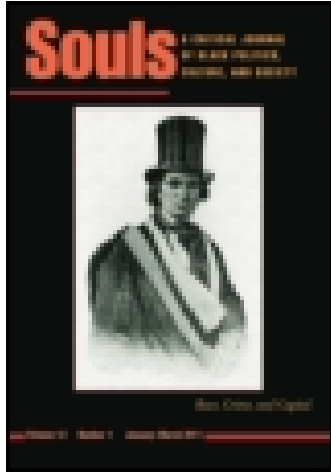


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The Hyper-Criminalization of Black and Latino Male Youth in the Era of Mass Incarceration

Victor M. Rios

This article discusses how Black and Latino youth labeled “deviant” are impacted by criminalization after coming in contact with the juvenile justice system. The findings are based on ethnographic interviews I conducted in the San Francisco Bay Area from 2002–2005. From this data I argue that Black and Latino youth are further stigmatized and “hyper-criminalized” upon entering the juvenile justice system even when the majority are arrested for non-violent offenses. Non-violent juvenile offenders thus experience the full force of direct and indirect punishment and criminalization traditionally aimed at violent offenders. Furthermore, in a time when punitive crime control measures have drastically increased, youth of color not only experience this hyper-criminalization from criminal justice institutions but also from non-criminal justice structures traditionally intended to nurture: the school, the family, and the community center. Ultimately, in the era of mass incarceration, a “youth control complex” created by a network of racialized criminalization and punishment deployed from various institutions of control and socialization has formed to manage, control, and incapacitate Black and Latino youth.

Keywords: criminalization, youth, Latinos, deviance, penalty

In its function, the power to punish is not essentially different from that of curing or educating. (Foucault 1995, 303)

Carceralization as a Youth of Color Phenomenon

In the era of mass incarceration, Black and Latino youth face a coming of age crisis determined by criminalization and carceralization. The majority of Black and Latino inmates are youth; almost three quarters of all Black and Latino jail and prison inmates in the U.S. are between the ages of 20-39.¹ As of 2003 12% of all Black males in their 20s were in prison or jail; almost 4% of Latinos and only 1.5% of whites in their 20s were incarcerated (Harrison, 2003). One in three African American youth ages 20–29 are incarcerated or on probation or parole (Harrison, 2003).

While Latino youth do not match the outrageous incarceration rates that Black youth contend with, they too are disproportionately confined, especially in areas with large Latino populations. For example, as of 2002, in California, Latino youth represented 36% of the states youth population, however, they made up close to 60% of the state's juvenile detainees (Villaruel & Walker, 2002); Black youth made up roughly 7.8% of the state's population, yet they comprised almost 30% of juvenile detainees (Males & Macallair, 2000).

In Black and Latino communities, mass incarceration has become a youth phenomenon. In California, youth of color are 2.5 times more likely than white kids to be tried as adults and 8.3 times more likely to be incarcerated by adult courts. Ninety-five percent of all juveniles sent to adult court are youth of color. In Los Angeles a stunning 91% of all cases in the adult criminal court involve youth (Males & Macallair, 2000). Recent punitive expansion and the material effects of mass incarceration have come to affect some of the youngest populations in Black and Latino communities. The trajectory of this article is to account for the social effects of mass incarceration and criminalization on young males of color, those populations most affected by these systems that generate and exacerbate social misery.

These young adult deviants do not become on their 18th birthday, rather they are systematically constructed as criminals and face the wrath of the penal state and criminalization as early as 8 years of age (see for example Ferguson, 2000). Scholars have argued that in the contemporary historical bloc punishment and carceralization are at the center of racial inequality and social misery (Davis, 2003; Castells, 1997; Parenti, 2000; Wacquant, 2002). Expanding on this argument, this article will demonstrate that spillover from the ever-expanding power and punitiveness of criminal justice policies and practices affect every member of poor racialized communities in multiple ways, especially urban youth of color. Some scholars have begun to analyze this structure of punishment that extends its tentacles beyond the offender and systematically damages the transgressors family, friends, and community. Scholars have termed this spillover effect the “collateral consequences of mass imprisonment” (Chesney-Lind & Mauer, 2004). These scholars have argued that punishment not only affects the confined individual but rather expands itself to family members and the inmate's community. Building on this argument I demonstrate how the punitive expansion of the state has created a new system of social relations that stigmatize and criminalize poor youth of color at an everyday level.

