Criminal Injustice: Race, Representative Bureaucracy, and New York City’s Criminal Justice System

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Dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Department of Sociology in the Graduate School of Duke University

2017
ABSTRACT

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Abstract

Recently, research concerning the United States Criminal Justice System has been dominated by discussions of mass incarceration and deadly acts of police violence. Although there is conflicting evidence regarding the impact of racial diversity in criminal justice organizations, it continues to be prescribed as a solution for racial disparities in policing, sentencing, and incarceration. Few studies have provided a holistic analysis of multiple components of the criminal justice system in one locality. This research focuses on the role of race throughout New York City’s Criminal Justice System. Based on court observations, ethnographic data, and semi-structured interviews I focus on the experiences and perspectives of black and Latino actors involved in the criminal justice process. Findings suggest that race itself is not predictive of active representation, while the link between passive and active representation cannot be completely dismissed. I discuss the implications of these findings for future research and policy initiatives aimed at reducing racial disparities in the various criminal justice components.
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1.1 Introduction

“I think that we assume so often that if someone is arrested, they must have done something bad even if it’s not the bad thing the cops said that they did. [We] generally assume that you did something to deserve either getting the attention of the cop or getting arrested. Hence, even further than that if you go to prison or if you spend time incarcerated the assumption is that there was a thing, there was an event, that happened that caused you to be there and I think that when you get really close to the criminal justice system you realize how the truth of what happened is never really what comes out of a case. What comes out of a case is like a negotiated plea bargain about what people’s priorities and risk tolerances are for whether they can take a plea or go trial and whether they’re in jail during the time that their case is pending and those things influence the outcome of case more than guilt or innocence and fact finding and there is so many more levels.” --Lisa, legal aid attorney

In this dissertation, I examine the role of race in the context of New York City’s Criminal Justice System. The theory or representative bureaucracy provides the foundation for an analysis of the experiences, attitudes, and behaviors of people of color who are employed in the system. Ethnographic data, court observations, and semi-structured interviews with judges, prosecutors, defense attorneys, court officers, police officers, and others, allows for a holistic exploration of New York City’s Criminal Justice System. Findings suggest that the link between passive and active representation, in regard to race, is potentially spurious. Similar to the quote above where Lisa describes that truth is never the product of the criminal justice process, this dissertation does not arrive neatly at an inflexible truth regarding the impact of racial minorities working in New York City’s Criminal Justice System. Instead, the results complicate the link
between passive and active representation by exploring the contradictions and assumptions about the role of race.

1.2 Beyond Mass Incarceration and Police Shootings

Research concerning the United States Criminal Justice System has been dominated by discussions of mass incarceration. Social scientists have published a number of articles and books addressing the causes (Arvanites and Asher 1995, 1998; Beckett and Western 2001; Biles 1979; Michalowski and Pearson 1990; Ouimet and Tremblay 1996) and consequences of incarceration (Manza 2016; Massoglia, Firebaugh, & Warren 2013). Michelle Alexander’s (2012) seminal book *The New Jim Crow: Mass Incarceration in the Era of Colorblindness* was significant in increasing the public’s awareness and understanding of mass incarceration. Alexander (2012) argues that like Jim Crow and Slavery, mass incarceration “operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.” Although Alexander (2012) emphasizes the racial consequences of this system, Rodriguez (2016) critiques her usage of “mass incarceration” for failing to clarify that the “mass” is predominantly black, brown, and male. Rodriguez explains his criticism in detail:

> In their totality, these rhetorics reproduce problems inherent to liberal-progressive political desires, including the fabrication of a vacillating definition of those worthy of decarceration, and those whose criminality requires their civil carceral death. In none of this is there anything approaching a serious attempt to clarify, much less directly engage with, the unfolding half century infrastructure of gendered racial domestic warfare. “Disparity” is a bulls*** concept, when we
already know that the inception of criminal justice is the de-criminalization of white people, particularly propertied white citizens and those willing to bear arms to defend the white world.

In addition to the potential neutrality of “mass,” the language of “incarceration” overstates the role of prisons and jails in the criminal justice system. Correctional populations have been decreasing (Bureau of Justice 2014), particularly in New York, New Jersey, and California where crime is also down (The Sentencing Project 2015). Conservative organizations such as the American Legislative Exchange Council (ALEC) who helped usher in the era of mass incarceration are now reversing their position and supporting prison reform as they push for extra-penal technology and surveillance (Browne 2015). Before the popularity of “mass incarceration,” other arguments provided useful analysis of criminal justice, but also focused on incarceration. Angela Davis (1997) described “the Prison Industrial Complex” in order to highlight the ever expanding prison industry that was increasingly driven by profit and disproportionately penalizing people of color.

More recently, in the era of Black Lives Matter, the public discourse has been concentrated on officer-involved shootings. The circumstances surrounding many of these incidents has prompted the United States Department of Justice to investigate police department in Ferguson (2015), Baltimore (2016), and Chicago (2017). These reports consistently indicate that the problems extend beyond the individual incidents of violence. Considering that most of what the police do is enforce administrative
regulations (Greaber 2015), this analysis positions police violence within the larger context of racialized police practices. Police killings deserve attention and often serve as an entry point for examining deeper structural problems, but can sometimes distract from the local system reproducing inequality daily without deadly acts of violence.

