, black boys receive less care than anyone. We need to show these boys we care for them. That doesn't mean being soft because the boys don't respect you if you don't have a backbone. It just means giving people what they need because they're human.

Racialized discourses refract a subject position of young men of color as deserving of punishment. As Mr. Jeffries implied, the flip side of this is a framing of young black men as undeserving of care. The new mission of the school, therefore, was grounded in the basic idea that young black men were deserving of care. If care represents those acts that benefit dependents, then these efforts highlight the crucial responsibility of the care providers, or the school officials. As Mr. Jeffries put it, "they are *our* children." At a training session for a new mentoring program, Mr. Jeffries stressed the responsibility the male mentors shouldered:

> [The mentees] need to try to see what it's like to walk in a successful man's shoes. But the hardest thing is for a man to walk a mile in their shoes. That's the thing: as a man, you can *act your age* by imagining what it's like to live the hard life of a black child.

Mr. Jeffries's message was that the mentors needed to develop a true sense of empathy and obligation. Together, this network of committed men would honor the legacy of African American community care practices. And although Mr. Jeffries's use of "age" in this context referenced the men's responsibility, it also highlighted how age inequality has historically disadvantaged black men and boys (Ferguson 2000). One moment during a later meeting of the mentors and students illuminated this idea. Raymond, a ninth grader, was asked about his vision for the program. School officials had asked Raymond for his help in recruiting other students to the program, as he was well liked by his classmates. On behalf of the other mentees, Raymond told the men in the room:

> We're still learning how to be men and we need your help. We learn lessons every day and after a few years we'll be more mature because of all the lessons we've learned. Eighth grade was only last year. Give us some time to bloom.

As Raymond implied, the young men deserved care as a matter of inherent dignity. Far from seeking masculine status, the young men yearned for the right to meet their human potential, and for opportunities to show that they were "getting somewhere in life" (Hodson 2001:44).

Providing Care

To recognize the humanity of their young men—so they could begin to bloom—the administration engaged in two strategies. They hoped that these strategies would build racial solidarity and trust (Lamont 2000). First, they encouraged the young men to examine discrimination, and particularly mass incarceration, in structural terms (Reich 2010; Terry et al. 2013). Officials frequently communicated to the young men that they needed to be protected from the common foe of the criminal justice system. This sentiment was captured prominently at a breakfast that brought together students and their fathers, grandfathers, and other male mentors. Mr. Bradley wanted to show the students his close relationship with his brother, so he invited him to speak. His brother told the young men, "My father didn't hug and kiss me. Because back in the day that's not what brothers did. But I'm here to tell you boys: 'We love you. We care about you.'" The speaker then turned to the mentors: "You don't need to go to Afghanistan. There's a war being waged in our own community! . . . Our young brothers are hurting one another. But our jails are hurting us the most!" The room erupted in applause. He later described his personal experiences of racial oppression as a show of solidarity with those in attendance.

A majority of the school's big messages (such as those given at assemblies) stressed how mass incarceration had made black men and boys invisible. These messages emphasized the depth of criminalization by asserting the breadth of dehumanization. For example, at one gathering Mr. Bradley declared,

> Prisons are now commercialized. Recently my financial adviser asked me if I wanted to invest in prisons and I said, "How, as an African American man, can I do that, when I'm trying to educate and not incarcerate young Black men?" That's how they view you. They want to make money off you!

The principal stressed that incarceration had "expanded to reach an industrial scale heretofore unknown in a democratic society" (Wacquant 2009:64). In a related example, Mr. Youseff was fond of encouraging the young men to consider how mass incarceration was exploitative, calling it a "human warehouse system" where "you will serve somebody's interest." Contemporary punishment was a system of racialized social control that mirrored slavery. Like other schools, officials also stressed an

"achievement ideology" whereby success is a function of one's hard work (MacLeod 1995). Not surprisingly, then, many of the young men in this study took responsibility for their actions and failures. Yet, even if just slightly, school officials wanted to tip the scales by helping young men to sharpen their awareness of structural oppression.

For an all-male school, the beginning of Barack Obama's presidency marked a period of social transformation. On the date of President Obama's first State of the Union address, Mr. Gaines had his students read excerpts from the president's celebrated 2008 "A More Perfect Union" speech. Mr. Gaines asked his students what resonated most with them. Reggie pointed to passages in which Obama described "young men . . . languishing in our prisons" as a form of discrimination, and asked for "enforcing our civil rights laws and ensuring fairness in our criminal justice system" ("Transcript of Obama Speech" 2008). "Obama's a real leader. He knows it's a big problem for the whole country," Reggie observed. "He's saying this is us needing to fight for our rights, like we're the new civil rights [generation]." The other boys cheered. Mr. Gaines beamed with pride. Reggie made a claim to inherent dignity and invoked a sense of solidarity with others far beyond the city of Morgan.

As the school officials saw it, the young men had been groomed to think that schools were designed to punish them. A second strategy in their caregiving efforts was to work to curb rates of punishment in the school. Mr. Gardner, a social worker, had for many years managed a substance abuse prevention program for youth. Like other men at Perry, he cited his larger commitments to "faith-based work" as motivating his work inside the school. Mr. Gardner expressed that one of his responsibilities was to help teachers not to mistake frustration for aggression in the boys. "I think that there is an intense fear for a lot of our young men here," he said. "And so any time that a student shows any level of frustration, that we automatically either just suspend them or write them up." As Mr. Gardner warned, staff members adultified the young men when they interpreted their emotional responses as personal threats (Ferguson 2000).

I asked Mr. Sharp, an assistant principal, to describe what could be improved about the school. He felt that many adults were too fearful of the young men:

> I think some of the teachers are really afraid of the boys. Even the school police are afraid of the boys. Because their mannerisms and being on the street, they have a tendency to be tough to people until they find out you're cool, or you are willing to teach them. See, to me, school should be a place where they can make mistakes, and a lot of the new teachers come with their middle-class values into school and they want to stick it on them.

For Mr. Sharp, a major challenge for the staff was earning the trust of young men who distrusted authorities. Yet the school officials' fear disguised the young men's desire to learn and grow. The administrator came from a class-privileged background, but he expressed having learned the dangers of trying to force "middle-class values" on poor black youth after three decades serving as a teacher and an administrator. He believed that his class privilege carried an obligation to helping poor young men (McDonald 1997). As part of a large, experienced administration, Mr. Sharp focused on working closely with a small group of teachers on their challenges with discipline and instruction.

To build a space where "proving" masculinity might go "into remission" (Reich 2010:216), the school officials articulated the important need to reflect on their own disciplinary practices. Mr. Harris, a school district official, emphasized the need to refrain from "acting macho" with the boys, which reinforced a masculine struggle to which the boys were accustomed. Mr. Richards, an assistant principal, told me that his biggest task was to "teach other men not to be hollerers. If you're assertive, you're seen as this scary black man fitting the stereotypes." The worry, he noted, was that students would distrust the men for abusing their power (Harding 2010). Care could begin to flourish at Perry if care providers themselves, to borrow Mr. Jeffries's phrase, "acted their age" by decoupling domination from personal strength (Reich 2010).

Being Known: Respect and Reputations

Although the school leadership looked to the future, the young men continued to be burdened by the school's history. In this section, I demonstrate how the young men continued to fight for a form of masculine respect linked to their collective claims to inherent dignity. This aggressive heterosexuality was intended to deny an abject sexually victimized status the young men associated with incarceration.

"The Gay School"

For many of the young men, the transition to a single-sex school had an enduring and troubling consequence. The school had taken on a disgraced identity as "the gay school." This carried sexual meanings that struck an emotional chord with the young men. They believed that their peers in the community believed that boys who attended Perry were gay. Tyrell, a 10th grader who had transferred to Perry in the past year, seemed to resent the school before he ever stepped foot inside it. He had heard "the school was

full of all these gay boys. Like, you come here if you into gays, or you become gay if you stick around." In her ethnographic study, Froyum (2007) argued that low-income black youth strongly reject nonheterosexual practices and behaviors in order to claim status they otherwise lack. Froyum (2007) implied that the young people in her study viewed a gay identity as a form of victimization; they feared "going gay" and they "saw rape or stints in jail as avenues to homosexuality" (p. 612).

My findings build on this research linking incarceration and victimization. Perry High had long had a reputation as "like jail" in the community. It physically resembled one with its intimidating exterior and metal detectors, and the students perceived that outsiders stigmatized the school for being disorderly (Morris 2012). "It looks like an institution," Lamont, a 12th grader, told me. "I've been locked up. I know what it looks like when you get locked up. There's gates on the windows, all boys in the schools." The transition to an all-male setting, which had cemented the school's resemblance to a prison, had provoked anxieties around a strict prison hierarchy. In addition to the threat of "going gay" (Froyum 2007), there was a second meaning behind "the gay school." Researchers note that a culture in which inmates sexually assault and prostitute more vulnerable men is typical inside prisons (Messerschmidt 2001). Young men learn about the threat of prison sexual from friends and family members who had been incarcerated (Sabo, Kupers, and London 2001). My interview with Keith, a 12th grader, is illustrative here. For an assignment in an English class, students were tasked with reflecting on a book they were reading, *Letters to a Young Brother: MANifest Your Destiny* by Hill Harper (2006). In the book, Harper, a black television actor, answers questions from young male readers seeking guidance on issues around growing up. One of the book's key topics—the qualities of a "good man"—led to a lively debate among the students. For a writing assignment, Keith chose to defend the position that acting tough was mere posturing for many boys and a way of hiding weakness. As he told me in class, he felt many of his classmates did not understand what being tough really meant. I asked Keith later about that in our interview.

> Some of the boys in this neighborhood think they're tough. They're not tough. My brother tells me, "Men get locked up and they learn real fast they're nothin'." They meet some real goons and soon they be someone's bitch. And no one can save you then.

