

# Centering Race in the Study of Crime and Criminal Justice

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**María B. Vélez**<sup>1</sup>   
**and Rod K. Brunson**<sup>1</sup>

## Keywords

race/ethnicity, crime, criminal justice

A compelling body of work documents the role of race and racism in shaping crime and legal system outcomes (Braga, Brunson and Drakulich 2019; Du Bois 1899; Muhammed 2010; Peterson and Krivo 2005, 2010; Petersen and Ward 2015; Sampson and Wilson 1995). Though a significant and longstanding interest in criminology since its American beginning, this scholarship is often relegated to the margins (but see the scholarly agenda of the Racial Democracy Crime and Justice Network).<sup>1</sup> Recent high profile events of ghastly police brutality such as the murders of George Floyd, Breonna Taylor, Michael Brown, and many other unarmed civilians bring into sharp focus how Blacks (and other racialized groups) repeatedly bear the brunt of systemic racism. These horrific incidents and the attendant public outcry, especially in initial support for Black Lives Matter (BLM), have also served as a catalyst for mainstream criminology to reckon with the role historic and modern day racism plays in shaping crime and social control outcomes. Contemporary, high-profile tragedies along with robust

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<sup>1</sup> Department of Criminology and Criminal Justice, University of Maryland, College, MD, USA

## Corresponding Author:

María B. Vélez, Department of Criminology and Criminal Justice, University of Maryland, 2145 Samuel LeFrak Hall, College, MD, 20742, USA.

Email: [velezmb@umd.edu](mailto:velezmb@umd.edu)

scholarship on race, crime and the criminal legal system inform this thematic issue.

These first two issues of Volume 60 appear in one of the most prestigious and impactful academic outlets in the field of criminology, the *Journal of Research in Crime and Delinquency*. Being featured in such a prominent and visible publication will contribute to the field's ability to offer a corrective step in this critical moment of reimagining. In the call for papers, the journal invited original manuscripts to engage in cutting edge thinking and rigorous research, both qualitative and quantitative, that would mobilize the field to not just integrate race, but to center it, in the study of crime and criminal justice. The two thematic issues in the volume build upon a century's worth of work underscoring how race and racism matter for crime and justice, especially the building of social control apparatuses. The papers featured herein are in dialogue with this foundational work, leveraging this pivotal moment and setting an agenda for criminological research in the twenty-first century.

The title of the thematic issue highlights the centering of race in the study of crime and criminal justice. To center race essentially means three key ideas for us. First, centering means that we spotlight race as crucial for understanding crime and criminal legal system treatment; rather than relegating race to the periphery, it must be forefront to our understanding of crime and criminal legal system outcomes. Second, centering race also requires acknowledging how individuals and groups are perceived relative to their position in the racial hierarchy. The well-established racial hierarchy in the US is characterized by Whites and White areas being the most advantaged socioeconomically and in terms of skin color and Blacks and other marginalized groups as more disadvantaged both in terms of their socioeconomic status and their skin color. Tracing unequal criminal justice system outcomes for Blacks, Latinxs<sup>2</sup>, American Indians and Whites to the US racial hierarchy helps fuel understanding. Third, centering race provides an approach to thoughtfully engage with race not only as a "happens to be" identity but also as a proxy for how people are differentially treated. As such, racial status also captures the role of racism – it is a dynamic that is activated, nimble, and continues to subjugate minorities, especially Blacks. We encourage research to continue exploring the ways race is experienced in the US and how it unfolds, and changes.

This volume draws from the aforementioned ideas about centering race and we feature papers that have the potential to move the field forward across a variety of intellectual domains. We (along with thoughtful reviewers and JRCDC Editors Jean McGloin and Chris Sullivan) strived for

scholarship that critically engaged with this topic and particularly broadened how the field conceives of and studies race. Papers that appear in the first two issues of Volume 60 leverage novel data and demonstrate how criminology might benefit from a purposeful shift regarding the study of race.

The goal of this introduction is to underscore the intellectual benefits of situating the thematic issue's motivation within the field of criminology, briefly summarize each paper, and recommend an agenda for future scholarly examinations. The collection of papers aligned with the thematic concept "*Centering Race in the Study of Crime and Criminal Justice*" is divided into two subthemes.