Mass imprisonment and the cultural, political, and economic arrangements that accompany it have had a devastating social impact on young male adolescents in the inner city, specifically Black and Latino male youth. Furthermore, the lives of Black and Latino youth who are labeled “deviant” are enforced by institutional entities that treat them as serious criminal threats ready to commit savage acts of violence even if they have only been arrested for drug possession or status offenses. This collateral consequence of mass imprisonment has brought about a network of criminalization, surveillance, and punishment that serves as a main socializing and control agent for Black and Latino youth who have been labeled “deviant.”

The Research Context: Studying Criminalized Experiences

The article is based on 40 in-depth, semi-structured “ethnographic interviews” (Spradley, 1979) I conducted in Oakland, San Francisco, and Berkeley, California with Black and Latino youth ages 14 to 18. Each of these cities has unique social, cultural, economic, and political landscapes. However, they are part of a larger metropolis—the San Francisco Bay Area—where extreme racial disparities in family incomes, disproportionate incarceration rates by race, and major disparities in educational, housing, transportation, and employment between communities of color and white communities exist. For example, as of 2002 in Alameda County (where Oakland and Berkeley are located), non-Hispanic whites held higher-paying, higher-skill jobs and they held 68% of all executive, administrative, and managerial positions. Minorities represented 42% of Alameda County’s work force but made up 60% of service sector jobs.² The bay area has the highest general unemployment rate in the state, 8%, with people of color making up the bulk of those who are unemployed.³ This number represents the general adult population. Some community workers and probation officers I have talked to estimate the unemployment rate for young males of color between ages 18–30 to be over 30%.

In each city, I grounded myself in a specific community setting where Black and Latino youth were mutually accessible. In the past twenty years all three cities’ traditionally Black communities have seen a huge increase in Latino populations therefore transforming them into Black and Latino communities. In Berkeley and San Francisco I conducted research based at youth development community centers (Berkeley Youth Alternatives and Real Alternatives Project). In Oakland I conducted research based out of a youth-led organization that focused on political mobilization in the community (OLLIN). I asked youth development workers, youth leaders, and teachers to help identify and recruit “criminalized” youth.⁴ After recruiting a first round of youth I asked them to connect me with youth who had a prior arrest. This allowed me to interview youth from similar environments with similar experiences in order to compare differences in personal attitudes, experiences, and ethnicity. After recruiting the youth I followed them to their schools, homes, juvenile court appearances, and leisure spaces.

Half of the youth I interviewed was Black (20) while the other half was Latino (20). I wanted to contrast and compare the experiences of both racialized groups. Were their experiences different even though they lived and grew up in similar environments? If the youth I observed and interviewed, Black or Latino, lived in the same neighborhoods and attended the same schools, were they criminalized in similar ways? Did they commit similar crimes? Did they have the same attitudes about the criminal justice system?

I recruited a control group of 10 youth who had never been arrested but lived in the same area and associated with the juveniles who had been arrested. Although these youth were “at-risk” and often participated in negative behaviors, they were considered to be “good kids” by their peers. This control group would show the difference in criminalization between those arrested and those who had not been arrested but had been identified in the community as risks.

Six (out of 30) of the arrested youth were arrested between the ages of 12 and 14; 17 were arrested at age 15; and 7 had been arrested between the ages of 16 and 17. For most (28 out of 30), all arrests happened for non-violent acts such as vandalism, petty theft, and burglary. Out of the snowball sample of youth that I recruited only two arrests had taken place for violent crimes against other youth. A limitation to this study was that I did not recruit many violent offenders. However, the sample seems representative of juvenile delinquency in the inner city: most youth are arrested for non-violent offenses but are managed as a serious criminal risk despite their status. Of the two violent offenders that I studied, Tyrone had stabbed another youth and Jose had hit another youth in the head

with a baseball bat. Their initial arrests and experiences were similar to the youth who had not committed acts of violence. The violent youth were arrested multiple times for non-violent offenses prior to their first violent offense. Both Tyrone and Jose ended up incarcerated for long periods of time after I conducted my interviews with them. Jose would later get arrested for shooting another youth in the leg. As of the fall of 2005 he was on trial facing five to twenty years in prison. Tyrone ended up arrested for assaulting a police officer. He was sentenced to fourteen months at the county jail.

For the 28 youth who were arrested for non-violent crimes, their experiences with the justice system were similar: they went to juvenile hall from 1–60 days; they were released on a monitoring device and/or on probation; and they were given specific conditions of probation—to go directly from school to home, not to associate with their former peers, and not to hang out on the streets. Ten of them ended up with a monitoring device shackled to their ankle that would beep and alert the probation department if the youth wandered away from their home.