This topic sometimes came up in school. One day, some friends were chatting about the recent episode of the television show *The Boondocks*. They enjoyed the show especially for its lead character, Huey, a politically conscious black teenager. Eddie brought up an episode in which one character, a black man named Tom, is arrested and is frightened that he will be sexually assaulted in jail. The boys discussed how often people make jokes about prison rape, before Eddie said, "real talk: that episode was *messed up*. That man was scared." His comment effectively ended conversation, suggesting that prison rape was an especially taboo topic.[8]

In the United States, the advent of a hyperaggressive prison masculinity coincided with a steep rise in incarceration rates during the 1980s (Miller 2006). With more street gang members incarcerated, prison culture itself came to adopt an organized gang structure. Therefore, as the criminal justice system has come to be identified with black masculinity, sexual domination has become a defining feature of the prison experience. The association of blackness with prisons has likely augmented public perceptions of prisons as sexually predatory institutions. And there is evidence of sexual assault in juvenile facilities: the Bureau of Justice Statistics found that in 2012, 10 percent of youth in these facilities reported at least one incident of sexual victimization (Beck et al. 2013). The threat of victimization is likely greater for juveniles sentenced to adult facilities, which compounds the already severe consequences for black male youth who are treated and punished as adults (Ferguson 2000).

The administration had made an effort to recognize the meaning behind the boys' street mannerisms, as Mr. Sharp described it earlier. Yet the young men continued to engage in a separate masculine status system intertwined with a discourse of punishment that refracted a subject position of black men as potentially sexually victimized. To perform appropriate masculinity and to earn respect, the young men frequently renounced sex between men and an emasculated fag identity. One day, a student stood near the doorway and "dry humped" students as they came to class. Jared walked right by him and said, "I think it's gay having all these boys here. We need some girls, not sword fights," which refers to sex between men. Joking, however, was the main currency for shoring up heterosexuality. In an eighth grade math class one day, a group of boys discussed their weekend plans. Kenny adopted a "fag act," in which he impersonated an effeminate identity in order to mock it (Pascoe 2007). In a high-pitched voice, he said, "Larry, I need new jeans that make my butt look good. Take me shopping!" Larry, who risked being emasculated, shot back, "All your butt's getting is a good workout in jail!"

In some cases, the students' joking rejected the school's own reputation. One day in the lunchroom, Doug surprised some friends and pretended to be a cop. He yelled, "What are you Perry boys up to?" The boys laughed and someone yelled, "We gettin' booked!" Xavier then shouted, "Officer, let me go! These Perry boys been in this school too long. Take them: they like being on their knees now!" If Perry High was known for being "the gay school," then Xavier knew to "be known" for rejecting a powerless identity linked to incarceration. The other boys howled and did not seem particularly offended, perhaps because—by joining in on

the joke—they also benefited from the way Xavier denounced both meanings behind "the gay school": that boys turned gay at the school, and that they faced possible submission and emasculation once incarcerated.

The Seriousness of Jokes

Sexual hazing and antigay sentiments are present at elite, white-dominated all-boys schools, but their students' privileged identities —by race and class—help protect the young men's masculine identities (Stoudt 2006). For the young men of Perry, however, sexuality was linked to punishment and was therefore an especially tenuous identity, one that had to be actively defended at all costs. Their joking interactions are comprehensible when viewed in the serious context in which they emerged. Linking to the African American tradition of verbal sparring, the joking earned young men respect and served as a veiled critique of the deep inequalities of punishment (Morris 2012). Historically black humor has been used to circumvent the threat of castigation that accompanied more direct and serious critiques of injustice. As Majors and Billson (1996) noted, these interactions allow blacks to engage "deadly serious issues" and "express deeper truths with impunity" (p. 63). Although the serious issue of prison sexual assault (recall Eddie's comments about *The Boondocks*) was only ever addressed obliquely through jokes, the threat of it appeared to produce a level of anxiety among the young men. As Keith shared earlier, a fag identity signaled emasculation and complete incapacitation, a permanent imprint of shame and cruelty ("no one can save you then"). In this way, the young men's struggles for respect among their peers implied a basic defense of their humanity.

School officials failed to see how the young men themselves expressed fears of incarceration, and there was little serious dialogue between adults and students on the topic of sexuality. These conversations may have enabled the young to talk productively about their feelings of fear and shame, which were so taboo that they were virtually unspeakable outside of the context of joking (Scheff 1988). Without these interventions, their struggles to be known spoke instead "of masculinity in a grammar of power" (Ferguson 2000:216), using language that suggested they could be victims of harm, and language that posed harm to others.[9]

Being Unknown: The Struggle for Anonymity

This section turns to older students who had had formal contact with the criminal justice system. After returning to school and envisioning where their adult lives could take them, they expressed a yearning for a third form of dignity I call "being unknown."

Visible and Invisible

"There's a slogan around my neighborhood," Brandon, a 12th grader, said. "You get it how you live." For Brandon, whose family struggled to support him financially, this meant hustling drugs in order to take care of himself. After several years as a "dope boy," he was caught with drugs in school and was assigned to a youth detention center. Back in Morgan, there were promising signs. He had developed good relationships with his reintegration officer and a teacher who was helping him develop his interest in audio engineering. For Brandon, who had never been away from Morgan, returning to his community began "a struggle for social belonging that is deeply patterned by human frailty" (Western et al. 2015:1540). The lure to return to hustling was strong, he said, in part because he knew he could earn back the respect he once had. But when I asked him about his future, he envisioned "aging out" of crime (Fader 2013). "Maybe with each passing day," he said, "the streets will be behind me."

"I thought," Brandon continued, "I was another nobody who leaves Morgan for prison." He had tried, in his own words, to "lay low" and "just follow orders" in the hopes that would expedite his release from the detention center. What he did not expect was to feel as much as he did his visibility as a young black man. He was told that the majority of the young men there were black and from Morgan. He quickly came to view the facility's population in those terms: the black kids from Morgan, the white kids from other counties. "A lot of the staff there were cool," Brandon noted, but the treatment was still racially discriminatory:

> If a kid from Morgan do something, the kid from Morgan will get punished more than a different kid [from a different county]. And because there'll be so much Morgan kids up there, the staff don't really have a sense of guilt. It's like, "It's a black kid, that's just how they are." I went up there thinking I was a nobody, but all they do is call us out for being black!

As Brandon implied, the staff did not feel a "sense of guilt" for punishing black boys more than their peers because they perceived that Morgan boys deserved it ("that's just how they are"). For Brandon, his time at the detention center threw into sharp relief a paradox: the simultaneous visibility and invisibility of black masculinity. On the one hand black men and boys are closely watched and seen in their neighborhoods, and on the other they are depicted as "missing" (Wolfers, Leonhardt, and Quealy 2015) or "invisible" in the public eye (Pettit 2012). Brandon was caught in a seemingly irreconcilable position. He felt that going into prison, he would be anonymous (in fact, he hoped laying low would accelerate his release), but he found that more than ever his blackness raised his visibility.

"Being Unknown"

Tre was a member of the school's first all-boys cohort. A burglary conviction kept him away from Perry for some time, but when he returned he enrolled in Second Chance, a program for overaged boys. Second Chance students took accelerated classes together and participated in special programs such as a class where the students discussed issues of masculinity and identity. Tre described being deeply invested in the street life when he was younger, and he knew it would always be an important part of himself. But he saw his future goals in a straightforward way: "Got to get my own job. Got to be able to provide for myself and my people. Got to get my own crib, pay my own bills." Tre's aspirations—those basic goals, not grandiose ideals—reflected "the good life" that provides autonomy and economic security for oneself and one's family (Young 2004). He wanted the chance to show that he "was making good" (Fader 2013:180) in his life. It was how Tre viewed a full sense of personhood moving forward. Seven of the nine Second Chance students I interviewed shared similar longings for the good life.

Tre's yearnings became clearer following Mr. Bradley's visit to the Second Chance program one day. The young men had just hung up a banner with the program's new motto: "Success is the New Revenge." Mr. Bradley singled out Tre as one of "our leaders," and asked him what the motto meant to him. "People doubted us," Tre started. "Our success will prove them wrong." Ecstatic, Mr. Bradley asked Tre to share that message at an assembly. The principal felt this would raise the self-esteem of the Second Chance students and also support the administration's mission of cultivating stronger solidarity and male relationships in the school. In our interview later, I asked Tre what he thought of Mr. Bradley's proposal:

Tre:

> They ask me to be a mentor, a leader, for [the younger students] . . . and that's fine, I get it. But for real, for real: I also don't want to be a leader for nobody. It just gives people more of a chance to slice me up, see me as bad. I don't trust that most people won't judge me as being bad.

Interviewer:

> If you don't want to be a leader, then what do you want to be?

Tre:

> I don't think it's even possible. I want to disappear . . . but not be ignored. You feel me? Do right by my people, but not make it like some big celebration. Just be like everyone else, go about my business.

Tre expressed frustration: in one way, he understood why he was being held up as a role model and even embraced to some degree the chance to be "a mentor, a leader." Yet he also wished not to be highly visible in any respect. Crucially, Tre did not want to "be ignored," or invisible in a negative sense before others. Like Brandon, Tre invoked a paradox of being visible and invisible, and struggled to find a measure of self-worth within it.

What Tre desired was a measure of substantive dignity: to lose his difference altogether, and for connection through similarity. I call this form of recognition *being unknown*: the privilege of anonymity in a wider community. Young men such as Tre attempt to reconcile their paradox of visibility—they are constantly monitored and labeled as the subject of a crisis—and invisibility by carving out a space in the middle, a privilege they believed others possessed. Tre still wished to be someone (to take care of his family and to do right by others) and to be able to come and go outside the gaze of others.

My data suggest that the assertions to be unknown were strongest among boys who had formal contact with the criminal justice system—a population similar to the "delinquent" boys in Rios's (2011) study—and who were older and were therefore thinking more carefully about their futures. The young men who as a group fit these criteria best were those in the Second Chance program.[10] Asad, a 12th grader, had a stronger academic record than Brandon and Tre, but a drug conviction kept Asad back in school. When he returned to Perry, he was placed in Second Chance. He was progressing well in the program and his teachers encouraged him to attend a college fair. There, he spoke excitedly about getting back on his feet. He envisioned starting out at community college and taking up a part-time job painting homes.