### **Theme I: Tracing Historical and Contemporary Racial Hierarchies to Violence, Punishment and Attitudes Toward Police Use of Excessive Force**

The papers in this subtheme share a common interest in situating racialized hierarchies in their historical or contemporary forms and how they play out for violence, punishment, clearance rates, and attitudes toward the police. By racial hierarchy, we mean differences in power and economic statuses whereby Whites enjoy the most privilege and those who are Black and members of other groups are less privileged. These papers document how these racial hierarchies create contexts and institutional dynamics along with attitudes that motivate and mete out racialized treatment.

In the first paper, "The Evolution of Anti-Blackness in the American South: How Slavery and Segregation Perpetuate the Victimization of Black People," Bailey assesses the influence of slavery, measured by the percentage of enslaved persons in 1860, on anti-Black hate crimes in 2000–2016 across Southern counties. One possible way that prior experiences with enslavement lead to current levels of anti-Black hate crime is via what Bailey terms "legacy effects". Bailey writes "Collectively, this work suggests that there is a relationship between slavery and violence, indicating that violence continues to be ingrained in places that traditionally had higher concentrations of enslaved populations." These places have cultural norms and racial attitudes sustained by slavery that subjugate Blacks overtime to maintain the racial hierarchy. Alternatively, Bailey draws on the intergroup contact hypothesis to further understand how the legacy of slavery might fuel anti-Black hate crime. In counties where Blacks and Whites are residentially segregated, the author argues that there will be more intolerance and hate amplifying the influence of slavery on hate

crime incidents. Conversely, in counties where Blacks and Whites are more residentially integrated, their intergroup contact will mitigate the slavery-hate crime relationship. Bailey finds support for both possibilities in that the legacy of slavery increases the level of anti-Black hate crime, and this legacy is compounded in counties where racial segregation is relatively high in Southern counties. This article shows empirically how historical forms of racial hierarchies evolve to shape current forms, in particular anti-Black hate crimes. To make sense of the findings, Bailey writes that "...America's 'original sin' – slavery – continues to define the contemporary experiences of Black Americans."

In the second paper, "Generations of Criminalization: Resistance of Desegregation and School Punishment," Kupchik and colleagues investigate how contemporary levels of school punishment are linked to past legal battles related to school integration. The authors argue that resistance to desegregation in the past signals a school district's exclusionary stance toward Black students. Based on a national sample that includes 95,260 schools within 16,831 districts, the authors find that districts with legacies of desegregation battles of school integration have higher levels of punishment and that is particularly the case for Black but not White students. They note "...the fact that desegregation court cases relate strongly to punishment for Black students but weakly to punishment for White students indicates that a legacy of resistance to desegregation is felt today in racialized ways." The authors write that "Centering race goes beyond merely showing that Black students experience disproportionately exclusionary school punishment, and extends the analysis to understanding how race has shaped social systems like education for centuries."

In the third paper, "Disproportionately Punished, Yet Still Neglected: Variation in Official Police Responses to American Indian/Alaska Native Offending and Victimization," Lantz and Ward investigate how American Indians/Alaskan Natives (AIAN) are both over- and under-policed. The authors use clearance rates as a "fundamental metric" for evaluating policing patterns in AIAN communities. Lantz and Ward leverage data from the 2016 National Incident-Based Reporting System (NIBRS) which provides detailed incident-level data on offenders, victims, and clearance outcomes for roughly 5,740 AIAN victims and 6,591 alleged AIAN offenders that are compared to White and Black victims and suspects. The authors find that AIAN people who are suspected of committing a violent crime will be disproportionately arrested compared to other races, net of legal variables. Notably, Lantz and Ward find that AIAN suspects who commit violent crimes against Whites are especially likely to be arrested because,

in doing so, they “violate racialized power structures”. They also find that when AIAN people are victimized, their crimes are less likely to be cleared. The authors write “This combination of disproportionate punishment and the neglect of interracial AIAN victimization likely has profound impacts on the AIAN community” such as fueling antipathy toward police officers and exacerbating racialized tensions between law enforcement and the AIAN community. The neglect of AIAN victimization is particularly pronounced for sex related-crimes.