Governed as Criminals

If social structures are visible and identifiable through the everyday “common sense” expressions and interactions that individuals in society have with one another (Garfinkel, 1967), then, the “youth control complex” became visible to me as I interviewed and observed my subjects in their everyday interactions and conversations about criminalization. However, beyond simply examining my subjects as agents whose behavioral patterns I could observe in order to understand larger social structures, I took seriously the experience and thinking that youth brought to the table. Taking the voice of youth seriously allowed me to conduct my research “from the ground up.” From this perspective, I followed the logic and structure of the social worlds they inhabited. This approach led me to understand how the interactions that youth had with individuals who criminalized them were used to make sense of their social world.

The findings show that youth not only felt the direct effects of incarceration and police repression but they also experience what Jonathan Simon (1997) calls “governance through crime.” That is, the everyday impact that citizens experience from encounters with a society obsessed with surveillance, security, and punitive penal practices. For Simon, in a society that over the past 30 years has increased its prison population over five-fold and that continues to generate draconian punitive sentencing, it is not only the criminal that suffers from the hyper-punitiveness but also the everyday law-abiding citizen. He argues that in today’s society, politicians have heavily “governed through crime.” For Simon, crime has become the central tool for governing the everyday citizen, even if they have never committed crime. Crime and punishment have been prioritized in the U.S. to influence the actions of the everyday citizen. It is not that the U.S. has a crisis of crime in its inner cities but rather, it is a crisis of “governance,” both in the public and private sphere. This crisis of governance stems not from an increase in crime but from the failure of traditional institutions of governance like the welfare state, labor market, and the education system and from the states inability to provide social and economic security (Simon, 1997).

The youth in this study are youth that have been affected by the decline of the welfare state and the expansion of the criminal justice system. As the youth attempted to deal with this social dislocation—this disorientation, where they could not expect any help or support from the government, where the government had become an abusive step-parent figure, beating its children, throwing them in a room with no windows nor doors—they began to lose hope in the government and in themselves. The youth felt that on an everyday level, their lives were being defined and controlled through discourses and practices

of crime and policies related to crime even when they were not committing crime. As I continued to interview and observe them I realized that even if they did not want to commit crime, be seen as delinquent, or act like “thugs,” they were already rendered as suspects by many in the community. Because of this, they developed identities that they often wished they could renounce. They began to resist and as they resisted they began to embrace their own criminalization.

Multi-Spatial Criminalization

Many of the youth in the study talked about being criminalized in multidimensional layers and in multiple social settings. Beyond the criminal justice system and its bureaucrats they experienced the effects of criminalization in other significant spaces: the street, school, businesses, and even their home. They compared encounters with police, probation, and prosecutors with interactions they had with school administrators and teachers who placed them in detention rooms, community centers that attempted to exorcise their criminality, and even parents who felt ashamed or dishonored and relinquished their relationship with their own children all together. For the youth, their experience in each of these institutional settings had one thing in common: being treated as a criminal.

While there are many institutions that criminalize inner city youth, I observed the ones that youth themselves suggested. On the criminal justice side I studied how the youth interacted with probation officers. On the youth development side I examined the family and the community center. I chose to look at these institutions because preliminary interviews informed me that community centers and families were a central concern for youth in terms of being criminalized. In addition, these two institutions have traditionally been settings where nurturing has taken place. In their own accounts, it was these institutions that held a firm grip on their life chances. Often their choices were limited by the attitudes and policies that the institutions had towards them. While it was not surprising to hear that probation officers had participated in criminalizing youth in damaging ways—what I call hyper-criminalization—it was shocking to discover that youth felt criminalized in damaging ways by community centers and even their own families. It seemed, in the accounts of the youth, that these three aforementioned institutions were collaborating to form a system that degraded and dishonored them at an everyday level. To understand this process of hyper-criminalization, the lives of the youth I studied had to be examined. What follows are in-depth accounts of youth who represent the experiences of most of the youth I studied.

Growing up a Criminal

Jose

Jose is a 17-year-old gang-involved youth from Berkeley that I have worked with since he was 13. He has been in and out of trouble since 6th grade and has been to juvenile hall four times. From an early age Jose has experienced policing and surveillance from both criminal justice and non-criminal justice institutions. Over time, Jose has come to understand this combined effect of being criminalized from multiple directions as a single system out to dehumanize him. He explains,

Man, it's like everyday teachers gotta' sweat me, police gotta pocket check me, mom's gotta' trip on me, and my P.O.'s gotta stress me. . . .