As a member of two communities—Second Chance and Perry High—that aimed to assist black boys, Asad had much to say about how he and others viewed his racial identity. Like Tre, Asad shared aspirations for the good life: "a nice home somewhere, a job to go to each morning, one that pays for all the things I got back at home." Yet he desired more. By way of introducing this, he described ongoing conversations he had with a teacher, Ms. Swanson. Asad and Ms. Swanson used the plot of the movie *The Sixth Sense* to discuss racial privilege. (In the film, the protagonist, Malcolm Crowe, played by Bruce Willis, is unaware that he has died and is a ghost.) Asad observed,

> [Crowe] don't know nobody can see him. But he thinks he's being seen, right? At the end, it's like, "Shit, I been wrong this whole time!" Trick ending, right? What a shock, right? But what he don't realize is that, not having people look your way, that's an advantage. Shit, that's some power right there! Being black mean I don't have that. If you're a black man: the police . . . people see you and think you've done something wrong. If they don't see you, they still think you've done something wrong. You lose both ways. What I want is for nobody to single me out and trust I'm not doing nothing wrong.

Asad articulated a form of "double consciousness" (Du Bois 1903). He understood his own identity as both visible and invisible before others. On the one hand, he was seen as a criminal. On the other, he was forgotten, and lumped with "missing" and "invisible" black men. Asad expressed a desire to be free of a paradox that deprived him of the presumption of innocence in two respects ("you lose both ways"). "Being unknown" is not a matter of status or standing apart from the crowd. Although social invisibility normally implies disadvantage, it can also be a racial privilege. The heightened visibility and pervasive invisibility of criminalized young black men, in fact, implied how young white men benefit from a "hyper level of invisibility" (Ray and Rosow 2012:67).

Discussion and Conclusions

"Respect" has long dominated the conceptual vocabulary in work on marginalized young black men. In this article, I build on the pressing need for a wider and sharper vocabulary of recognition in this area of research. I introduced a tripartite model of dignity drawn inductively from meanings of the term across sociological research. It is well established that marginalized young men are aggressively "in search of respect" (Bourgois 2003). The findings in this study reveal an alternative portrait of criminalized young people in search of *dignities*.

Drawing on participant observation and interview data at a unique all-male public school, I demonstrated that students and officials made claims to the young men as children who had potential and were worthy of care. Growing up in an era of surveillance, young black men's fundamental dignity claims represent struggles for the right to personal development. I situated all-male education in recent schooling initiatives that strengthen caring relationships between adults and young men of color (Jackson et al. 2014), and a long history of black activism that provides care to fictive kin (Collins 2000; McDonald 1997). The young men were sharpening their political consciousness with the aid of adults, which were acts that "carried the seeds of redemption" (Rios 2011:163). From this perspective, educators are likely to remain committed to all-male education as a vehicle for racial empowerment (Terry et al. 2013).[11]

I next demonstrated how the young men's continued yearnings for respect link to inherent dignity, casting light on the dehumanizing extent of social control. Intensifying surveillance has likely deepened young men's involvement in hypermasculine behavior as a way of securing masculine status (Rios 2011). Yet I found that young men's status seeking, through their joking, turned on a specific fear of a prison identity that was doubly marginalized: an abject identity that signaled a complete loss of manhood in an environment already dislocated from mainstream society. The young men's rejection of this victimized identity calls attention to how today's criminal justice system constitutes state-sanctioned sexual violence against men of color. As Collins (2005) has written, "a prison-industrial complex that condones and that may even foster a male rape culture attaches a very effective form of disciplinary control to a social institution that itself is rapidly becoming a new site of slavery" (p. 234).

Finally, I argued that a third form of dignity, substantive dignity, captures a further yearning for self-worth among young men. In this instance, young men sought to reconcile a stigmatized framing as visible and invisible. They desired recognition not through difference, but a sense of connection through similarity. These sentiments appeared strongest—though were not exclusive—to those young men who had had formal contact with the criminal justice system and were older. I introduced the concept of "being unknown" to capture young men's desires for belonging in a community where the privilege of membership is anonymity (Ray and Rosow 2012). The findings here suggest that criminalized young men asserted a desire to move past struggles for respect, which defined their past, and to anchor their future selves in the good life. The young men in this study desired a modest form of recognition that comes with financially supporting themselves and their loved ones. But that alone does not encapsulate the yearning for a privilege of invisibility that accompanies substantive dignity. Previous researchers have stressed that marginalized individuals actively seek out visibility, such as when marginalized adults seek out "witnesses" who can attest to their struggles (Silva 2012). Or scholars have noted that one form of visibility mitigates another. "Honor," for example, is used to allay the effects of a discredited identity: "prestige symbols" divert attention away from stigma (Goffman 1963), and "positive credentialing" offsets "negative credentialing" (Rios 2011).

The young men's desires instead resembled those of low-wage workers who take pride in feeling "in the middle" (Sykes et al. 2015), and of children who wish not to improve the circle but to join it (Pugh 2009). In Durkheimian terms, these young men seek anonymity, not anomie (Marks 1974). In some regards, being anonymous can make one feel *more* a part of a larger group, not detached from it. The findings in this study reveal that the privilege to live a life outside the gaze of others is increasingly out of reach in an era of surveillance and has therefore intensified young black men's desire for that privilege as they envision their futures. To return once more to inherent dignity, although emerging research has focused on the important ways that young men of color fight for their rights, future work should also examine how desires for belonging encompass a struggle for privileges increasingly denied these young men in an age of surveillance (Ray and Rosow 2012).

Limitations and Future Considerations

This study has two main limitations that should inspire future research. Although I found evidence of a desire to be unknown primarily among the most criminalized young men in the study, this study was not primarily concerned with how claims for self-worth vary among distinct groups of young men. Other research has identified how different groups of young men of color ascribe to varied cultural repertoires (e.g., deviant or law abiding) (Rios 2011) or possess varied forms of cultural capital (Carter 2005). A second limitation of this study is that its design did not allow me to assess how dignity claims shape social outcomes. Supporting inherent dignity through provisions of care holds promise for improving young men's academic achievement and other social and cognitive outcomes. Caring relationships within schools are critical ingredients for the academic success of marginalized youth (Perry and Morris 2014; Valenzuela 1999).

Although this paper's typology does not exhaust all meanings of dignity, it could orient future research on marginalized youth and adult populations. This typology, for example, could contribute to work on young African American women and urban violence. These young women's claims may converge in some ways with those of young men, given the overlooked struggles for respect among black girls and the masculine street codes that govern their lives (Jones 2010). Yet their claims to inherent and substantive dignity would likely differ markedly given that those very street codes help reinforce gender-based violence against young women (Miller 2008). Alternatively, aggressive forms of resistance and deviance may be foreign to youth groups in other cultural contexts, who instead seek acceptance and compromise in their fight for moral affirmation (see Hashemi 2015). More rigorous assessments of self-worth across a range of empirical cases should reveal more fine-grained and interrelated claims to dignity. They could expand knowledge of how marginalized youth leverage those claims to improve their lives and to secure opportunities to grow as individuals.

Acknowledgements

For their feedback and guidance on earlier versions of this article, I thank Christopher Chambers-Ju, Jessica Cobb, Ingunn Eriksen, Emily Gleason, Kimberly Hoang, Stian Overå, Adam Reich, Sandra Susan Smith, and especially Barrie Thorne. The *Socius* reviewers also provided helpful comments, and Julie Blume, Ryan Calder, Bob Liebman, and Nicholas Wilson offered gracious support and suggestions. Finally, I am grateful for financial support from the Tufts University Faculty Research Award Committee.

Notes

1.See Pugh (2009:231fn8), Rios (2011:115), and especially Sennett (2003:52–58) for a more detailed typology of major variants of self-worth, including respect, honor, status, prestige, integrity, and dignity. "Honor" (a similar and even more esteemed version of respect) has been a focal point within urban ethnography (see Horowitz 1983).

2.A tradition of research on intersubjective recognition can be traced back to Mead (1934). However, given dignity's wide resonance, influential sociological work has leaned on definitions of dignity found in other disciplines. For example, Hodson (2001) borrowed from constitutional law (see Meyer and Parent 1992), and Pugh (2009) drew on Amartya Sen's (1999) understanding of dignity in the realm of welfare economics.

3.I primarily use *black* in this article as a term of racial identity, which refers to persons of African descent. Although the school district used *African American* (to include both U.S.-born and non-U.S.-born individuals), the overwhelming majority of those I interviewed and spoke with self-identified as black.

4.A long research tradition on labor has fused notions of social dignity and inherent dignity to examine how groups protect themselves from workplace abuse and struggle to be recognized on the job, which echo Marx's ([1844] 1978) claim that unequal workplace conditions dehumanize individuals and inhibit their creative capacities. Hodson (2001) also traced notions of dignity in the work of Durkheim. Given his focus on labor, however, Hodson restricted his discussion to Durkheim's (1984) concept of

"occupational guilds" from *The Division of Labor in Society*. Durkheim's more explicit treatments of dignity and justice, however, can be found in his work on morality and education (Durkheim [1961] 2002) and individualism and political theory (Lukes 1969).

5.Pugh (2009) similarly located a sense of belonging in the "Durkheimian notion of the sacredness of communal feeling" (p. 231).

6.Spade and Valentine conceptualized gender, and not discourses, as a kaleidoscope.

7.To clear up confusion about the legality of single-sex programs, the Department of Education released additional guidelines in 2014. These, however, pertain to single-sex classes in otherwise coed schools and not directly to single-sex public schools.

8.A later episode reprised this topic. For a program intended to "scare" them into avoiding incarceration, a group of boys visit a prison and learn about the sexual abuse they would experience as prisoners.

9.These interactions created a harmful environment for non-straight-identifying young men. Adults rarely reprimanded the boys for using antigay language.

10.Nine of the 16 young men in Second Chance had been arrested.

11.For a critique of Terry et al. (2013) specifically, and of single-sex public education more generally, see Williams (2016).