In the fourth paper, “Who Believes that the Police Use Excessive Force?: Centering Racism in Research on Perceptions of the Police,” Drakulich and colleagues seek to understand forces that undergird the racial divide in perceptions related to police violence. Most Whites tend to minimize officers’ use of excessive force while Blacks see it more as a problem. The authors seek to understand whether citizen prior police experiences, politics, and racial attitudes help explain this stark racial difference. Drakulich and colleagues find that racial resentment captured by an index that taps into color-blind racism, rejection of structural explanations for racial inequalities, and resentment toward perceived line-cutting – is particularly helpful in explaining the Black-White attitudinal gap. The authors thus connect beliefs that Blacks are subordinate to Whites – capturing racial hierarchies -- as an important driver for observed racial differences in citizen perceptions of police use of excessive force.

## **Theme II: Beyond the Black/White Divide, Broadening Race and Contextualizing the Evolving Color Line**

This second set of papers share a common interest in going beyond Black/White racial comparisons, bringing other groups into the discussion such as American Indians and Latinos. In doing so, these papers collectively shed light on populations that have not received much empirical attention. Understanding how these other groups fare compared to Whites and Blacks can provide crucial information regarding how, if at all, the color line is shifting in the twenty-first century. Because they unpack race and ethnicity (i.e., Black Latinx or non-Latinx Black), these papers are able to examine issues of skin tone stratification and their implications for outcomes such as school suspension, recidivism and legal system involvement. This group of papers also seeks to make sense of disparate outcomes by contextualizing or embedding them within neighborhoods or organizational dynamics.

In the first paper, “Racial and Ethnic Identity, Gender and School Suspension: Heterogeneous Effects across Hispanic and Caribbean Subgroups,” Lehmann and Meldrum unpack race and ethnicity along with gender to explore intersectional patterns of school suspensions based on the 2018 Florida Youth Substance Abuse Survey. The authors aim for “The deconstruction of conventional, monolithic conceptualizations of race [which] represents a new direction for research on disparities in application of institutional social control.” Lehmann and Meldrum find that youth who identify as Haitian, West Indian/Caribbean, and Dominican experience high rates of school suspension as do non-Hispanic Black youth. The authors conclude that their “...findings comport closely with Bonilla-Silva’s (2004:2018) hypothesis that at the bottom of the emerging ‘pigmentocracy’ in the US is a ‘collective black’ category that encompasses all dark-skinned individuals with shared physical features.” Such colorism extends to school suspension patterns by gender. The authors also find that Puerto Rican youth are differentially penalized compared to non-Latino White youth, possibly because they are seen as “recent threats.” This paper is instructive in that it deeply engages with the “more pluralistic racial landscape” and its implications for how social control is utilized, especially against Black youths. This paper also implores us to consider how intersectionality impacts school suspension levels and punishment meted out by institutions more broadly.

In the second paper, “Immigration in an Era of Mass Reentry: Does Immigrant Concentration Guard Against Serious Recidivism?,” Ramos explores the role of immigrant concentration in protecting against victimization risk. This paper assesses whether the protective influence of immigration extends to risk of recidivism for a cohort of 182,509 ex-prisoners nested within 957 zip codes. Immigrant communities are characterized by institutional networks and community resources that promote post-release success. Findings indicate that ex-prisoners have a 21 percent lower likelihood of recidivism when they return to communities consisting of relatively large shares of immigrants. This protective influence is particularly pronounced for Black ex-prisoners who return to immigrant communities. This paper joins a chorus of scholarship underscoring the benefits of immigration for crime control, showing that it helps guard against recidivism for high risk populations. This manuscript also helps contextualize reentry by situating this outcome in the neighborhoods literature, providing a fuller understanding of recidivism.