It's like having a zookeeper watching us at all times. We walk home and we see them [probation officers and police], we shoot some hoops and we see them, we take a shit at school, and we see them. . . .⁵

Jose is describing an all too common phenomenon where penal practices, traditionally carried on by probation and police officers, have entered other social and private spaces including recreation (community centers), schools, and even the family.

Jose comes from a poor, single-mother household. He has a vivid memory of deviance he saw committed around him and that he committed as early as age 9. He remembers seeing fights on the way from school to home at least once a week. When asked how many crimes, of all types, he remembers seeing on a daily basis, he responds:

Shit! I can't even count. Crime, I see it everyday, all day. It's like if you try to hide from it, it will find you anyway. . . .⁶

Jose remembers his first act of deviance:

The first time I was in third grade. I had set the bathroom garbage can on fire. We ran away, and they caught us and handcuffed us. . . . I was just trying to do something funny. Police came and arrested me and my friends. They only had a pair of handcuffs and they handcuffed me and my friend together. This is the first time I got arrested. I also flunked that year.⁷

Jose and 26 out of 30 previously arrested youth I interviewed report that teachers at school have direct contact with the school officer and his probation officer. After school, when Jose attends the local youth development community center to participate in leisure activities, he meets with his probation officer who is also stationed at the community center. His mother is forced to deal with the probation officer since he maintains direct contact with her and begins to influence the way she parents. Jose explains:

My moms started trippin' on me like never before, you feel me? She started telling me to not wear baggy pants and to stop talking the way I did. I asked her who told her these things since she never tripped before and she told me that my probation officer had told her to tell me this stuff. . . . I got mad and I left and went to kick it at BYA [the community center]. When I got there my PO was there hanging out. I was mad at him so I left. I went to the park and the police were there trying to fuck with me too.⁸

For Jose and most of the other youth, their experience of being watched, managed, and treated as a criminal began at a young age and became exacerbated after their first offense, in most cases a misdemeanor. Their minor transgression had branded them with a seal that would make their one-time criminal act into a permanent criminal identity. For example, a few weeks after his first arrest for carrying a \$10 bag of marijuana, Jose began to realize that everyone in the community knew about his arrest and probation. Beginning at home and ending at the local community program, adults now treated him differently. Jose began to feel watched, police began to randomly stop and search him, his teachers would threaten him with calling his probation officer if he disobeyed at school, his mother constantly reminded him that he would end up in jail if he misbehaved.

After their first offense, most of the youth in the study were labeled and treated as criminals not only by police, courts, and probation but also by teachers, community centers, and even parents. The permanent "criminal" signifier began when the youth was assigned a probation officer. The officer served the role of informing the entire community that the youth had permutated into a risk. He was now to be monitored and controlled by an authority figure assigned by the state: the probation officer.

Probation

The probation officer served the purpose of punishing the youth by branding him a criminal in front of the rest of the community and marking his territory in all settings in which the youth was a participant. Community centers made office space available for probation officers to manage youth from a closer location to their home. Parents were constantly interacting with and often being chastised and influenced by probation officers. Teachers had direct contact with probation officers to inform them when the youth had misbehaved.

At the end of their initial arrest, all youth were given some sort of surveillance program. Most youth (24 out of 30) received a probation officer that they had to meet with once a week to once a month, the rest were given probation without a formal relationship. The meetings would often take place at neighborhood community centers located near the youth's homes. Out of 24 youth that had a probation officer, 18 of them met with them at local community centers or at school. The 18 youth that met with probation officers in their local community demonstrated a feeling that others perceived them differently than those youth who checked in with probation officers at the county probation office. Youth spoke of feeling humiliated because everyone in the community knew that they were on probation. They felt like "criminals" even if they were trying to improve their lives. However, probation did keep a lot of the youth from committing further crime.

From the perspective of juvenile probation and many of the school authorities, the point of the probation officer being present at community centers and schools was to make sure that the youth who were on probation followed all the rules and did not commit another crime. For the most part, this goal seemed to work well with the youth that I interviewed; however, after the youth were released from probation, their chances of being rearrested increased drastically.

The youth believed that one of the biggest changes they faced after being released was the overwhelming presence of their probation officers. Youth went from having little direct supervision and control for most of their lives to having a disruptive control force in their lives waiting for them to, as one of the youth put it, "fuck up." In being present in all aspects of the youths' lives, probation officers could potentially have a positive impact in the youth's rehabilitation and reintegration into society. Often, the youth did follow the strict orders of the probation officer but only in the direct presence of the officer. In the accounts of the youth, at first probation officers helped them "stay in line" but later would become hindrances in their recovery. The probation officer served as a direct threat and locus of control for the youth only while the youth maintained direct contact with him or her.