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CHAPTER OVERVIEW

14: Juvenile Offenders in Adult Prisons

14.1: 24 States Put Juvenile Offenders in Solitary, But Advocates Are Trying to Change That

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14.1: 24 States Put Juvenile Offenders in Solitary, But Advocates Are Trying to Change That

Studies show kids held in solitary confinement experience long-lasting psychological damage. Activists hope a wave of local and national policy changes means widespread reform is on the way.



Prison reform advocates see signs of hope in recent federal and state actions that alter the way young adults are incarcerated.

“The president’s decision was an enormous display of moral leadership.”

Last week, the Kansas State Senate passed a bill to revamp its juvenile justice system. The state has one of the highest rates of youth incarceration in the nation. Pushed by local juvenile justice reformers, the bill would close juvenile offender group homes, standardize the sentencing of juveniles, and provide $2 million for alternatives to detention such as therapeutic counseling.

The move came after an executive order issued by President Obama on Jan. 25, which bans the use of solitary confinement for juveniles in federal prisons. That same day, the U.S. Supreme Court issued a ruling affecting mandatory life sentences for inmates convicted as juveniles. While both are limited in scope—there are only 26 juveniles in federal prison, for example—advocates are hopeful for the future.

“The president’s decision was an enormous display of moral leadership,” says Amy Fettig, the senior staff counsel of the ACLU. “Having the federal government, which is the largest incarcerator in the nation, no longer practice solitary confinement will set a precedent and force other states around the country to re-evaluate the practice.”

A 2013 ACLU report found that children held in solitary confinement experience greater, and longer-lasting degrees of psychological damage.

Solitary confinement, called modern-day torture by its critics, is the practice of isolating a juvenile for between 22 and 24 hours a day, and is currently permitted in 24 states.

“They take away your reading and writing materials when you’re at your most vulnerable point in life.”

Alton Pitre, 24, a junior at Morehouse College, serves on the member board of the Anti-Recidivism Coalition, a nonprofit advocating for criminal justice reform. He was charged with robbery at the age of 16 and placed in Los Angeles County’s Central Juvenile Hall for more than a year. Labeled a high-risk offender, he was placed in solitary confinement several times. His case was eventually dismissed, and he was freed. He has since dedicated his life to eliminating a practice that still haunts him.

“They take away your reading and writing materials when you’re at your most vulnerable point in life. When your mind is still expanding. I still don’t like being alone,” he says.

He describes a difficult readjustment period post-prison. The urge to fight anyone who came too close to him on the street was constant, as was the fear of being alone in a room.

According to Solitary Watch, a website that tracks data on solitary confinement, incarcerated youth who have endured the practice are 16 times more likely to either harm themselves or commit suicide, compared to those who have not. The U.S. Department of Juvenile Justice notes that 60 percent of all juvenile inmate suicides are committed by those who either are or have been in solitary confinement.

Pitre says his ordeal is just one example of the residual damage solitary confinement can do to the lives of juveniles. Recently, juvenile justice advocates have highlighted the case of Kalief Browder of New York. The 16-year-old, accused in 2010 of stealing a backpack , was imprisoned without trial for three years, two of which were in solitary confinement. He had difficulty adjusting to life after his release and committed suicide in 2015.

Obama highlighted the dangers the practice poses to youth in a column he authored for *The Washington Post* prior to announcing the ban:

“How can we subject prisoners to unnecessary solitary confinement, knowing its effects, and then expect them to return to our communities as whole people? It doesn’t make us safer. It’s an affront to our common humanity,” he wrote.

For Pitre, the president is merely repeating words the young activist himself has spoken since his release from prison in 2013. The journalism and sociology major has crisscrossed the country to speak out on the need for juvenile prison reform.

“America is the only developed country in the world that sentences its children to die in prison.”

Fettig says that while most of the focus has been on the President and the Supreme Court, their recent actions would most likely have not happened without the lobbying efforts of families of imprisoned youth, civil rights groups, and formerly incarcerated youth.

The announced reforms also come on the heels of renewed scrutiny after a recent Pro Publica report revealed rampant abuse suffered by many young inmates at the hands of prison guards.

The Supreme Court's decision in *Montgomery v. Louisiana* has been met with tempered enthusiasm. The ruling says only that a sentence of life without parole given to an inmate as an adolescent can be reviewed, not that it will be overturned. Fourteen states already made these sentences subject to reevaluation prior to the decision.

"America is the only developed country in the world that sentences its children to die in prison," says Jody Kent Levy, national coordinator for The Campaign for the Fair Sentencing of Youth.

Levy says the United States is finally reassessing the theory of juvenile "superpredators." The belief, popularized in the 1990s by former George W. Bush aide and political scientist John J. DiIulio Jr, is that some juveniles are prone to violence, therefore harsh punishment should pervade our juvenile justice system.

However, research has discredited the theory and strengthened the argument that children, whose brains are still developing, are different from adult prisoners and should be treated accordingly.

Despite the hurdles that remain, many advocates continue to fight for reform. Pitre has joined other reform advocates in lobbying Congress to pass the Youth Promise Act.

Despite the hurdles that remain, many advocates continue to fight for reform.

He met with staff of Congresswoman Susan Davis (D-Calif.) about the bill, which, among other things, calls for establishing a National Research Center for Proven Juvenile Justice Practices and funding for community-sponsored intervention programs to prevent juvenile delinquency. The bill also will provide funds for communities to hire and train youth-oriented police officers, and is one of the few pieces of legislation to cut across the political spectrum, with both Republicans and Democrats supporting it.

To make his case for the bill, Pitre recounted his life story to Davis' staff.

Born to an incarcerated single mother, Pitre was raised by his grandmother in South Central Los Angeles. The tug of gang life proved too strong, eventually landing him in jail. Stuffed in what he calls a "prison inside a prison," rage at the world festered inside him. He told them the only thing that saved him was his belief in God, and the fact that someone else installed a sense of purpose in his life.

The Youth Promise Act has become a focal point for reformers nationally. Davis is one of the bill's 129 sponsors, and awaits a full house vote as it currently sits in the House Committee on Education and the Workforce.

Building on victories at the local and national level remains a challenge, Pitre says. The transformation of America's juvenile justice system may be daunting, but Pitre points to his own life's conversion as proof of what can be accomplished with enough determination.

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CHAPTER OVERVIEW

15: The School to Prison Pipeline

15.1: Students, Police, and the School-To-Prison Pipeline
15.2: Can Cities End the School-to-Prison Pipeline? Relentless Organizers Are Tallying Wins

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15.1: Students, Police, and the School-To-Prison Pipeline

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15.2: Can Cities End the School-to-Prison Pipeline? Relentless Organizers Are Tallying Wins

“We have always said that this is a battle of imagination over incarceration.”



More than two decades have passed since Ardell Shaw was imprisoned in a King County juvenile detention facility. But the memories of the musty air, the harsh winter cold, and the sludge in the facility’s basement are ever present—as is the memory of the isolation, the feeling that detention staff cared more about “caging” him than addressing the internal turmoil that had brought him there.

The movement’s most vocal participants were from Seattle’s communities of color.

“The whole time I was in juvenile, no one ever asked me what the problem was or why I was so angry,” Shaw says. “They never got down to the issue of why I was committing crimes.”

Shaw is all too familiar with the “school-to-prison pipeline,” shorthand for the way that policies tend to propel youth of color from the halls of education to the cells of incarceration. That’s why he’s dedicated much of his life to destroying it.

Raised by his 70-year-old grandmother due to an absentee father and drug-addicted mother, Shaw’s brushes with trouble began in elementary school, where he was repeatedly suspended for misbehavior, or “acting out” as he puts it. Suspensions led to expulsions, which led to time spent on street corners with “pimps and drug dealers.” By the time high school arrived, the classroom was nothing more than an occasional interlude from drugs, crime, and hustling. He estimates that he was incarcerated about 20 times as a teenager, and then, as an adult, spent 14 years in Monroe Correctional Complex on a drug conviction.

Today, at 45, Shaw has been out of the justice system for two years and works at Seattle’s Urban League, helping black youth as a life coach. He considers himself a rare survivor of the system.

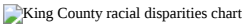
But the King County Family Justice Center still plays a role in his life. The same dilapidated conditions that he experienced as an inmate eventually caught the attention of county officials, who determined the detention center building was beyond repair. In 2012, with a turnout of just under 39 percent, voters in King County, which includes the city of Seattle, approved a 9-year property tax increase to pay for the construction of a new facility. The building’s total price tag is expected to be more than $210 million.

Shaw and others immediately objected to the project even before the vote, dubbing it a “new youth jail.” When “open house” meetings were held around the county a month after the vote, organizers mobilized intense opposition. They gathered a coalition of self-described youth-prison abolitionists, antiracist organizers, and clergy. Their efforts grew into three years of carefully orchestrated teach-ins on the harms of juvenile detention, fiery public forums, strategic protests, and—later—meetings with county officials.

Much more than money was at stake. The movement’s most vocal participants were from Seattle’s communities of color, who anticipated it would be their children who would end up inside its walls. And with good reason: Black youth in King County currently make up 50.7 percent of incarcerated youth, despite being less than 12 percent of the youth population at large. All people of color combined make up fully three-quarters of the average daily juvenile population in King County.

Those numbers are worse than national averages, which show African Americans making up about 40 percent of the incarcerated youth population and about 13 percent of the population at large. This is what activists and scholars term “disproportionality”—the

overrepresentation of youth of color within the justice system.


King County racial disparities chart

To some observers, the efforts of Shaw and other activists—part of a coalition known as the No New Youth Jail Movement—initially appeared quixotic, uncompromising, and a "waste of energy," as one King County council member referred to it. But they ultimately pressured the county to own up to its failure to create racial equity—and to change its policies in an effort to address the problem.

Specifically, officials committed to do something seldom achieved by a major U.S. county: to not only decrease the total number of incarcerated youth, but to reduce the racial inequities of the system at the same time.

By officials' own admissions, those policy changes would not have occurred without the work of people like Ardell Shaw.