1.3 Race and Representative Bureaucracy in New York City

Whether the United States Criminal Justice System should be labeled is racist is an ongoing debate within academia and among the general public. William Wilbanks (1987) argues that the perception of the criminal justice system as racist is a myth, attributing the prevalence of racial discrimination to individuals instead of the system as a whole. Others (Tonry 1994) have argued that racial disparities could not be shown to be primarily the result of bias on the part of criminal justice officials. Clear and Frost (2014) suggest that “overly simplistic answers with a singular focus—like blacks commit more crime, or that criminal justice is overtly or covertly racist—are woefully inadequate” (26). Critical race scholars have provided the theoretical groundwork to move beyond indictments of individuals as “racist” and instead focus on the racialization of social systems, which argues that racial inequality is reproduced through everyday discriminatory practices that are seemingly non-racial (Bonilla-Silva 2015).

Race theorists have identified a shift in the American racial structure following the Civil Rights Era in the 1960s (Smith 1996; Bonilla-Silva 2001). This “New Racism” accounts for the increasingly covert nature of racial discourse and practices, with social
control becoming dominated primarily through state agencies such as the police and courts to maintain Jim Crow practices (Bonilla-Silva 2001). In *The New Jim Crow*, Michelle Alexander (2012) also makes the assertion that Jim Crow practices have continued in new form as opposed to having ended. This shift in the structure underlies the claim that all organizations are racialized, asserting that discrimination, racial sorting, and an unequal distribution of resources are organizational norms (Ray 2016). This normalized discrimination is embedded in resilient social practices and nonracial mechanisms that may allow for increasing nominal diversity without transforming the organization and improving racial practices.

The theory of representative bureaucracy advances the idea that a diverse workforce of individuals in terms of race, ethnicity, and sex will assist in ensuring that the interests of all groups are taken into account in bureaucratic decision-making processes (Bradbury and Kellough 2010). Mosher (1982) distinguished two main forms of representation, passive and active. Meier (1993:7) describes passive representation as a characteristic and active representation as a process. Passive representation simply refers to the proportion of a particular group, while active is defined by the expectation that minorities will represent the interests of their respective racial groups (Meier 1982). Studies of representative bureaucracy and policing have discovered that police departments with a greater proportion of black officers can be associated with increased racial profiling (Wilkins and Williams 2008) and greater number of police-involved
homicides (Nicholson-Crotty, Nicholson-Crotty, and Fernandez 2017). Similarly, studies of criminal courts suggest that increasing judicial diversity contributes to increased legitimacy of the institution as a whole (Rackley 2002; Genn 1999), but that there is little difference in terms of outcomes (Spohn 1990; Spohn and Welch 1986; Walker and Barrow 1985; Farhang and Wawro 2004). Therefore, as Kennedy (2014) suggests, more research is necessary to understand racial representation in criminal justice organizations. Kennedy (2014) describes the importance of future research including qualitative analysis:

The use of qualitative analysis such as interviews, focus groups, participant observation, and case studies may be critical for advancing understanding in the field. By probing how bureaucrats perceive representation, qualitative data could clarify existing theoretical questions surrounding the definition of the term and allow scholars to move beyond descriptive representation of race and gender that are easily identifiable and measurable.

Following Kennedy (2014), I use a qualitative approach to studying the issue of race and representative bureaucracy in New York City’s Criminal Justice System. New York City’s combined jail and state prison incarceration rate has declined by 55 percent over the past 20 years (Greene and Schiraldi 2016). Police stops have also dropped 96 percent since an all-time high in 2011 (NYCLU 2015). Additionally, there have been efforts to decriminalize minor offenses, such as public consumption of alcohol and small possessions of marijuana. In addition, the latest academy and class of cadets have both been the most racially diverse in the history of the New York Police Department (NYPD). New York City is also where Nicholas Heyward Jr., Amadou Diallo, Malcolm
Ferguson, Patrick Moses Dorismond, Ousmane Zongo, Tim Stansbury, Sean Bell, Ramarley Graham, Tamon Robinson, Kimani Gray, Akai Gurley, Eric Garner, and Deborah Danner were killed by police officers. It is in the context of these conflicting portrayals of New York City’s Criminal Justice System, as both a desirable alternative to less diverse versions across the country and an over policing city beholden to some of the most racist tactics, that I examine race and representative bureaucracy.

1.4 Overview

In Chapter 2, Racialized Bureaucrats with Weapons: Policing and Representation in New York City’s Criminal Justice System, I examine how policing, which is increasingly diverse in many cities across the nation, fits into the larger racialized bureaucracy. Based on semi-structured interviews with fifteen police officers, I address the role of anticipatory racial socialization (Silverii 2014) for those who pursue careers in law enforcement. Second, I discuss the significance of the police academy and officers’ experiences with on-the job discrimination. Third, I analyze officer’s responses to broken windows policing and the case of Eric Garner to assess their concerns for the interests of black and Latino New Yorkers. Fourth, I interrogate how officer’s view their duty and impact as minority representatives.