As soon as youth were taken off their intensive probation program like Electronic Monitoring, weekly meetings, and home arrest, they began to commit acts that further criminalized them and often led to a second arrest. Youth often expressed that being contained, monitored, and threatened for so long to function normally made them unable to control themselves and operate normally in society when the direct authoritative treatment was removed. Youth were being taught to live normally in society under forceful supervision and sanctions from the state. When the absolute force was removed, so was the positive behavior of the youth.

Ronny

Ronny's day-to-day experience provides a deeper insight to processes of hyper-criminalization experienced by youth. Ronny is a 16-year-old African-American male from Berkeley, California. He is currently on probation and is mandated to attend an

“anger management” program at Berkeley Youth Alternatives for defying his probation officer. For school he is attending Independent Study, a program where students complete courses at their own pace without attending class. On a typical day, Ronny wakes up at about 10:00 or 11:00 A.M. and walks to Berkeley High School, arriving there at lunch time. Since Berkeley High School is an open campus, students fill up the local shops and restaurants in the main avenue, Shattuck. During 11:45 and 12:45 P.M., swarms of youth travel the streets surrounding the school. For Ronny, this is a time to catch up with friends and foes as they walk from the school to the street. Ronny usually hangs out at a corner near the main avenue and waits for his friends to meet him there. When they arrive he either stands there with them or catches up on events that have occurred in school or the community. If Ronny sees one of his many rivals, he confronts them and sometimes engages in them in a fist fight. It is during this time of day that Ronny is very likely to get arrested. Twice he has been booked by police during the lunch hour for fighting.

After the lunch hour adventure at Berkeley High School, Ronny walks to the Independent Study Office where he turns in work and receives a new packet. Sometimes Ronny goes to this office even if he has not done any work to turn in or does not have an appointment for that day. He explains that he is usually bored by the afternoon and wants a place to hang out. He figures that the teachers might take him in and help him with his assignments; however, most of the time the teachers are not there or are busy with other youth. Ronny walks toward BYA (the community center) and waits outside of the center until 3:30 P.M. when they open the doors to youth. There he plays basketball with friends and takes his anger management class; meets with his probation officer; or talks with a center staff or counselor about his progress. He reports that, like his teachers, the community center staff often report him to his probation officer if he misbehaves at the center.



“R. Black—Overseeing Buckshot’s Shrine” September 1998 © Helen M. Stummer

The center closes at 8:00 P.M. This is when Ronny walks to the park that sits adjacent to the community center. Often his friends meet there to play more basketball; smoke and drink; and talk about their lives until about 10:00 P.M. This is when most youth go home but Ronny walks home, checks in with his grandmother and walks out and sits on his front steps with a few friends who stay out late as well. Most of the time, Ronny's evenings are fairly mundane. But occasionally it is after the end of the program that Ronny and friends fight with rivals; conduct drug deals; and/or break into cars. Two of Ronny's arrests have taken place after 8:00 P.M.

A few weeks after starting his probation program, Ronny began to realize that even his own family had begun to question his innocence. Ronny explains:

My grandma keeps asking me about when I'm gonna' get arrested again. She thinks just 'cause I went in before, I will go in again...at school my teachers talk about calling the cop again to take me away . . . cop keeps checking up on me. He's always at the park making sure I don't get in trouble again . . . my P.O. [probation officer] is always knocking on my door trying to talk shit to me . . . even at BYA [the local youth development organization] the staff treat me like I'm a fuck up again . . .⁹

Over time, Ronny and other youth I interviewed normalize being treated as criminals by most adult members in their community. They see it as an everyday way of life that they have to cope with and learn to navigate. Like Pierre Bourdieu's *Symbolic Violence* (1992) where the subject internalizes and perpetuates his own oppression, the youth internalize their criminalization and respond by "acting bad." Both resistance and expectations of negative encounters with school and justice authorities become normalized as routine features of the environments in which these youth live and navigate. In order for the state to succeed in criminalizing youth it has to make the youth believe that surveillance, brutality, crime, and criminalization is part of everyday life; it has to convince the subject that he indeed is a criminal, or in the words of the youth, a "thug." In this way, the dominated group accepts as legitimate its own condition of domination (Bourdieu & Wacquant, 1992). The "bad kids" internalize their criminalization as a normal part of their everyday lives; hence, youth who are criminalized react to criminalization through criminality. Ronny concludes:

Shit don't change. It doesn't matter where I go, I'm seen as a criminal. I just say, if you are gonna treat me as a criminal than I'm gonna treat you like I am one you, feel me? I'm gonna make you shake so that you can say that there is a reason for calling me a criminal . . . I grew up knowing that I had to show these fools [adults who criminalize youth] that I wasn't going to take their shit [sic] I started to act like a thug even if I wasn't one . . . part of it was me trying to be hard, the other part was them treating me like a criminal.¹⁰

At an early age Ronny developed an identity that made him act aggressively towards other youth. He talks about being forced to learn to interact with peers by "acting hard" around them. When I asked him what he remembered most about growing up around peers who were involved in delinquent behavior, he said that he had to pretend to be bad in order to get respect, even if he did not want to be bad. Ronny was, as Elijah Anderson (1994) has explained, learning to "code switch." In order to survive the order of the streets and, as I explain, in order to resist the order of hyper-criminalization, Ronny was acting "bad" even if deep inside he simply wanted to do good. The youth have developed strategies of survival in order to cope with the violence of the state and other institutions that criminalize and punish them. However, as Paul Willis (1977) has demonstrated, in resisting their oppression, working class youth often dig themselves deeper

into a hole, perpetuating their subordinate status in society. This was the case with the youth in this study.

Jr.

This theme continued to play out with many of the youth I interviewed. The youth knew they wanted to improve their lives and follow their probation program, however they were often influenced in other directions. Jr., a 15-year-old Latino from San Francisco, asked his probation officer for guidance when he came to the conclusion that he wanted to change this negative behavior and follow his instinct:

I just wanted to start doing better so I told my probation officer to help me. He said that it's easy I had to stay away from all those crazy kids I hung around with. He also told me that if I got caught with them I would go back to jail. He told me to tell them that I would go to jail if I talked to them but they didn't believe me . . . he told me "its common sense" but he's not the one that has to walk on the street.¹¹

Besides facing pressure from peers, the youth had to contend with the pressure of adults who were cynical about their ability to do well. Youth often reported that instead of finding ways to support them through rehabilitation and academic and community support, adults from various institutions in the community managed the youth as risks rather than creating a support program.

Jr. reported that teachers at his school had direct contact with the school officer and his probation officer. When Jr. got in trouble in the classroom his teacher filled out a card from the school's police officer. The police officer would check in with the teacher every afternoon and if Jr. had a mark on his card the officer would come and make threats, handcuff him, and/or throw him in the back seat of the police car for long periods of time in front of his peers at the school. The constant surveillance and threats imposed by the police officer at his school made him feel that he was "doing time" in jail while at school. For Jr., school was like jail in the sense that the minute he stepped into it he was under strict supervision and faced the threat of severe punishment with every move he made.

After school Jr. would walk to the local community center to "hang out" and meet with his probation officer who was stationed at the community center. Jr. would walk into the center, greet the staff, check out a basketball and play with some of his friends. At seven o'clock he would drop the ball and walk a few offices past the gym to meet with his probation officer. His probation officer was stationed at the community center due to a grant that the community center received from the county juvenile justice department. The purpose of the grant was to provide services at the community center to juvenile delinquents. The condition was that the center was to provide a probation officer an office space to meet with clients. The result was a combining of social services with state surveillance in one location. As the study went on I realized that the punitive arm of the state, the criminal justice enterprise, had percolated itself into traditionally nurturing institutions like the family and the community center. This created a contradiction since the philosophy and practice of these two very different institutions have traditionally diverged: the criminal justice system, while at times attempting to reform, is primarily concerned with managing crime and imposing sanctions on transgressors; the community center, a social service institution, is concerned with providing emotional, physical, and academic support to its clients, unconditionally, with the intention of developing individuals into healthy, independent, and responsible citizens. What happens then when the punishing arm of the state imposes itself physically and procedurally onto nurturing institutions?

When the punitive arm of the state crosses into traditionally nurturing institutions, delinquent kids become labeled and treated as criminals not only by police, courts, and probation, but also by teachers, community centers, and even parents. This is a problem when the latter institutions are meant to make productive citizens out of youth, not to render them as criminals risking that the youth internalize this criminalization and become ticking time bombs. Stanley Cohen (1972) calls this process “deviance amplification,” where parents participate in labeling their kids as criminals and in the process end up alienating themselves from their children. In his classic study, Cohen (1972) illustrates how youth can fall into a spiral of deviance when, as an act of resistance to authority figures (i.e., police) they commit more and more intense acts of deviance. Rather than break away from hyper-criminalization, Black and Latino youth are unfortunately conforming and internalizing their oppression. However, beyond Bourdieu’s pessimistic symbolic violence, the youth also demonstrate their ability to change their own internalized oppression. While the youth often internalize and naturalize their criminalization, they often do it as a form of resistance, as a strategy to defy the very same process of criminalization. They embrace the label of “thug” or criminal in order to navigate their social world. However, once given opportunities to embrace a less violent and more nurturing environment they abandon the negative attitude fairly quickly. For example, when I took the youth I interviewed to community events and college functions to provide them exposure to positive settings, their “presentation of self” (Goffman, 1959) became positive; they began to express their desire to be change their lives, they expressed their hopes and dreams and began to ask, as Ronny put it, “How can I change my life? I mean I know I got a lotta’ shit going on but I been through the worse already. How can I make it better?”¹²