The third paper, “Racial-Ethnic Disparities in Police and Prosecutorial Drug Charging: Analyzing Organizational Overlap in Charging Patterns at

Arrest, Filing and Conviction,” by Johnson and colleagues explores how police and prosecutor charging practices contribute to racial disparities in sentencing. Specifically, the authors track ethnoracial inequalities in charging trajectories from arrest to case disposition, going beyond a single stage analysis of all adults arrested for felony drug crimes in Miami-Dade County between 2010 and 2015. The authors reason that the initial arrest charge has an “anchoring effect” on later decisions; front end decision making can contribute to later inequalities – namely, it sets in motion cumulative disadvantage. Findings reveal substantial inequalities in charging arrestees who identify as Black – either Latino or non-Latino - bearing the brunt. White Latinx also have higher risk of incarceration than White non-Latinxs. These inequalities remain despite charge reductions at the filing stage and persist at conviction. The authors write “...Black (Latino and non-Latino) people, and to a lesser extent White Latinx people, experience greater disadvantage across the charging process largely because they face more severe charges at arrest.” These findings show that there is a gradient that follows a color line in terms of conviction risk: persons who are Black are at the most risk for conviction while White Latino are next with White nonLatinos experiencing the least risk. The results also indicate that police charging decisions set the tone for how suspects are perceived later in the adjudication process. By examining police and prosecutor charging practices, the authors demonstrate how these two specific criminal justice system actors are “loosely coupled” across organizations and work together “to achieve mutually beneficial outcomes.”

In the fourth paper, “Trends in Prison Sentences and Racial Disparities: 20-Years of Sentencing Under Florida’s Criminal Punishment Code,” Mitchell and colleagues investigate factors that might help explain reductions in the total, Black and Hispanic prison population since the Great Recession of 2008. The authors assess whether court actors employed discretionary tools available in Florida’s sentencing system to reduce prison use and racial disparities in sentencing for cases during a twenty-year period (1998–2017). Mitchell et al. document that Black-White disparities in the probability of receiving prison sentences shrunk slowly throughout the study period. They find, however, no significant differences in the Latino-White risk of imprisonment. To understand what would have happened if courts had followed the sentencing guidelines more closely, the authors track ethnoracial disparities in scoring to prison. They find that the scoring to prison for Blacks increased relative to White non-Hispanics during the study period. They also report no significant differences in predicted probabilities of scoring to prison between White non-Latinxs and

Latinxs. Thus, had these judicial actors strictly followed the sentencing guidelines, racial disparities would have increased in Florida. Court actors used discretionary tools available to them to rely less on prison, perhaps because of financial and practical constraints related to the Great Recession. The authors write that “Florida’s flexible structured sentencing system allowed court actors to reduce prison without making wholesale changes to sentencing laws.” The authors state “...policies aimed at curtailing the role of prior record in sanctioning appear crucial towards ending mass incarceration and minority mass incarceration.” This study provides an important lesson concerning how reducing sentencing severity may reduce racial disparities and “disrupt racialized social systems.”

## **Moving Forward**

Stepping back from the particular papers in these two issues, we articulate here key ideas to stimulate future research in the field of criminology. What seems most critical for upcoming research is for scholars to seriously account for, or at minimum, acknowledge the historical conditions that have given rise to current racial disparities. To aid in this endeavor, we encourage criminologists to draw from rich, historical accounts documenting the racialization of criminality and social control apparatuses (see Hernandez 2017; Hinton and Cook 2021; Muhammed 2010; Ward 2015). In particular, the enslavement of African people, the colonization of the Southwest, and the decimation of indigenous communities embody historical legacies that continue to shape the contexts of today. Papers in these issues trace unequal outcomes to the historical patterns of racism that in turn create structural and cultural milieus that are unequal today. Future work should continue to develop understandings of how historical conditions shape modern day experiences (Hinton and Cook 2021).

Scholarship in this thematic issue clearly documents that race matters for patterning attitudes as well as criminal legal system involvement and treatment. An important next step is to further map out *how* race matters through innovative study designs that involve, for example, field observations and mixed methods. The current moment is an opportunity to study how race unfolds in everyday life across public and private spaces. We assert that paying attention to mechanisms linking race to crime and legal system outcomes should be prioritized. Also we believe that there is value in scholarship prioritizing individuals’ lived experiences and that more work in this tradition is sorely needed. Though the vast majority of articles appearing in this issue highlight the brunt of racism and the attendant deleterious

outcomes, we encourage scholarship to document the resiliency of communities of color to counteract destructive forces and push for improved social justice. There is a long track record of social movement activity that challenges White supremacy, scholarship should devote attention to how resistance also characterizes the everyday lives of people of color. Finally, scholars should consider whether, and if so, how, the intersection of their own racial identities potentially influences research processes, including data analysis and collection.