In Chapter 3, Law and (Racial) Order: Representative Bureaucracy and New York City’s Criminal Justice System, based on court observations, ethnographic data, and thirty-eight interviews with attorneys, judges, court officers, law students, a court clerks and
case worker. I explore race and representative bureaucracy in New York City’s Criminal Court System. First, I review the literature on representative bureaucracy and legal employees. Next, I describe my positionality and methods. Third, I consider the role that anticipatory socialization plays for attorneys and judges. Fourth, I examine the experiences of various court employees with police officers. Fifth, I examine how a court employees view their roles and impact as minority representatives.

In Chapter 4, “We Gon’ Be Alright”: Policing, Play, and Protest Among Youth of Color,” I focus on the experiences of youth in New York City. First, I review the relevant literature on representative bureaucracy and youth. Second, I describe my methods and my positionality. Third, I explore the class backgrounds and experiences of the youth respondents. Fourth, I examine their experiences and views on policing, Lastly, I explore the role of hip-hop in both play and resistance.
2. Racialized Bureaucrats with Weapons: Policing and Representation in New York City’s Criminal Justice Systems

2.1 Introduction

Prior to the 1960s, there were not many attempts to understand the experience of black police officers because there were so few (Alex 1969). Following the recommendations of the Kerner Commission Report, many police departments began increasing their share of black police officers (National Advisory Commission on Civil Disorders 1968). In 2011, 74.7 percent of all full-time police officers in the United States were white while only 11.9 percent were black (US Department of Justice 2011). Many local departments resemble the Ferguson Police Department in their significant overrepresentation of whites. Hiring more black officers may improve public perceptions of police fairness and legitimacy (Sunshine and Tyler 2003) without subsiding discriminatory practices. There remains uncertainty about what difference a racially diverse police force actually makes (Wilkins and Williams 2008).

The age of racialized mass incarceration (Bobo and Thompson 2010) has relied on aggressive policing tactics that disproportionately harms communities of color (Fagan et al. 2010) in an era of increasing diversity. Placing the blame on “a few bad cops” is

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1 On page 72 of Chapter 1 in The Utopia Rules: On Technology, Stupidity, and the Secret Joys of Bureaucracy, anthropologist David Graeber states that “Police are bureaucrats with weapons.” The title includes the term racialized to highlight that police are disproportionately enforcing regulations against people of color. Graeber (2015) does not include the racial component in his discussion.
befitting of the colorblind era (Bonilla-Silva 2009) and suggests that the problem can be resolved through community policing and greater representation. The assumption is that minority officers will have shared experiences or values that will affect their decisions and actions (Meier 1993). Early research found a link between officer race and their behavior (e.g., Freidrich, 1977; Fyfe, 1981, 1988; Reiss, 1968; Sherman, 1980). More recent studies report weak or no connection between an officer’s race and conduct (e.g., Mastrofski, Parks, DeJong, et al., 1998; Snipes, 2001; Terrill & Mastrofski, 2002; Worden, 1995). There is no denying that increasing the diversity of police departments can help resolve the public’s concerns (Bradford et al. 2009), but there are still questions about its influence on substantive change (Pitkin 2010).

In this chapter, I analyze how racialized policing, which is increasingly representative in the context of New York City, fits into the larger racialized bureaucracy. First, I address the role that anticipatory racial socialization (Silverii 2014) plays by providing an opportunity to mentally rehearse heroic masculinity and explore why individuals become interested in law enforcement careers. Second, I examine the role of the police academy and experiences with on-the-job discrimination. Third, I discuss officer’s own views on broken windows policing and the death of Eric Garner. Next, I conclude with an examination of officer’s views on their role and impact as minority representatives.
2.2 Beyond Policing Shootings

Police perform the most observable tasks of the United States Criminal Justice System (Chermak and Weiss 2005). This conspicuousness is partly due to the nature of policing, but more recently the result of the “new visibility” (Goldsmith 2010; Thompson 2005) of cell phone recordings and body cameras. This ability to observe police, which doesn’t exist for courts and prisons to the same degree, in addition to the coverage by news and social media (Greer and McLaughlin 2010) positions police as the most convenient target of public criticism. Police departments deserve to be scrutinized, especially as findings from multiple Department of Justice reports (2015, 2016, 2017) indicate persistent racism and continue to spark concerns about transparency and trust (McDonald and Bachelder 2017).

Concentrating solely on fatal police shootings can have the counter effect of disguising the more mundane and tedious racial practices that define policing (Graeber 2015). Police spend most of their time aggressively enforcing regulations that address administrative problems rather than enforcing criminal law (Kappeler 2013). A typical police-initiated mobilization takes place when a policeman observes and acts upon what he regards as a law violation or, as in the case of a "stop-and-frisk," a "suspicious" person or situation” (Black 1969:66). On the other hand, citizen-initiated encounters refer to incidents where someone contacts the police for assistance, which those of higher social

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Footnote: Footage from courtrooms, jails, and prisons are sometimes made available, but are restricted without formal approval.
status are more likely to do (Black 1976). These police-initiated encounters often create tension and frustration between the public and police (Reisig and Correia 1997) because they are mostly concerned with the enforcement of city ordinances (Cao et al. 1996; Schafer et al. 2003; Weitzer and Tuch 2005). The enforcement of these regulations and the administration of violence is not done consistently across racial groups (Medina Ariza 2014). These seemingly innocuous encounters over minor infractions are more likely to lead to death for black and brown citizens such as Sandra Bland for failing to switch lanes and Eric Garner for selling untaxed cigarettes. Captain Perez, who grew up on the lower east side, describes how this burden is disproportionately being placed on black and brown New Yorkers:

At what number of summonses is it okay and you won’t get a hard time from your police supervisor? So that number may vary from like let’s say five to ten. And you go to a more predominantly Hispanic and Black neighborhood and those officers are writing twenty and twenty-five summonses each and that seems to be the number before they start getting the pressure and you can see that in the evaluations.