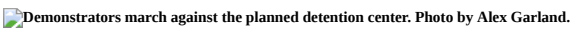
Three years of action

The end game of the movement was not only to halt the construction of a new detention center. Organizers also wanted to put a stop to racial disproportionality. At the beginning, they barely registered on local officials' radar.

Much more than money was at stake.

"I felt that we did our due diligence and received community input," says Pamela Jones, the director of the King County Youth Services Center. "There was obviously a vocal group who didn't believe that to be the case."

The story's genesis is the county's proposal to replace the existing Youth Services Center with a new facility called the Children and Family Justice Center in 2008. The building, which like its predecessor includes detention facilities, was approved in 2012, with groundbreaking scheduled for the spring of 2016. While outcry ensued during the proposal period, opposition heated up after the approval when several local antiracist groups began to form the coalition that eventually became known as the No New Youth Jail Movement. The No New Jim Crow Movement—previously a reading group around Michelle Alexander's book *The New Jim Crow*—was there; so was WISH (Washington Incarceration Stops Here). But three groups funded by the Quaker affiliated American Friends Service Committee came to play pivotal roles: EPIC (Ending the Prison Industrial Complex); YUIR (Youth Undoing Institutional Racism) and European Dissent.


Demonstrators march against the planned detention center. Photo by Alex Garland.

Demonstrators march against the planned detention center. Photo by Alex Garland.

It was the last three who took center stage over the past 18 months, organizing hundreds of people to flood the offices of elected officials with phone calls and letters and to gather at city and county meetings to speak out against the detention center. One such meeting saw them orchestrate a "people's filibuster" which saw organizers flood the city council chambers to take turns reciting passages from civil right's legend Angela Davis' book *Are Prisons Obsolete?*, extending the meeting by several hours in an attempt to delay the approval of the construction contract with developer Howard S Wright.

Wright's office became the site of a biblical re-enactment staged by Jenn Hagedorn and Claire West of European Dissent. The two led about 100 mostly white protesters to its main lobby, placed thousands of coins upon a large coffee table while startled staff looked on, and flipped it over in an ode to the Biblical description of Jesus Christ's actions against the money lenders in the temple. West said the demonstration served to draw attention to one of the movement's key messages, that money is being made on the backs of black children.

By February 2015, when the County Council voted to award the construction contract to Wright, activists had successfully raised awareness of the disparate incarceration rates among youth of color. A month later, in an effort to address that disparity, county officials announced they would no longer refer juveniles to criminal courts for "status offenses"—juvenile specific crimes including truancy, running away from home, or being late to class. Officials moved to "decriminalize" mental illness in youth, by referring them to programs instead of juvenile detention. They also announced that they would reduce the number of beds planned for the Family Justice Center's detention facility from 144 beds to 112; the current Youth Services Center holds 212 beds.

More recently, in October, the City of Seattle passed a resolution, written primarily by members of EPIC, announcing the city's goal of completely ending juvenile incarceration within its borders.

Senait Brown describes herself as "born to organize."

City leaders acknowledge the challenge. “There are times that juveniles commit crimes like murder and rape that necessitate a separation from civil society for a time,” said City Council Member Tim Burgess, a former police officer. “But in most other cases we need to stop criminalizing youth.”

The city has also scheduled a mid-November vote to consider spending $600,000 to develop alternatives to jailing youth, including restorative justice.

But for most of the activists involved in this issue, these victories are just the beginning.


Senait Brown. Photo by Alex Garland.

Senait Brown addresses a crowd at a rally. Photo by Alex Garland.

“Oh, there is much more work to be done,” says Senait Brown, aged 30, who is one of the lead organizers for the group EPIC. She describes herself as “born to organize,” and says she began her work as an antipoverty activist in the greater Chicago area with a “class-based” analysis that she used to explain most of society’s ills, including incarceration. In other words, she believed social problems were driven largely by economic factors, with race playing only a marginal role.

It wasn’t until moving to Seattle five years ago to work for a poverty-alleviation nonprofit, and meeting the organizers who would eventually form the core of EPIC, that she began viewing social problems through a “racial lens,” seeing the unique ways that social problems affect people of color.

Brown, who divides her time between organizing for EPIC and four other community-advocacy groups, has been a staunch spokesperson for the No New Youth Jail movement. Over the past three years, her voice has traveled by megaphone or microphone at nearly every rally, protest, city meeting, and county hearing that addressed the building of the detention center.

“We have always said that this is a battle of imagination over incarceration,” she says. “What does it say about our representatives when they can’t come up with a better plan for those they represent than to put their children in prison?”

A shrinking system grows less equitable

King County’s experience with racial disparities in juvenile incarceration is not unique.

Juvenile Detention Alternatives Initiative (JDAI) works with more than 250 counties nationwide, including King County, to decrease juvenile prison populations. The initiative was founded in 1992 as a response to what was then an astronomical growth in the United States’ juvenile prison population.

The percentage of the incarcerated who are black has risen from 35 percent to nearly 60 percent.

Since that time, 83 percent of participating counties that have implemented JDAI’s practices have reduced their juvenile detention populations. On average, those counties cut their daily populations of detained youth by 43 percent. That means that, on average, 3,173 fewer youth are incarcerated in the United States each day.

But the system still incarcerates youth of color at higher rates than white youth. In 2013, the most recent year for which national data was available from the Office of Juvenile Justice and Delinquency Prevention, 68 percent of all confined youth belonged to an ethnic minority, despite the fact that they comprise about 48 percent of the total youth population in the United States.

King County provides a clear example of what the problem looks like up close. Since 1998, when it joined JDAI’s program, it has decreased its overall population of incarcerated youth by 70 percent. Its juvenile population fell from a daily average of 205 in 1998 to roughly 55 today.

The most significant policy change that led to the decrease, according to county officials, was a change in detention intake policies: Police officers are now required to call the detention center to determine whether confinement is necessary before bringing a young person there. Previously, police officers would drop off juveniles at King County detention center as they saw fit.

Today, King County has the second-lowest juvenile prison population of counties of equivalent size, according to JDAI.

“There are several counties around the country who would love to be where King County is at,” says Young.

And while this has resulted in one of the lower youth incarceration rates in the U.S., the percentage of the incarcerated who are black has risen from 35 percent to nearly 60 percent during that time.

King County officials acknowledge the problem. In a March 2015 letter to the Seattle City Council, they wrote, “While we acknowledge success in reducing the overall use of secure detention, we must also face our failure.”

Dow Constantine, the county executive, has a plan to tackle that failure. And there are plenty of people who intend to hold him to his word.

The county's plan

The county's plan to end these disparities began with an announcement in late March when Constantine stated the county would no longer refer juveniles to criminal court for status offenses.

The county believes prosecuting minors for these offenses has contributed to disproportionality because so many of those charged with them are youth of color. Officials also recently passed legislation that stops charging juveniles for failure to pay the fare on county-operated public transportation.

The county has sought to form partnerships with community organizations, including with the gang-prevention group 180 Program, which attempts to intervene in the lives of troubled youth. And, in effort to elicit input on reducing youth detention and racial disparities within it from community members, the county put together a Juvenile Justice Equity Steering Committee, which includes former gang members and community organizers alongside judges and other county officials.

Dominique Davis. Photo by Alex Garland.

Dominique Davis is co-program director of a nonprofit that helps youth extricate themselves from gang life. Photo by Alex Garland.

Dominique Davis is one of the community members who sits on the committee. In his early 40s, he is the co-program director of the 180 Program, a gang-diversion nonprofit, and says he spent his early life in a "blur of pimping, gun play, and dope selling," before making a reversal tantamount to the name of the program he now runs.

"Racism is strongly embedded in the institutions that house many of the decision-makers."

Davis says he likes that the committee is attempting to focus on greater coordination among school, law enforcement, and county and city officials.

"People in power always want to criticize gang members and the black community for not coming together," he says, "and yet it took a whole bunch of black people and former gang members to make our local officials commit to coming together and talking to each other."

Both King County and the City of Seattle have signed onto a Statement of Shared Commitment to reduce disparities in juvenile justice and are working with local school districts within the county, including Seattle Public Schools, to implement restorative justice practices in place of expulsions and suspensions.

Importantly, the county will also begin providing training to security officials stationed on buses in the County on how to deal with adolescents, specifically those of color.

"I'd love (the training) to extend to every school, police station, and prosecuting attorney's office," says Dave Upthegrove, the King County council member who spearheaded that legislation.

Until it does, the county's solutions may not meet their targets, said Rebecca Fix, a doctoral candidate in psychology at Auburn University and the author of a recent study on disproportionality. Fix, who has made the study of racial disparities in American society her life's work since growing up in a segregated Milwaukee neighborhood, admires the county's goals. But unless it provides training in racial issues to all individuals who work with youth, she says, the problem will not go away.

That's because the problem is not simply procedural but involves the subjective perceptions of people who work with kids. "There are studies that show that Americans are going to see African Americans as more dangerous," Fix says, referring to recent research by the U.S. Department of Justice. "They are going to look at an African American boy as more aggressive, even when you have a white child with the same behavior."

To address the problem, she says decision-makers at every level of an adolescent's progression should be provided with training that makes them conscious of any racial biases they may harbor.

"Juvenile incarceration is one of the largest public health crises we face."

And that education needs to extend to every part of the system. "Racism is strongly embedded in the institutions that house many of the decision-makers who children come into contact with before this," Fix says. "Even if we target the judge overseeing a juvenile's case, well, there's the teacher, the police officer, the judge, the prosecutor's office."

King County's Chief Juvenile Judge, Wesley Saint Clair agrees.

"Until we have the courage to start dealing with issues of institutional racism, structural racism, and implicit bias, we will be having these same conversations over the next 150 years," he said. "We must look to our partners in education, law enforcement, child welfare, [and] behavioral and medical health providers to participate in the conversation about implicit bias and undoing institutional racism."

Other researchers focus on the economic roots of the problem.

"Juvenile incarceration is one of the largest public health crises we face, and it's mostly a socio-economic issue," says Linda Teplin, a professor of psychiatry and behavioral sciences at Northwestern University. She points to research showing that white youth tend to use drugs at higher rates than African American kids. But it's the African American ones who are punished for drug offenses more often.

