

# Center for Race & Ethnicity

## *Criminal Difference: Race, Ethnicity, and American Justice*

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**Is the System Neutral?** “Drug free school zones look neutral but in fact they are not neutral.”--Anne Piehl

“In cities, there is a dense overlapping of drug free zones and neighborhoods, turning communities of color into prohibited zones. Drug-free zones create disparities and disproportionate minority confinement.”—Zaire Dinzey-Flores

Among Native Americans, “you have a situation where juveniles are in the federal system, they serve longer sentences and there is no after care...There are only 16 tribes that have care for juveniles, so the absence of incarceration alternatives forces tribes to give juveniles up to the federal system. Two thirds of the juveniles in federal custody are tribal youth.” —Jon'A Meyer

**Selected Events—Center for Race & Ethnicity—191 College Ave**

<b>Film Screening &amp; Discussion: Greetings from Asbury Park</b>	<b>Mon Dec 3</b>
<b>Ethnic Conflict in Comparative Perspective</b>	<b>Friday Dec 7</b>
<b>Beyond the Digital Divide: Race, Ethnicity, &amp; New Media</b>	<b>Friday Jan 25</b>
<b>Between Privilege and Poverty: Perspectives on NJ Disparities</b>	<b>Friday Feb 22</b>
<b>Graduate Forum on Race &amp; Ethnicity: Student Conference</b>	<b>Friday Mar 7</b>
<b>DNA, Race, and History: Interdisciplinary Conference</b>	<b>Fri-Sat Apr 18-19</b>

*A conversation on policing, crime control and the racial logic of the American criminal justice system—from Chicago schools to Philadelphia neighborhoods to public housing in Puerto Rico and Native American reservations in Minnesota. (October 26, 2007, held at CRE)*

Panelists: Paul Hirschfield (Sociology); Lisa Miller (Political Science); Jon'a Meyer (Childhood Studies, Anthropology, & Criminal Justice); Anne Piehl (Economics & Criminal Justice); Zaire Dinzey-Flores (Sociology & Latino and Hispanic Caribbean Studies)

What kind of racial logic does the American criminal justice follow? Rutgers faculty from diverse schools, departments, and disciplines point to disturbing patterns.

“Mass incarceration is a civil rights issue...it is more legible using a logic of racial oppression than crime control. Like welfare, crime has become a proxy for race.”—Paul Hirschfield

**CRIMINALIZING SCHOOLS**

“Today we have hyperconcentrations of juvenile arrests in schools with large African-American populations. The results are young men constantly cycling in and out of the juvenile justice system...” In his study of Chicago schools, Hirschfield found that “many of these arrests are officer-generated arrests of non-offenders which shape perceptions of all the students in the school as future criminals rather than as academic achievers preparing for college...”

In Chicago, 20 schools saw majorities of their students arrested during the school year. African-American students were far more likely to attend these schools.

“Consigning mostly black students to these schools means that they will encounter, regardless of personal behavior, a normalization of the criminal justice system in their lives.”—Paul Hirschfield

**WHO DOES CRIME AFFECT? MYTHS & FACTS**

“I see the justice system as embedded in politics - linked to issues of federalism, interest group representation, which affect how crime problems are defined and how these political decisions work their way into the criminal justice system.”

“In Philadelphia, the people who are most affected by crime are Black. Despite this fact, Whites are overrepresented as victims in the media.”—Lisa Miller



Lisa Miller

Zaire Dinzey-Flores



Paul Hirschfield

Jon'A Meyer



Anne Piehl

**Only African-American students stood a significant chance of attending a school with a male rate of arrest in 1995-96 of 45% or more.**—Paul Hirschfield

**Rates of Enrollment in Hyperconcentrated Schools (15 schools w/ male rates > 45%)**

- .63% of white students (n=67)
- .37% of Asian students (n=14)
- 1.8% of Latino students (n=501)
- 34.2% of Black students (n=18,282)



## CRIMINAL DIFFERENCES

### MYTHS AND FACTS

“While the predominately Black residents of high-crime neighborhoods in Philadelphia see crime problems as related to economic opportunities and social issues, this perspective is not represented at state policy levels. What you see there are police and single issue groups (gun rights groups, for example) who do not connect crime to local, social, and political problems.” —Lisa Miller

“Because of the role the single-interest groups play in state policy-making about crime, and the muted role of neighborhood groups,” Miller continued, “the policies we get about drug users, or the prison data we have, don’t just reinforce disparities, but reflect long histories of white supremacy, and are not necessarily about crime reduction....”