Captain Perez’s claim has been subsequently supported in a lawsuit against the New York Police Department (NYPD) who recently agreed to payout $56.5 million to recipients of 900,000 criminal summonses (Tempey 2017). This settlement is an acknowledgment that the NYPD had been enforcing an illegal racial quota system. Nevertheless, it is the police shootings that continue to dominate the national news despite the continued evidence that police departments rely on a variety of racial practices, that extend beyond fatal acts of violence.
2.3 Representative Bureaucracy

Calls for increasing racial diversity in police departments (Kasdan 2006) appear to be appropriate solutions to problems of police brutality by replacing the most racist actors with minority representatives. Others argue (Bouie 2014), as KRS-One once rapped (Parker 1993), that more diversity won’t end police misconduct because it is often black cops, who are “shooting and profilin’ in the black community.” The available evidence on the effectiveness of incorporating minority officers is both contradictory and inadequate. Smith (2003) did not find a relationship between racial representation and police killings. The involvement of black officers in high profile cases such as Walter Scott, Freddie Gray, and Keith Lamont Scott seem to anecdotally support those findings. It is not enough though to conclude that because black officers don’t reduce the number of officer-involved homicides (Smith 2003) that they make no difference and tells us nothing about other minority officers.

It is also inadequate to assume that nominal increases translate into substantive change (Celis 2012). The theory of representative bureaucracy provides a useful foundation for understanding the role and impact of minority police officers (Keiser et al. 2002) by parsing out the differences between passive and active representation (Mosher 1982). Studies of black representation have failed to clarify the link between passive and active representation, especially in regard to policing (Meier and Stewart 1992). Latino representation has been studied less often (Meier 1993). The impact of
Latino police office officers has been significantly under examined. As Weitzer (2014) points out, there is a lack of research concerning Latino police officers. Understanding Latino police officers and how they perceive themselves and their role is even more important in a place such as New York City where the claim to diversity is driven primarily by an increase in Latino police officers.

Several studies assessing the link between passive and active representation have done so within the context of policing (Chancy and Saltzstein 1998; Lipsky 1980). In terms of gender, research suggests that police forces with larger numbers of female officers file more sexual assault reports and make more sexual assault arrests (Meier and Nicholson-Crotty 2006). Wilkins and Williams (2008) examine the relationship between representation and racial profiling in police departments, concluding that increasing black police officers actually increases racial disparity in vehicle stops. These studies, fail to settle how racial and gender representation functions on the ground level. Wilkins and Williams (2008:661), suggest that qualitative individual level data is necessary to clarify lingering questions concerning how black police officers feel about the pressure to fit in and whether this leads them to refrain from providing active representation. Ultimately, we need more research that allows these officers to describe whether they feel obligated to push for the collective interest of their respective racial group, there to do a job, or protect a system which works perfectly fine. In this chapter, I will attempt to
untangle some of the puzzling aspects about racial diversity and police in New York City.

2.4 Methods

Analysis for this chapter focuses on the 15 interviews I conducted with current and former police officers. The sample includes one police recruit who was accepted by the New York Police Department but had not yet started the police academy at the time of the interview. The sample included 7 Latino, 5 black, and 3 white officers. I do not claim to make any generalizations about policing based on such a small sample, but the combination of the ethnographic data with these interviews does allow me to examine themes that need further study and development.

I used a semi-structured interview schedule and the interviews were between 30 minutes and 2 hours. The range is due to variation in police officer demeanor towards being interviewed. Participants were asked to complete a demographic sheet before each interview that included questions about their race, age, and income. Interviews were transcribed verbatim then coded to identify recurring concepts and themes. Analysis was done using grounded theory (Glaser and Strauss 1976).

Police officers are a notoriously difficult population to gain access to and interview. My position as the son of a police officer assisted in the willingness of officers to speak openly with me whether it be to condemn Black Lives Matter or reveal pressures on an officer to ticket and arrest people of color. Nevertheless, speaking with
police officers was extremely awkward because of their resistance to being interviewed, especially being recorded. I had several conversations with retired and current officers prior to my interviews that helped guide the design of my questions. My first interview with a Latino officer ended with him warning me that officers may be leery of being recorded. Actual names and places have been replaced with pseudonyms.

2.4.1 “N-Y-P-D K-K-K! How Many Kids Did you Kill Today?”

Over the past decade, the New York City Police Department (NYPD) has been increasing the number of rank-and-file police officers who are from minority communities (Marcius and Tracy 2017). Table 1 includes the racial demographics of the NYPD. Despite increases in diversity, the representation of black officers is particularly lagging, while whites are still overrepresented.