Higher parent incomes, she adds, also allow white children to navigate the justice system better than children of color, who often come from less affluent families.

"If you live on the South Side of Chicago you're bereft of resources since we fund it by property taxes, versus being on the North Side," she says.

Her solution: Focus on the education system, and radically alter how it's funded.

While she is hopeful that King County can reduce its disproportionality, she points out schools in the area are funded in the same way as the rest of the country.

"(The United States) only does education correctly for a subset of the population. We can't continue to do it only for one way, for one group and not the other."

And while the county prides itself on some of the steps taken so far, its officials know these changes are incomplete without input and leadership from the most important collaborator: communities of color.

"Ultimately it can't be white guys like myself, Mike O'Brien, and Tim Burgess who are attempting to figure this out," says Dow Constantine.

"This system has to be destroyed"

For Shaw and Brown, Dow Constantine's new commitments to racial justice are long overdue—but also need to be shared more widely by everyone whose work connects them to America's juvenile justice system.

Despite the reforms King County has made, both organizers view the county's actions somewhat dismissively as "concessions," and continue to have doubts about the county's sincerity. Their vision is of a county whose juvenile justice system has no trace of bias, and ultimately, no need to exist.

"We aren't going to stop until there stops being a crisis of black and brown youth being caged, and being denied a larger destiny that they, and our community, can determine for ourselves," Brown says.

Both she and Shaw frequently visit black prisoners who are serving decades-long sentences for crimes committed while still in their early teens.

As many of these prisoners discussed the lives that led to their incarceration, Shaw felt like he was hearing his own life replayed back to him.

"This system has to be destroyed," he said, on the way back from one such visit.

At the meetings held every Thursday in Seattle's Bethany Church with the growing contingent attracted to the No New Youth Jail Movement, Shaw, Brown, and others are still attempting to halt the construction of the juvenile justice center. Recently they drummed up community support in the form of a letter-writing campaign to ask the city of Seattle to deny the project a master land use permit.

For them, it continues to symbolize the failures of a system that incarcerates youth of color at higher rates than their white peers.

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CHAPTER OVERVIEW

16: Alternatives to the Criminal Justice System As a Solution to Social Problems

16.1: After 20-Year Fight, Bronx Community Wins Big on Development Project Committed to Living Wages and Local Economy

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16.1: After 20-Year Fight, Bronx Community Wins Big on Development Project Committed to Living Wages and Local Economy

The people of New York's poorest borough fought to ensure that redevelopment of its castle-like landmark will benefit those who live there. Will it be a gamechanger?



Desiree Pilgrim-Hunter never dreamed she'd become an activist. "I was just a mom concerned about school overcrowding," she says, until a neighbor invited her to a meeting of a local community organization, the Northwest Bronx Community and Clergy Coalition (NWBCCC). "I was used to people complaining about what was missing in our community," she recalls. "It was at NWBCCC that I first heard people talking about how to bring about solutions."

Public schools in the Bronx were overflowing, she learned, because the population was growing. And although the shopping options in the area were multiplying, investment in public services like schools wasn't keeping up.

When she joined the board of the Coalition in 2005 and discovered that the local armory was lying empty, Pilgrim-Hunter found herself engaged in a deep public process of imagining what might be brought in to fill the building: not another low-wage mall or a big box store to benefit some far-off owner, but a project that offered real opportunities for her children and her grandchildren; something that would lift the spirits and boost the economy of local people.

"We knew we didn't need a mall," she says. "More poverty wages in this, the poorest urban district in the country? Just to send another generation into poverty?"

This fall—more than a decade later—Hunter-Pilgrim gazed past the chain-link fence that still surrounds the block-long Kingsbridge Armory, and peered into what was once the National Guard Drill Hall. At 180,000 square feet, the cavernous room is big enough to contain a world of dreams—and right, now it's holding hers. "What we need in the Bronx isn't just jobs. It's a new economy," she said.

"Our new economy: this is it. This is where it starts."

The Bronx on ice

A long-empty landmark building in the Northwest Bronx is set to become what is being billed as the largest indoor ice-skating center in the world, according to a plan approved by the New York City Council this December in a 48-1 vote. The 750,000-square-foot Kingsbridge National Ice Center will feature a suite of nine rinks, including a 5,000-seat rink for international competitions. It will attract the world's greatest athletes, say its backers, who include former New York Rangers star Mark Messier and figure skating Olympic gold medalist Sarah Hughes.Community Development Without a CBA

The Bronx Armory development will also be a highly visible test of a new tool that's in vogue in development circles: Community Benefits Agreements, or CBAs. These are private cooperation agreements between developers and community organizations, drawn up with the purpose of securing benefits for the community from the development project; and, for the developer, ensuring community support—or at least acquiescence—during the city's official approval process.

In 2009, a plan to turn the same armory into a shopping center failed largely because the NWBCCC and local unions protested that it would promote low-paying jobs and displace local businesses.

The ice center promises to bring far fewer jobs than the proposed mall, but it won support nonetheless—in no small part because the developer spent months in negotiations with a group of community and labor organizations (including the NWBCCC). These groups agreed to put their picket signs away and support the plan. In return, they got the developer's pledge to set aside $1 million annually for 99 years to pay for free ice time for local kids, 50,000 square feet of "community space," green construction, and a promise to pay the facility's estimated 260 permanent workers at least $10 an hour.

The official agreement includes 27 pages bearing the signatures of church leaders, business owners, labor unions, and community organizers, including Pilgrim-Hunter, who signed on as board president of her local housing association.

Kevin Parker, founder and chairman of KNIC Partners (the developers), says the new Center will solve an ice shortage. The Bronx has no year-round rink, and New York, his studies show, suffers from a lack of available ice time for ice sports fans. A self-described "hockey dad," (and former Deutsche Bank hedgefund manager), Parker says he's just happy to solve a problem for his kids.

Pilgrim-Hunter is looking for way more than that. "I see this as the center of the revitalization of the Northwest Bronx," she says. "More than that, I see it as the hub of the community."

Will it work? Will this quiet Bronx community, where shop owners sweep their sidewalks and shoppers mostly drive by on their way elsewhere, become a thriving hub of visitors seeking figure skating, ice-racing, and hockey? More importantly, are individual private agreements really the best way to reform a city's planning process?

Community groups from Los Angeles to New York are hailing CBAs as the way for local residents to have a voice in city planning. They're certainly an improvement over being shut out of the process altogether. But it'll be no easy task for other communities to mimic what the activists in the Bronx have achieved this time—and the Bronx is littered with developers' pledges that have been broken, long after the development's done.

Can organizers be sure that won't happen again?

"The Bronx is building"

Sitting at the intersection of Kingsbridge Road and Jerome Avenue, the Kingsbridge Armory looks like a medieval castle. Get off the elevated subway platform just 40 minutes north of Downtown Manhattan and you find yourself eye-to-eye with a turret.

Yorman Nunez, who got involved in the community campaign around the Armory when he was just 13 years old, grew up a few blocks from here and would pass by on his way to school. "I always wondered," he said, "how is there a castle there, out of nowhere?"

Opened in 1917 to house the National Guard, at least half of the sprawling building looks like something out of Camelot, with turrets and terracotta and slits in the brick battlements for archers. The other half looks more like a classical railway station, complete with vaulted steel girders, skylights, and an iron and copper roof. Standing in the gaping space, one half expects to see Anna Karenina or Sir Lancelot emerge from the shadows.

When New York Mayor Michael Bloomberg announced his support for the ice center proposal this spring, he stood with developers, politicians and skaters Hughes and Messier inside the Drill Hall and declared, "Allowing this armory to remain empty and stand as a symbol of the abandonment that once plagued the borough was simply unthinkable."

And then he quipped, "The Bronx is building."


Kingsbridge Armory Sidebar

He was recalling the one phrase that's haunted the Bronx since 1977, when sports commentator Howard Cosell uttered it during a World Series baseball game at nearby Yankee Stadium. To explain the fire and smoke caught on a live camera scanning the run-down neighborhood, Cosell said, "The Bronx is burning."

Years of repetition and media stereotyping have ensured that the borough's consistently been associated in the public mind with burnt-out buildings, abandoned lots, and "urban blight".

But the Bronx is a big, diverse place. The Northwest, where the Armory is, always stood in leafy, relatively well off contrast to where the ballpark sits, some four miles to the south. "Blight" was never the borough's problem so much as poor policy choices by far-off decisionmakers, including redlining by government, disinvestment by banks, and "slum clearance" by master planners like Robert Moses.

Of the Armory, urban journalist and author Roberta Gratz says, “It’s a miracle that Moses didn’t put a road through it.” After redesigning much of the city (with an emphasis on parks and beaches, but also high-speed highways and slum clearance), Moses forced an expressway through the southern part of the Bronx that was completed in the 1960s.

In one mile-long stretch, the Cross Bronx Expressway demolished 1,530 apartments housing 5,000 people (by Moses’ own estimate). Of the community’s opposition—led by local mothers and grandmothers—Moses told his biographer, it was nothing but “A political thing that stirred up the animals.” To his critics, he scoffed: “I raise my stein to the builder who can remove ghettos without removing people… the chef who can make omelets without breaking eggs.”

Since Moses’ day, the Bronx has gradually re-emerged, brought back, as Gratz likes to say, “block by block” by local residents. While progress is still uneven, in the last decade the Bronx increased in population at a rate which ranks the borough near the top in growth. It’s still the county with the highest unemployment, highest infant mortality and highest obesity rate in the city, but around the Armory especially, on the east side of the Harlem River, real estate prices and rents have been rising.

The Bronx is no longer burning, but it is heating up.

Local businesses know that change is coming. On Kingsbridge Road, small family-owned stores huddle low against construction cranes that are rising all around. Across the street from the Armory, a family-owned Morton Williams is one of the few unionized grocery stores in the area. The Retail Wholesale and Department Store Union (RWDSU) hiring hall is just next-door.