Hyper-Criminalization as Social Displacement

From a young age, poor urban Black and Latino male youth face stigmatizing and punitive interactions in various settings in their communities. As often well intentioned probation officers, teachers, community center workers, and police officers attempt to grapple with the deviance and risks that youth have, they adopt ideas and practices that further render young males of color suspicious and criminal. This in turn contributes to youth committing more deviance and crime. While most adults in the community attempt to support youth they have little programmatic or financial resources to provide deviant youth successful alternatives that might allow them to reform. However, reform and rehabilitation programs have continued to decline and instead, at the end of the 20th century and the beginning of the 21st century, the public and politicians continue to call for punitive policies that treat juveniles as adults. In a time when crime control seems to calm anxiety in the public, a punitive carceral system of managing the poor has developed (see, for example, Castells, 1997; Parenti, 2000; Wacquant, 2001). This system is inexpensive, easy to implement, and at first appearance successful—it is a system of all-encompassing criminalization that manages youth as criminal risks in order to calm adult anxieties in the community. Non-violent youth offenders, the majority of deviant youth, are criminalized and managed as if they were serious criminal risks.

In the era of mass incarceration solidarity in society has formed around the notion that young adults who commit small acts of deviance will inevitably return and commit a severe maybe even violent act. This leads many community members including teachers, youth development workers, and probation officers to treat all deviant youth as criminal suspects. Even some parents have demonstrated this ideology. A mother of a sixteen-year-old Latino youth I interviewed explained her perspective:

Right now they are getting him [her son] for whatever little thing like marijuana and for stealing at the store but one day they are going to get him for robbing or shooting someone. This child is out of control . . . I think they need to incarcerate him for some time . . . until he learns to be good.¹³

Even those adults in the community who are well-meaning seem to, often unintentionally, align themselves with racist ideologues and politicians who continue to systematically call for containment and “incapacitation” of youth of color. William Bennet and John J. Dilulio are prime examples of influential ideologues who have generated mass hysteria and influenced punitive juvenile justice policies having a detrimental impact on youth of color.

In the mid-1990s John J. Dilulio, a fellow at the right-wing conservative think-tank, The Manhattan Institute (later becoming President George W. Bush’s Director of Faith Based Initiatives), coined the term the “Superpredator,” claiming that poor, urban youth of color were an emerging violent and criminal risk to society and that serious punitive policies had to be created to “deter” and “incapacitate” them at as early an age as possible:

Try as we might, there is ultimately very little that we can do to alter the early life-experiences that make some boys criminally “at risk.” Neither can we do much to rehabilitate them once they have crossed the prison gates. Let us, therefore, do what we can to deter them by means of strict criminal sanctions, and, where deterrence fails, to incapacitate them. Let the government Leviathan lock them up and, when prudence dictates, throw away the key. (Dilulio 1995: 3)

William Bennett, former Education Secretary under Ronald Reagan and former Director of Drug Control Policy under George Bush Sr., helped Dilulio develop and disseminate the “superpredator” thesis leading to punitive juvenile justice reform throughout the nation. Together they wrote, *Body Count: Moral Poverty . . . and How to Win America’s War Against Crime and Drugs* (1996), a book that extended their argument for increased punitive measures against crime; in particular, juvenile crime.