Table 1. NYPD Racial Demographics (2015)

<table>
<thead>
<tr>
<th>Rank</th>
<th>White</th>
<th>Black</th>
<th>Latino</th>
<th>Asian</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Officers</td>
<td>47.0%</td>
<td>15.9%</td>
<td>29.4%</td>
<td>7.6%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Detectives</td>
<td>54.7%</td>
<td>15.7%</td>
<td>26.2%</td>
<td>3.3%</td>
<td>0.1%</td>
</tr>
<tr>
<td>Sergeants</td>
<td>54.6%</td>
<td>15.1%</td>
<td>22.9%</td>
<td>7.2%</td>
<td>0.1%</td>
</tr>
<tr>
<td>All Other Ranks</td>
<td>71.0%</td>
<td>10.3%</td>
<td>14.3%</td>
<td>4.4%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total (Uniformed)</td>
<td>50.9%</td>
<td>15.4%</td>
<td>27.0%</td>
<td>6.7%</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

The NYPD is the largest police force in the country with approximately 35,160 uniformed officers (Bratton 2015). The size of the police force is a reflection of its

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3 The original chant was used repeatedly during the protests I observed. The NYPD is of course not literally killing kids every day, but highlights the resistance to the NYPD especially in the aftermath of Eric Garner and Akai Gurley’s deaths.
presence in the world of policing. It is in New York City where Stop-Question-Frisk (SQF), a police tactic based on the broken windows thesis (Wilson and Kelling 1982), reached an unprecedented level. In 2011, the NYPD made 685,724 stops with 87 percent consisting of black or Latino New Yorkers (Center for Constitutional Rights 2012). The Big Apple is also where “CompStat” was embraced and extended to the NYPD by former police commissioner William Bratton, who ushered in a new age of policing (Bratton and Malinowski 2008).

The New York Police Department (NYPD) was corrupted and discriminatory from the beginning. Mann (1993) argues that “conflict between the police and racial minorities has been one of the most serious problems facing urban law enforcement since its inception.” The history of the NYPD is representative of this conflict and illustrates how bureaucracy is intertwined with the development of a more effective organization of social control. The NYPD was found in 1845 and complaints of violence date back to 1846 (Johnson 2003). The hiring process of selection was developed in order to reduce political corruption, but patronage appointments continued and the bureaucratic reforms proved ineffective at transforming policing.

The Community Affairs Committee was created in the aftermath of the shooting death of fifteen-year-old James Powell and the subsequent Harlem Riot of 1964. NYPD officials met with community leaders and engaged in efforts to increase the recruitment of black officers by creating a cadet program for minority youth and appointing the first
black precinct commander (Johnson 2003:236-237). Currently, under the De Blasio administration, many efforts have been made to improve the criminal justice system. For many, New York City is an example of what other police departments should strive for, especially in regard to diversity. It is in this context that I examine representative bureaucracy and policing.

2.4.2 Cop for a Day: A Scrupulous Sociologist “On the Run”

As a child, I had an interest in being a police officer. I was at least partly influenced by both my father’s career in law enforcement and heroic depictions shown on television and film. This interest would quickly disappear through observing my father’s reality as a cop and having my own negative interactions with policing. Therefore, I entered the Precinct with an enormous amount of anxiety as I attended the orientation for auxiliary officers, a volunteer unit of unarmed citizens who assist the local police. I was pulled out of orientation and interrogated by a police officer for previous arrests.

As he questioned my recollection of the incidents, I could still recall clearly how the young white officer smiled as he tightened the handcuffs on my wrists, yanking me from the paddy wagon and asking “what happened the other night?” He was referring to an incident, where for the first time my father’s police connection contained an incident of harassment. The police had held myself and several others long enough for my father to arrive on the scene. Thankfully I had been able to call him before one of the
officer snatched my phone. He didn’t arrive, gun in hand, demanding for them to release us. Instead, he carefully raised his phone from a safe distance and asked if he could approach the supervising officer. The supervising officer who appeared Latino, initially barked at him and yelled to stay on the sidewalk. He remained quiet and waited patiently. After a few moments, he allowed him to approach and hand him the cell phone. After a few seconds, the officer displayed a throat-slicing gesture to the other officers indicating that they need to stop and let us go. The same supervising officer then told me to disregard the summons I had already been issued and walked off. Gustavo and I erupted in disbelief and celebration. He yelled that we were “100 and 1,” referring to our record with the police, suggesting that this was our first victory. As it turns out, the celebration was short-lived, as I was arrested the following week for intervening in the arrest of Kadeef’s sister. Kadeef, 18, attended the Center where I was volunteering. A friend’s father, a correctional officer in “the bookings,” eventually had me placed in a separate cell and explained that the arresting officers purposely delayed my paperwork.

It was in this cell, directly across from the desk where the correctional officers sit, that I observed black and brown men being brought in at a continuous stream, most often by other black and brown men. It is also where I overheard the correctional officers brag to each other about beating both defendants and their own children. Throughout my data collection, I observed and encountered police officers in a variety of spaces. An unavoidable component to New York City’s Criminal Justice System is the
omnipresence of the police force. In the next sections, I will explore the experiences and the perceptions of police officers.

**2.5 (White) Cops and Robbers: Anticipatory Socialization and Policing**

Socialization towards policing begins long before meeting a recruiter or taking an entrance exam (Conti 2006). Games such as cops and robbers communicate a heroic manliness in childhood. Although depictions are as violent as the criminal version, the aggression is rendered justifiable when fighting for the correct moral side (Parnaby and Leyden 2011). The North American cultural complex equates good policing with the fight against crime so that being a good cop means being a noble, masculine "crime fighter" (see Herbert 1996; Manning 2001; Niederhoffer 1967). Nearly all the respondents described playing cops and robbers, idolizing cowboys, or some version of early socialization towards this heroic masculinity. These childhood expectations, did not resonate with the two female officers, while they appeared universal for the males.