A few blocks south of here lies Fordham Road, one of New York City’s busiest shopping areas, where local businesses struggle to keep competitive against huge national chains that typically hire low-wage workers and keep out unions. A few blocks north sits Target, sucking bargain-seeking customers from local shops.

Gene Bass, whose store, Forever Young Healthy Food, directly faces the Armory’s main entrance says she’ll be glad to see something other than emptiness in the building across the street. Still, she’s worried: Development nearby has rarely brought good news for union workers like those of the RWDSU or small commercial renters like Bass.

“My sister and I founded this business 22 years ago,” she said. “We want to stay.”

“Community benefits” means community buy-in

Community Benefits Agreements grew out of a frustration in cities like this one, where development, often subsidized by local taxes, has ended up profiting far-off corporations while displacing local businesses and leaving public coffers depleted.

In the late 1990s, when the first CBAs were being developed, states, counties, and cities in the United States were spending close to $50 billion in public dollars on sports stadiums**,** entertainment centers, big box retail malls, and upscale property development every year. Local residents could do little but protest and try to sway the city’s approval process. Benefits agreements were developed as a way to not necessarily stop development, but try to benefit from it.

Related had influence, Bloomberg’s backing, and the city’s building frenzy running in its favor. What the firm hadn’t bargained on was an organized community.

Generally, CBAs take the form of private agreements between developers and community organizations that detail the benefits a developer will provide in order to secure the cooperation, or at least tolerance, of community groups regarding the developer’s application to the city for permission to develop a particular project. The first major CBA, the Los Angeles Staples agreement, was signed in 2001. Since then, scores of CBAs have been negotiated across the country, in Atlanta, Chicago, Denver, Milwaukee, Minneapolis/St. Paul, but not, until now, successfully in New York City.

“The Armory CBA is really pivotal for New York City, for the Bronx, and for CBAs,” said Julian Gross, an attorney who has worked with dozens of groups on Community Benefits Agreements—including the Staples agreement—and who consulted with the NWBCCC early on in the process.

The deal takes the form of a “cooperation agreement” between the directors of KNIC Partners and the Kingsbridge Armory Redevelopment Alliance (KARA), a team of community and labor institutions that the NWBCCC helped to found 17 years ago with the specific purpose of being a negotiating partner for developers—whenever such a developer came along.

“It‘s New York City’s first real CBA,” says Gross of the eventual deal that was reached. The deal was “driven by a legitimate community coalition, with no successful attempt by the city to control or manipulate it. It’s a real agreement with real legal language.”

There was good reason for KNIC to seek community "cooperation." The last plan to develop the Bronx Armory went down to defeat when the developers of a proposed mall refused to come to agreement with the community over living wages. Related Companies, a major developer in New York, had secured Mayor Bloomberg's support to buy the building for just $5 million with nearly $50 million in taxpayer subsidies and exemptions to build a mall. Related had influence, Bloomberg's backing, and the city's building frenzy running in its favor.

With members who were Irish, Latino, Jewish, Italian, African-American, and Caribbean, the Coalition also drew on the Bronx's hefty population of organized, socialist, and immigrant families who'd moved north from Manhattan's Lower East Side tenements.

What the firm hadn't bargained on was an organized community. NWBCCC and the RWDSU organized a year's worth of rallies, each larger than the the one before, complete with churchleaders, celebrities, and local politicians, and the final vote in the city council was 48-1 with all the Bronx delegation voting against.

When KNIC Partners came in with the ice center deal, "We knew from the beginning that this project would only work if the community wanted it," developer Kevin Parker told Commonomics in an email. "So we sat down with them early on to determine how we could create a worthy vision that would benefit everyone involved."

The people of the Northwest Bronx had made themselves a credible force to be reckoned with. That's lesson number one for groups seeking to mimic what happened in the Bronx deal, says Bettina Damiani, project director of Good Jobs New York. The community groups in the area had developed a very clear agenda for the armory years before the developers arrived.

Like most observers, Damiani singles out the Coalition: "NWBCCC didn't just convene the players around the negotiating table; they built the table," she said.

The roots of the Coalition reach deep. Roger Hayes (father of MSNBC's Chris Hayes) co-founded the group in 1974, inspired by clergy who'd moved north from the southern part of the borough hit by Moses' Expressway. Parish-priests are place-based organizers by definition; those eggs in the developers' omelet are their parishioners.

The Bronx clergy had seen what happened when people moved en masse, leaving buildings empty and blocks vacant. With members who were Irish, Latino, Jewish, Italian, African-American, and Caribbean, the Coalition also drew on the Bronx's hefty population of organized, socialist, and immigrant families who'd moved north from Manhattan's Lower East Side tenements. "People came from very different places," said Hayes, "but the church leadership was very sophisticated; they'd sit down with anyone and talk."

In the years when landlords stayed away and banks and government divested, "NWBCCC was there," says Hayes. (By the mid-2000s, the group had 4,000-5,000 active members with experience providing services, occupying and managing buildings, protesting banker bias, and electing representatives to office.)

Millions of dollars in public subsidies for more poverty-level wages and more people needing food stamps were not on the community's list of priorities.

So in the mid-1990s, when the NWBCCC held mass meetings to imagine a new future for the Kingsbridge Armory, hundreds of people attended. When they invited local politicians to sign on to their list of priorities for the building (which became the basis for the CBA), those politicians signed on.

In the run up to the vote on the Related company's mall, NWBCCC members marched from a local church to the armory and wrapped the entire building in yellow caution tape. Ava Farkas, who was the NWBCCC armory organizer at the time, recalls: "The tape read, 'It's our Armory', and that's really how it felt. The community felt ownership over it. It was our space."

After the City Council rejected the mall, Mayor Bloomberg blamed small groups of people "out to feather their own nests and extort money from the developer."

But hurled at NWBCCC, that charge didn't stick.

"We'd been dealing for years with a view of the Bronx from people who didn't live there," said Mary Dailey, who worked with the NWBCCC for a decade before becoming its director in 2004-2005. "People in the community looked at it from the perspective, what would make this a better place to live?"

At the time of the shopping mall proposal, average Bronx retail workers were earning about $16,700 a year. Low wages forced workers to rely on taxpayer subsidized safety net programs just to make ends meet. Millions of dollars in public subsidies for more poverty-level wages and more people needing food stamps were not on the community's list of priorities.

Lesson number two: Organize for forty years?

It's here that the Bronx story gets hard to mimic. Not every community is blessed with a 40-year-old coalition, immune to the criticism that the signatories to the agreements are self-selecting and unrepresentative.

Atlantic Yards sidebar

In Brooklyn, signatories to a CBA negotiated with the developers of the Atlantic Yards redevelopment hailed that agreement as a great achievement, too. Opponents saw those signatories as pawns, and the CBA as a tool the developers had used to manufacture the appearance of consent and co-opt local politicians.

In the Bronx, another Related Companies plan to redevelop the Bronx Terminal Market into a retail complex was approved after a CBA, negotiated by local politicians, was finalized just before the City Council voted. Almost immediately questions were raised about kickbacks to the politicians involved. And 17 months after a similar deal was reached around construction of a new Yankee Stadium, the *New York Times* reported that community groups had still not received any of the promised funds from the New York Yankees (see sidebar further down).

Even though the NWBCCC is massively popular in the Bronx, some residents still wonder how KNIC got chosen over an alternative proposal.

Legendary DJ Afrika Bambaataa and an alliance of Hip Hop stars backed a different developer, Youngwoo and Associates, whose plan for the armory included a "Mercado Mirabo"—a community "plaza"-style market—and "town square" with a mix of food, entertainment, cultural space, and $10/month gym access for Bronx residents.

The Youngwoo proposal also included a Hip Hop Museum. "An international museum of Hip Hop, located in the Bronx where the movement started, will attract worldwide recognition and bring visitors from around the globe" said Bambaataa at the time.

Pilgrim-Hunter says the Youngwoo company wouldn't commit to all of the points of KARA's proposed CBA. Sources close to Youngwoo say the CBA process encourages developers to promise more than they can actually deliver. Youngwoo still believes its plan more closely reflected the community's expressed priorities than world-class ice skating.

At the end of the day, the benefits promised under the CBA hang on the success of the KNIC business model.

"We wish the best for the community. The armory project is a very visible place and this is a very big project," said Adam Zucker, Director of Business Development at Youngwoo. "The community made itself a strong player and they deserve something great."

"CBAs are a community's next best alternative to getting what they actually wanted."

Less charitably, others wonder if KNIC's goal of attracting 2 million visitors annually to the Bronx is realistic. After an initial contribution of $8 million for construction of community space and support for local business developments, the benefits KNIC will contribute to the community hang on the success of the overall project. Most of the benefits are in-kind, and while there will be many different ice sports on offer, none is particularly associated with the urban people of color and immigrants who dominate the Northwest Bronx community. Perhaps the KNIC will change the hue of the NHL.

Still, a lot is riding on the ice.

The best tool in town?

You can almost feel the neighborhood's residents actively willing the ice center development to be successful. Asked if he was a skater, the security guard minding the armory's massive loading door this November beamed broadly and exclaimed, "No. But I'm going to be."

Yankee Stadium Sidebar

Gabriel Vangelatos, son of the owner of the New Capital Diner across the street, is considering adding special dishes to his menu for visiting Canadians. Referring to the former New York Rangers Hockey star who's agreed to serve as CEO of the Center, Vangelatos says, "Mark Messier was my childhood hero. What' s not to like?"

Nonetheless, in calling the armory deal the city's first "real" CBA, supporters sidestep the poor record of area CBAs until now.

"New York's past CBAs weren't enforceable. This one is," says attorney Gross.

Sure enough, KNIC and KARA are signatories to a legal pact. Still, Tom Angotti, who teaches urban affairs at Hunter College, says if the Center fails to deliver, “KARA can sue but they’ve got to find a lawyer and take them to court. Good luck with that.”

Angotti served on a citywide task force on CBAs in 2010 that concluded that the process needed to conform to clear, uniform standards. Even then, he adds, “CBAs are a community’s next best alternative to getting what they actually wanted.”