“To understand these disparities, we must grapple with the ways in which race itself is a social institution that operates at every feature of American life....” —Lisa Miller

Economist Anne Piehl pointed to other myths and disparities generated by the criminal justice system.

“Native-born Americans are much more criminally active than immigrants....” Piehl referred to papers/studies that “find remarkably lower rates, about a fifth as high....” “Also, most people think we are deporting a lot of illegal immigrants...we’re not deporting, we are detaining.”—Anne Piehl

As Piehl noted, immigrants slated for deportation are detained for long periods of time, translating into a tax burden on American citizens who pay for the backlog of ICE detainees held in federal penitentiaries.

### THE ILLOGIC OF THE FEDERAL SYSTEM

Jon’a Meyer noted that “the Native-American criminal justice system is inadequate. Reservations often lack facilities or justice systems. In fact, there are only 16 out of 500 tribes that have space for any more than 10 juveniles. So, the state takes over—often with a heavy hand, and when the federal government steps in, sentences are often twice as long and there is no early release for good behavior. As a result, juveniles end up facing stiffer penalties in federal courts than other juveniles would.”

“You’re on tribal land, you commit a crime. If you’re not tried within the reservations, you’re plucked off the reservation, taken elsewhere – to the nearest big city – into a federal system that is very well organ-

ized, where there are very small gradations in how people are treated, and where there are small allowances for being less criminal than others, where prosecutors have large resources .... So you have situations where people are doing federal time for property thefts.... Race defines this system.”—Jon’a Meyer

Federal policy is also problematic when it comes to crime control in public housing systems. Zaire Dinzey-Flores noted “the increasing tendency toward gated public housing in Puerto Rico. The residents of these gated and surveilled communities feel stigmatized and controlled by police guards. As this trend develops, the ghetto and the prison begin to approximate one another.”—Zaire Dinzey-Flores

### SIGNS OF POSITIVE CHANGE?

Participants pointed to the role of neighborhood voices in reform (Dinzey-Flores), and the turn toward youth courts, drug courts, and mental health courts (Miller), peacemaking and sweat lodges as venues for conflict resolution (Meyer), and evidence that public opinion is shifting and crime policies might change (Hirschfeld).

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- Facilitating research and enriching education on matters of race and ethnicity in contemporary life in America, in New Jersey, and the world
- Promoting collaborations and fostering cross-disciplinary seminars and discussions on topics from immigration and work, to ethnic politics and racial classification, from preservation of cultural identity to its transformation, and including questions of poverty, discrimination, advancement, integration, and privilege.
- Identifying critical areas for future research and supporting race and ethnicity research and policy development.

“Race isn’t just a feature of the Native-American justice system. Race *defines* the system.”—Jon’a Meyer

“The people who are most affected by crime are Black. Despite this, Whites are overrepresented as victims in the media.”—Lisa Miller



**Rutgers University  
Center for Race  
and Ethnicity**

**GENERAL INFORMATION** about the Center for Race and Ethnicity and its activities.

<http://raceethnicity.rutgers.edu>

**Teaching Race and Ethnicity across Disciplines** (syllabus exchange)  
<http://raceethnicity.rutgers.edu/TeachingRaceAndEthnicity.html>

**Katrina conference** and forthcoming volume  
<http://raceethnicity.rutgers.edu/KatrinaAuthorMeeting.html>

**Other Roundtable Discussions**  
<http://raceethnicity.rutgers.edu/TeachingUnimaginableExperiencesSummary.htm>