Bradley Adams, a white male recruit, who had been accepted but not yet entered the academy, provided a typical example of this early socialization rooted in family ties:

> Oh man, as a kid I always wanted to be a police officer because my grandfather was a detective for the police department. So ever since I was a little kid I would run around [with] fake handcuffs [and] little fake batons. So yea I think growing up as a kid it was definitely cops and robbers. [I] definitely wanted to be a cop. My earliest recollection of what I wanted to be I would say [was] like five or six. I wanted to be a cop or [work in] law enforcement.
Bradley describes playing cops and robbers as young as 5 or 6. Children’s games and activities are developmentally important for the socialization of cultural knowledge and practices (Larson & Verma, 1999). His response also highlights the role of the family in early socialization towards occupations (Corcoran and Courant 1987) through his admiration for his grandfather as a police officer. Officer Torres, a Puerto Rican officer in the NYPD, described a similar origin, based on childhood aspirations rooted in family ties:

Just like any kid, many dreams, many aspirations. At one point I wanted to be a police officer for much of my childhood. I also wanted to be an astronaut and the pope all at the same time. It really didn’t change. That was a constant while I was growing up. Law enforcement always interested me. And like I said there were people in my family who were police officers and I just enjoyed being around them so that was a constant growing up.

Again, an officer emphasizes a childhood interest in policing and family ties to law enforcement. His recollection of “many aspirations” refers to traditionally male occupations (Shen-Miller & Smiler, 2015). Officer Johnson, a retired black officer, described his childhood interest in cowboys, police, and firemen:

I had a lot of different dreams. I had a lot of—I mean when I was a little kid I wanted to be the Lone—I wanted to be a cowboy you know, then I wanted to be a policeman and a fireman.

Officer Johnson began admitting that when he was little he wanted to be the Lone Ranger. The Lone Ranger, was a 1930s creation, a former Texas Ranger, who fought bad guys alongside the degrading Native American character, Tonto (Fitzgerald 2013). Officer Johnson was socialized, like many children, to idolize the heroism of a white
savior (Zackel 2007). Despite the racial overtones of the television series, it was seen as progressive at the time and had the highest ratings on ABC in the 1950s.

The purpose is not to overstate the impact of anticipatory socialization or ignore that some of these recollections may be reconstructions of their childhood expectations. Nevertheless, there is no denying the media’s depiction of white male heroism (Bonilla-Silva and Ashe 2014). Superheroes, much like the Green Hornet, reflect a translation of old iterations of white masculinity (Barbour 2015). This endearing masculinity plants a seed that lays the foundation for decisions that are later considered in cooperation with job market realities.

Anticipatory socialization does not simply serve as a predictor of an individual’s decision to become a police officer, but rather it interacts with other factors such as having family members working in law enforcement and the desire for a stable job.

There are several consistent factors in what contributes to an individual’s interest in policing: 1) childhood aspirations, 2) family in law enforcement, and 3) a precarious class position where they are simply seeking a stable job.

Billy Garcia, a Puerto Rican officer in his late 30s, explains how a variety of factors led to his interest in law enforcement:

I always like[d] law enforcement as a kid. When we played cops, I was always the cop and never [the] robber so it was kind of like funny. Then when I got to working I became an auxiliary police officer, a volunteer, [and] loved every second of it. And then I had taken the test prior to that and then a year and a half later I saw one of my foreman break his hand on the shop. I mean he made good money. He was making over a hundred thousand a year back then so imagine
what he’s making now and I saw an engine fall on his hand and crush his hand so he was out of work for like a month and then he came back and basically I was like his hands because he was the expert of the shop so it kind of like opened my eyes. Like wow this guy broke his hand. He was making “x” amount of dollars a week and now he’s only making disability money. So I was like what kind of job security is this? So I said being a cop I guess—and my cousin was a cop, well both my cousins were cops at the time, so I spoke to them [and] gave them the scenario and he said that’s why you—he was a mechanic he used to work for Nissan—and he said Billy “that’s why I left.” I said wow okay so I took it. And I had a good time at the police department.

Officer Garcia explained that not only did he play cops and robbers, but that he was “never the robber.” For many, acquiring a position in law enforcement was much more about the job opportunity and the financial stability than it was about seeking a position of authority. Most did not apply specifically to one agency but rather took several civil service exams and took the one, which offered the best salary. Officer Flores explains how he applied to multiple law enforcement positions at once:

When I went away to college that’s when I took several tests in law enforcement and shortly after leaving college I went into the police academy.

Officer Lopez explains her interest in a stable job, gender inequality, and to make a difference:

Aside from working in the community, it was a good and stable job. In those days, females were very minor and you could count them on your hands and to make a difference.

Officer Lopez did not mention an early interest in law enforcement like most of the men. Instead, after spending time in the Marine’s, she saw policing as a “stable job,”
where she could work in the community. Officer Smith, black and retired, describes the impact that minority representation had on his interest in becoming a police officer:

So I transferred to Axis college in Newburg, and I don’t know if it was Sophomore [year], but they had a cop and it was a black guy and I though he looked pretty cool.