Roberta Gratz, author of *The Battle for Gotham*, is even more skeptical: “Real estate power still owns the city,” she says. “When a community’s strategy to get what it really wants has failed, CBAs are a way to get the best out of a bad situation.” (The Coalition’s original proposal for the armory, drawn up after lots of community meetings, included three 800-seat schools to address school overcrowding, a sports complex, a green market, a bookstore, a community center, and a park. Not skating.)

Ideally, cities would have strong policies on the books, covering affordable housing, local hiring, and living-wages (that are really livable)—in which case, communities wouldn’t have to work though these deals on a case-by-case basis.

“If community groups had confidence that cities would negotiate and enforce those things, they wouldn’t need CBAs” says Gross.

Similarly, if the public process through which development proposals were approved was reliable, accountable, and adequately funded, public bodies (like community boards, in New York City) could do their own research on the kind of development that would truly benefit neighborhoods, and community organizations like the NWBCCC wouldn’t have to hire their own consultants and run the risk of being called “unrepresentative.”

“One of the things we’re looking forward to is people in our community becoming the developers. That will be the testament to what started here: [If], 20 years from now, we have given birth to other folks from the Bronx owning their own businesses.”

“As a practical matter, the best place for the planning to go on is at community board level,” says professor Angotti.

New York City residents ostensibly have a say in the planning process through community boards that vote on land use and development proposals. But board members are appointed volunteers with little to no staff. They struggle—especially in working-class neighborhoods—to deal with day-to-day business, let alone planning for the long-term, and with public resources always stretched board budgets are on the chopping block.

“They’re the community planning institution and they’re a failed institution,” says Agnotti.

In a developer-driven process, CBAs may be the best tool in town. But they’re not the end of the story for communities seeking a say in their own future.

Next steps to community wealth

“One of the things we’re looking forward to [in the Bronx],” says Pilgrim-Hunter, “is people in our community becoming the developers. That will be the testament to what started here: [If], 20 years from now, we have given birth to other folks from the Bronx owning their own businesses.”

Pilgrim-Hunter’s not alone in seeing the Kingsbridge Armory CBA as just the first step in a longer journey for the borough. To get where she wants the Bronx to go, she says, “It’s going to take community partnerships with development and businesses; it’s going to take leaders actively advocating; and its going to take legislation, and all of us being able to understand and pass laws to support community ownership…”

After the defeat of the Related shopping center, Ava Farkas, the former Coalition organizer, moved on to work for living-wage policies—not for developments in the Bronx, but for any development receiving public subsidies anywhere in New York City.

“It was the logical next step, to take the energy we’d unleashed and pass legislation so that neighborhoods don’t have to fight with every developer,” says Farkas.

“We learned that although our organizing has been getting better and better, our membership base has been getting poorer and poorer. That’s because wealth is leaking out of the borough.”

In June of 2012, the Fair Wages for New Yorkers Act passed. Under the terms of the legislation, any private developer accepting $1 million or more in subsidies must now pay employees a living wage of $10/hour with benefits, or $11.50 without. The Act was co-sponsored by Oliver Koppel, a Bronx Democrat, whose council district borders the armory.

“People didn’t think we could go up against Related and win, and we did,” says Farkas. “They didn’t think we could pass living wages either. But we did… Organizing works.”

Yorman Nunez, who was 13 when he first got involved in the Coalition, believes that that local procurement goals in the Bronx Armory CBA can be a catalyst for building more wealth in the borough. Around the Armory fight, he says, “We learned that although our organizing has been getting better and better, our membership base has been getting poorer and poorer. That’s because wealth is leaking out of the borough.”

Residents had energy and ideas for the armory long before the city or any developer had a plan, but no resources to implement them: “We’re the ones that got people together to come up with ideas [for the armory]” he said. “We got the city to fix the roof, but only outsiders had the wealth to develop it.”

Today, Nunez is co-coordinator of the Bronx Cooperative Development Initiative. To evaluate the borough’s internal resources, the Initiative commissioned a study, led by Jeffrey Hollender of Seventh Generation and the American Sustainable Business Council, that took a close look at the borough’s challenges and assets. Nunez intends to use the research to provide KNIC with a database of local vendors.

The Initiative includes local business leaders, organized labor, and anchor institutions, including Montefiore Medical Center, Fordham University, Hostos Community College, Bronx Community College, the New York Botanical Garden, and the Bronx Zoo, as well as local nonprofits like the Northwest Bronx Community and Clergy Coalition, Mothers on the Move, the Northern Manhattan Coalition for Immigrant Rights, and others.

Pilgrim-Hunter considered a run for state senate in 2010. She says she’s ruled out another run. For now, she says she’s looking forward to the armory setting a new standard for development in communities across the country: Development in which “community, businesses, government, and politicians come together to plan community redevelopment—not in opposition but together.”

Reached on the day after the city council vote, she said that she intends to take some time off—to celebrate the armory win with her grandchildren.

“It’s my younger Daughter Cassandra and [her son] Cole’s faces that keep me going,” she explained. Pilgrim-Hunter recently heard that her daughter’s family were moving to North Carolina.

Cassandra has two jobs—one in mid-town Manhattan and the other upstate. “[Cassandra] has spent her whole life commuting to school and now trying to piece together work,” Pilgrim-Hunter told me.

“I’m heartbroken to be losing my daughter to another state. By the time my grandson Cole is old enough my hope is establishing these kind of living-wage development projects will mean my daughter won’t have to hear the same thing from him. He can stay close to home because he’ll be able to find work he can thrive on.”

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CHAPTER OVERVIEW

17: Urban Unrest and Reform

17.1: How U.S. Urban Unrest in the 1960s Can Help Make Sense of Ferguson, Missouri, and Other Recent Protests

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17.1: How U.S. Urban Unrest in the 1960s Can Help Make Sense of Ferguson, Missouri, and Other Recent Protests

Recent protests in U.S. cities including Ferguson, Missouri, recall America's "long hot summers" of decades ago – even though the protests of recent times are far from reaching the scope and scale of urban revolts back then. Between 1965 and 1968, 329 urban rebellions took place in 257 U.S. cities, resulting in nearly 300 deaths, 60,000 arrests, and hundreds of millions of dollars in property loss. For nearly fifty years this type of protest has lain largely dormant. But within the past decade, incidents of mass urban protest, sometimes including violent outbursts, are happening once again. Can we take lessons from the past to better understand roots and remedies for present unrest? I believe so. Urban rebellions must be understood as complex, deliberate mechanisms through which the desperate seek political recourse they feel they cannot get by other means. By understanding the texture of these modern rebellions, activists, elected officials, and policymakers can hope to find solutions that improve upon past failures.

Root Causes of the 1960s Uprisings

The causes of the 1960s revolts in so many American cities were complex and intertwined. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 transformed the South but had limited impact in the urban North. In northern cities, high wages and stable employment were undermined by deindustrialization and automation, and black working-class people increasingly felt the weight of racial mistreatment combined with economic distress. Charged with diagnosing the urban outbursts after the fact, the final report of the Kerner Commission (officially the National Advisory Board on Civil Disorders) concluded that America was "moving toward two societies, one black, one white – separate and unequal."

- African American unemployment was consistently double the white rate, and black workers were crowded into the lowest skilled and least well paid occupations.
- "Redlining" by mortgage lenders restricted the areas in which black urban dwellers could live, resulting in overpriced, overcrowded and inferior housing.
- Black students experienced de facto segregation, lack of black teachers, overcrowded schools, and biased school boards.

Despite significant improvements following the Civil Rights movement, glaring inequities remained – and many urban residents felt they had little chance to protest and get redress in nonviolent ways. In his article for *Fortune* magazine on "The New Negro Mood," sociologist Roger Beardwood noted that 40% of respondents said that violence and rioting were necessary to achieve black objectives.

Uprisings Then and Now

Sixties rebellions in major cities like Detroit and Los Angeles got the most media coverage, but the uprisings then were much more widespread. In 1967 alone 80% of revolts took place in cities with populations smaller than 500,000. Furthermore, urban outbursts were usually sparked by a specific kind of incident – an episode of real or rumored police brutality toward poor, minority urban residents. Incidents might start as peaceful protests, but then often escalated into looting and vandalism directed against sites of authority or businesses seen as exploitative. Participants articulated their grievances to local government, and traditional community leaders such as clergy or Civil Rights activists advocated for mutually agreeable solutions that promised new policies and programs. Unfortunately these promises, while progressive in purpose, soon faltered in the face of turf wars and decreased funding as the national mood shifted against anti-poverty efforts.

As in the 1960s, protests in recent years have been sparked by perceptions of unfair policing in economically disadvantaged minority urban communities. But there are also differences.

- Perhaps with earlier unrest in mind, local and state police today use military training and equipment to suppress protests with overwhelming force.
- Even more media outlets than in the 1960s compete to report major flare-ups between police and urban protestors – but the Internet now allows protestors and their supporters to spread messages of their own about the inequalities to which they are responding.
- Gendered symbolisms have changed; the 1960s protests featured black men unable to protect their communities; today they feature black mothers unable to protect their sons.

Reforms are the Best Remedies

It remains true, however, that urban unrest is best addressed by improvements in economic and educational opportunities, along with specific reforms in criminal justice and urban governance:

- **Include racial realities in training for law enforcement.** Beyond lip service to "diversity," training should help officials understand bitterness bred by racial inequities.
- **End surplus military goods subsidies to police.** Cities do not need tanks and military assault weapons to deal with protesting citizens.
- **Eliminate police-run investigations.** Individual officers charged with wrongdoing must be investigated by independent authorities, and broader problems should be reviewed by community boards with authority to recommend binding changes.
- **Collaborate with community members, including youth,** to address neighborhood ills in permanent ways that residents can embrace and help to direct.

To head off urban protests and the potential for violence, cooperation for justice must be the watchword. America has made strides but has a long way to go to reduce still-glaring racial and economic disparities and to ensure that institutions serving the most marginalized communities are the best, not the worst, the nation has to offer.

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Sample Word 1 | Sample Definition 1

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