As if influencing a punitive shift in the juvenile justice system and a national racist hate for youth of color in the late 1990s was not enough Bennett continues to attack and degrade Black youth. On September 28, 2005, he made the following statement:

But I do know that it’s true that if you wanted to reduce crime, you could, if that were your sole purpose, you could abort every black baby in this country, and your crime rate would go down . . . [this is] an impossible, ridiculous and morally reprehensible thing to do, but your crime rate would go down. (Caufield, 2005)

While this grotesque and genocidal ideology may seem extreme to some, youth of color are used to being treated by many through these assumptions. Moreover, the findings in this study suggest that this racist ideology is not only embedded in the mind of some influential white males but also in the everyday perceptions of everyday people responsible for the everyday well-being of children of color. That William Bennett has managed to influence punitive criminal justice policy and state-imposed racial violence onto communities of color is disturbing; that policy makers, the public, and the criminal justice system apply Bennett’s thinking to action is even more disturbing. However, the most disheartening finding in this study is that those institutions traditionally responsible for protecting and nurturing children and youth—the school, community centers, and the family—have begun to construct and treat deviant youth as criminal threats, mimicking the punitive grip of the criminal justice system. It seems that one of the most brutal yet

unexamined collateral consequences of punitive criminal justice policies and mass imprisonment is that of the non-criminal justice institution being penetrated and influenced by the detrimental effects of the criminal justice system. Youth of color are hyper-criminalized because they encounter criminalization in all the settings they navigate.

While most of the adults in the community care about the youth they interact with, most are uncritical of how their epistemology shapes the way in which they treat and criminalize the youth they are attempting to support. I observed mothers asking their kids when they would be arrested again, teachers calling police officers to report spit ball incidents, and community center staff actively collaborating with probation departments. It was not only the field of the de jure policing and surveillance that affected these youth but also the field of de facto criminalization at school, home, and community centers that impacted them at an everyday level.

As the penal state expands to control and manage poor racialized bodies, a new unintended system of interconnected institutions has formed to brand, further degrade, and contain youth of color. This youth control complex, as an ecology of interlinked institutional arrangements that manages and controls the everyday lives of inner city youth of color, has taken a devastating grip on the lives of many male youth of color in the inner city. Youth experience and explain this massive structure that surrounds them as a unified and uniform criminalizing system whether in school, at home, or on the street. If we are to support poor youth of color in the era of mass incarceration and the decline of the welfare state, adult allies should be critical of their interactions with criminalized youth. Otherwise, we may be perpetuating the very force we are attempting to dismantle—the hyper-criminalization of our youth.

A New Era, a New Paradigm

In a new era where poor racialized bodies are managed as criminal risks instead of provided with social services to recuperate from social misery, youth of color face a coming of age crisis. Historically facing a coming of age crisis for youth of color in the midst of racial violence is nothing new. A little over twenty years after the Emancipation Proclamation, as a student at Fisk College (1885–1888), W.E.B. DuBois marched into the “hills of Tennessee” to teach Black children. He noticed that Black children played a different role in the new post-slavery social landscape. While, in the legal discourse, they were no longer violently forced to labor the land for no compensation, their role was undefined in post-Emancipation America. Black youth remained in a state of limbo. DuBois observed that the youth did not expect to work for nothing but that they had few alternatives. They lived in a state of identity crisis. What should their role be in this new society?

The mass of those to whom slavery was a dim recollection of childhood found the world a puzzling thing: it asked little of them, and they answered with little, and yet it ridiculed their offering. Such a paradox they could not understand, and therefore sank into listless indifference, or shiftlessness, or reckless bravado. . . . Ill could they be content, born without and beyond the World. And their weak wings beat against their barriers,—barriers of caste, of youth, of life; at last, in dangerous moments, against everything that opposed even a whim. (1899: 101)

Today’s urban Black and Latino youth live in “dangerous moments.” Their role in the post-industrial mass-incarceration era is undefined. And in this limbo the punitive society is finding a place for poor youth of color: hyper-criminalization and mass incarceration.

Notes

1. As of 2003 out of a total of 832,400 incarcerated Black males 577, 300 were 20-39 years old. For “Hispanics” 270,600 out of a total of 363,900 were 20–39 years old (Harrison, 2003).
2. Association of Bay Area Governments, <http://www.abag.ca.gov>
3. <http://www.frbsf.org> Federal Reserve bank of San Francisco.
4. In the community youth who have been arrested or who have been labeled deviant or criminal by police, schools, or other adults are referred to as “criminalized” youth. I use the term in the same manner.
5. Personal Interview, Jose Ramirez [pseudonym], April 2004.
6. Personal Interview, Jose Ramirez [pseudonym], April 2004.
7. Personal Interview, Jose Ramirez [pseudonym], April 2004.
8. Personal Interview, Jose Ramirez [pseudonym], May 2004.
9. Personal Interview, Ronny Thompson [pseudonym], February 2004.
10. Personal Interview, James [pseudonym], October, 2003.
11. Personal Interview, Jr. Diaz [pseudonym], November 2003.
12. Personal Interview, Ronny Thompson [pseudonym], January 2004.
13. Refugio Munoz, Personal Interview, translated by author, October 2003.

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