There is no denying the impact that nominal representation has on institutions appearing legitimate. Efforts to recruit more minority officers are undoubtedly undercut by minority distrust in policing (Goldsmith 2005). This rational distrust justifiably challenges the legitimacy of policing. This legitimacy does not necessarily extend beyond passive representation to active representation. Officer Smith described feelings of fulfillment based on his childhood attraction to cowboys with guns:

All I wanted to be was a cop so I’m like f*** it, I’m just be and it was ironic because for me from a little boy I wanted to be a cowboy and now I have got a gun, I got a car, [and] it kind of was like a fulfillment.

The actual process of socialization into the police force would be less endearing as described in the next section. The police academy and experience as a police officer would prove to be much less heroic.

2.6 “We are all Blue”: The Racial Academy and On-the-Job Discrimination

2.6.1 The Racial Academy

Few studies have explored the racial character of the police academy (Schlosser 2013). Zimny (2015) found that police recruits had high levels of racial colorblindness (Bonilla-Silva 2014) before entering the academy and that it did not significantly
decrease after their training (Neville, Lilly, Duran, Lee, and Browne 2000). Studies exploring the hazing traditions of other predominantly male organizations have argued that race and gender are not a factor in the military’s academy (Pershing 2006). For many respondents the police academy followed military experience. Therefore, they were dismissive about the police academy as transformative because they had already undergone what they believed to be a more intense socialization process. Older research also lauded the military for its racial integration of minority men in comparison to the integration of women (Moskos 1971; Stouffer 1949). Others have found that “the Academy” can be extremely discriminatory towards racial minorities and women and racism is in fact a basic principle of policing (White 2006). In academy training, racism may take the form of a hidden curriculum that “reinforces traditional cultural prejudices and inhibits major change” (White 2006:386).

A response from Officer Torres supported prior research indicating that police recruits leave the academy espousing colorblindness (Zimny 2015). After a series of questions about race and the police academy, he offered a symbolic example of their racial blindness:

The reason why we wear grey uniforms is because it is a combination of black threads and white threads so we are blind to racism. We wear grey for that reason and justice is addressed regardless of color and that is what we are taught from day one.

Colorblindness is a critical component to the “New Jim Crow” (Alexander 2012). Legal scholars have increasingly been addressing the fallacy of colorblindness by
arguing that there is pervasive implicit bias throughout the criminal justice system (Kang 2011). It is still uncertain what role police training plays in the socialization process toward colorblindness (Zimny 2015). Police departments have historically done an inadequate job at training officers to police effectively within minority communities (Birzer 2008). Historically, law enforcement organizations have responded to negative police-citizen relations by implanting cultural awareness training (Barlow and Barlow 1993).

Although many of my respondents graduated from the police academy in the 1980s and 1990s, the push for diversity training began as early as the 1960s (Blakemore, Barlow, & Padgett 1995:72). One example, from a 1980s academy class in the State Police, proved useful grounds to examine how officers provide conflicting recollections. Utilizing a snowball sampling technique provided the occasional instances where respondents, who knew each other, recalled the same story or incident. This occurred in regard to two police officers who were friends and finished the police academy the same year. One was a light skinned Puerto Rican man, while the other was a slightly browner black man. They both joined the academy following a 1979 federal mandate for the State Police to recruit blacks, Latinos, and women. Officer Ramirez, now retired, stated that it was not something that was mentioned during the academy:

I don’t ever remember any conversation like that at all it just a [pause] in fact I probably learned about that after I came on the job [pause] that that that had no bearing on my interest in going in law enforcement.
This response stood in stark contrast to what I heard from the black officer, who explained how the racial quotas was something all the people of color were reminded of during the academy and the main reason he seriously contemplated quitting. Officer Freeman responded to the same question about whether it was brought up:

Oh hell yea, yes, like the only f****** reason you are here [is] because [you’re black] and I scored a perfect f****** score on the test. I still got that the only reason you are here [is] because the court said you have to be here, you know what, I mean so it was like damn.

Negative portrayals of affirmative action tend to present the policy as for “blacks only” (Beeman et al. 2000). In this case, Officer Freeman describes how African Americans, Latinos, and women were targeted by the instructors:

It was the second class. There was a lawsuit in 1979. My class was the first class after the affirmative action lawsuit so it was still kind of like crazy because there was still a lot of white guys who really didn’t want black guys or little guys because at one point there had been like all the restrictive s***. [It] was overturned at one point [and] all that s*** went out the window. So you know they were like “N****s, and s***s, and c***s, and runts.”

The overt use of racial epithets and misogynistic language is emblematic of the older style of racism that historically prevailed in maintaining racial inequality (Bonilla-Silva 2006). This openly racist language would cause many people of color to quit. Minority officers have been found more likely to quit (Gachter, Savage, and Torgler 2013). In 1984, a Federal judge rejected a charge that the New York State Police Academy discriminated against minority recruits in the 1981 class, in which black and Latinos dropped out at a much higher rate than whites (Oreskes 1984). Officer Daniels describes
his experience in the police academy and how recruits quitting helped motivate him to continue:

And I still wasn’t so sold on it well I was like maybe I will do this or find some other [job] but then when I was up there and I guess it’s part of the brainwashing process I mean I was only—I was just twenty, and I started liking it and [I] also began to feel kind of proud of the accomplishment, especially like the first month [because] it was tough. It was just like every day you do something else. But I just felt like when I saw how many people were quitting like maybe it was something to stick with.