The work here also took important steps in broadening the field's understanding of race by going beyond the beyond the customary Black and White binary (Vélez, Brunson and Miller 2011). Scholarship herein particularly highlighted comparisons between Whites and American Indian/Alaskan Natives as well as Latinos. Some authors were able to unpack race and ethnicity so that stratification by skin color or pigmentocracy could be assessed. An important takeaway from these well executed papers is that groups considered Black experience the harshest criminal justice system sanctions. We encourage researchers to continue engaging with the increasingly diverse racial landscape in the US. Though the papers here suggest that despite diversification, the emergence of a Black/Non-Black color line seems to characterize crime and social control. Research should continue to elucidate the evolving color line. To meet this challenge, data collection efforts will need to be more precise in how race is measured across, for instance, criminal legal system contact points. Currently, race is not measured similarly across jurisdictions making general statements about the nature and scope of racial inequality difficult. Moreover, the categories that capture race should be expanded to include the myriad of ways race truly matters in US society (i.e., lived race, perceived race, street race, and self-reported race).

The potential for racial reckoning in 2020 was palpable. Support for BLM and the movement's aims enjoyed a boost during that time; protests against police brutality around the country were uniquely multi-racial; and momentum built for serious conversations about the role of police and the criminal legal system in public and private spheres. Yet, since then, while some racial minorities continue to be supportive of BLM, favorable attitudes by Whites have deteriorated (Chudy and Jefferson 2021). Political scientists who have studied attitudinal data write "...since last summer, Republicans and white people have actually become less supportive of BLM than they were before the death of George Floyd — a trend that seems unlikely to reverse anytime soon." We urge criminology to lead the way in taking an honest look at how race matters for crime and criminal legal system

involvement. The papers discussed here provide a template for how to earnestly begin to do this. A reckoning means not only acknowledging racial injustice but also taking action in light of this improved understanding. Researchers have a crucial role to play and should begin by confronting the history of race and its intimate connection with notions of criminality and the social control apparatus.

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### ORCID iD

María B. Vélez  <https://orcid.org/0000-0002-9076-2863>

### Notes

1. <http://diversitymattersbyrudy.org/>
2. In our own writing here, we use the terms Latinx and Latinos interchangeably, understanding that these are panethnic terms that mask important subgroup differentiation. (We also utilize the labels preferred by authors in our discussion of their work). We appreciate that there is momentum in the field to utilize Latinx as it offers a gender neutral or nonbinary alternative to Latinos or Latino/a/os. Though we recognize Latinx is not a widely used term; individuals embracing it tend to be more educated and younger (Pew Research Center 2020).

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## Author Biographies

**María B. Vélez** is an associate professor of Criminology and Criminal Justice at the University of Maryland. Her research seeks to understand how stratification along ethnoracial, political, and economic lines shapes the patterning of crime and justice outcomes. Key themes include investigating the influence of political conditions on crime patterns across neighborhoods; the dynamic nature of neighborhood crime; and the consequences of structural racism across a variety of institutional domains such as housing on the ethnoracial divide in neighborhood crime.

**Rod K. Brunson** is a professor in the Department of Criminology and Criminal Justice at the University of Maryland. He was a member of the inaugural (2006) Summer Research Institute cohort and currently co-directs the Racial Democracy, Crime, and Justice Network. He is also a member of the American Society of Criminology, Division on People of Color and Crime. His body of research examines youths' experiences across various neighborhood settings, with a specific focus on the interactions of race, class, and gender. He has published in the *Annual Review of Criminology*, *Annual Review of Sociology*, *British Journal of Criminology*, *City & Community*, *Criminology*, *Criminology & Public Policy*, *Evaluation Review*, *Journal of Research in Crime and Delinquency*, *Justice Quarterly*, *Preventive Medicine*, *Urban Affairs Review*, and *Urban Health*.