Studies have found explored the relationship between race and job satisfaction (Bartel 1981; Haarr and Morash 1999) the impact on retention among police officers (Gachter, Savage, and Torgler 2013) Officer Freeman explains further:

Yea man like the f****** like the racist guys who they called counselors but they were drill instructors. There were like three hundred people in my academy class and some groups worse than others. There were groups that had guys who were notorious for making black and Latinos—people quit. On Monday morning you have to be clean shaven and were yelling at us as soon as we got in the door just haranguing you and I was just like I’m going to go with it but I think a lot of people were overwhelmed by that s*** because it was just nasty. I mean white guys left too but more black, Hispanic, and females, a lot of females quit. You know at first I give it to the females who lasted, [because they] probably went through more s*** then anybody else—black, white or other. We didn’t have any black females in my class. We had one or two Latinos, mostly white women.

Officer Freeman acknowledges that the racism and sexism was overwhelming and applauded those who survived. The praise of the mostly white women is in regard to their ability to endure. This kind of racial and gendered endurance was mentioned by another black cop, Officer Johnson:

I was very proud to be a cop and then a series of events that allowed me to progress and make some gains but I was very proud of being a cop even with the
academy because there was a lot of racism but even that was like stuff to me like I got pass that. I mean it just made it feel like more of an accomplishment. It made me feel like the black guys and the Hispanic guys and the women who graduated were better than the white dudes who graduated.

He felt that they were “better” than the white dudes because they endured a harsher process, because of both gender and racial disadvantage. This disadvantage began as a primarily verbal affront. Shortly after asking about experiences once working as a police officer, it became the clear that these experiences became less overt.

It appears that the salience of race continues through to the academy, which filters out individuals according to their willingness to deal with racial discrimination. Officers, in contrast to racial battle fatigue (Smith et al. 2011), make claims of a “racial endurance,” that is perceived as making them stronger for having overcome or persisted despite the experience of racism. The ability to deal with racism becomes essential to surviving once an individual is sworn in and on active duty.

### 2.6.2 On the Job Discrimination

Many studies have documented the marginality and discrimination experienced by Black officers (Alex, 1969; Campbell, 1980; Felkenes & Schroedel, 1993; Leinen, 1984; Martin, 1994; Palmer, 1973). Problems with recruitment and retention have been found to be attributed to employment discrimination (Slonaker, Wendt, and Kemper 2001). Despite the evidence indicating the police officers experience discrimination (Holder, Nee, & Ellis, 2000), most officers were reluctant to go into detail about the racism they experienced, while others maintained that the police were a colorblind organization.
During the period of data collection, I was forwarded an e-mail by a respondent which put this blindness (Bonilla-Silva 2014) immediately into question. The email was sent to over 30 current and former cops with the subject “THE REAL MUTT THAT HE WAS!!!” referring to Michael Brown. The sender then describes how if he had been Darren Wilson, he would have emptied his Glock clip, reloaded and emptied it again. The end of the email included a link to a video of two men assaulting an elderly man, which despite going viral, turned out to not actually be Mike Brown.

Subject: THE REAL MUTT THAT HE WAS!!

If I was that cop..., I would have emptied my Glock clip..., reloaded and emptied it again!!
He deserved EVERY F*CKING BULLET pumped into him!!!! Stupid people making a big deal for this mutt???

https://www.youtube.com/watch?v=p_bai9rtZg

Figure 1

This visceral response to the shooting of Michael Brown, indicates the intensity of racial violence. Overt racism still exists despite a greater presence of subtler acts (Bonilla-Silva 2014). Others disagreed that race was a meaningful factor at all. Officer Santiago explains that race was secondary to being a police officer:

It was more of a watch you know your back kind of attitude because the bad guy was always out there. We were more together more than anything else. I mean everybody. I mean there were people that you wanted to shun[?] away from that weren’t comfortable and for whatever reason they that was their way of being.

4 https://www.youtube.com/watch?v=8nguoNzwycc
For the most part I would say that 90% of the people I worked with were all blue. There was no color.

Although Officer Santiago makes claims about a colorblind brotherhood (Rothwell and Baldwin 2007), with strong feelings about “bleeding blue” (Nolan 2009), he still suggests that everyone wasn’t comfortable. Even his defensive stance couldn’t disguise the prevalence of discrimination on the job. Even this officer who embraces a colorblind approach, acknowledged that there was 10 percent of officers who “you wanted to shun away from.” His coping strategy was to dismiss those examples as the “few bad apples” that continue to distort the honorable majority.

Similarly, Officer Baez admits that there was racism, but then provides a colorblind explanation:

Yea there was racism. When I got there was some cops saying that these people were animals and those people you heard from never did a day’s work.

Bonilla-Silva (2014:151-176) argues that few blacks will endorse color-blind frames, but that a dominant ideology relies on the accommodation of most actors, dominant and subordinate. Latinos, according to Bonilla-Silva (2006) will fall into different categories according to their skin color and nationality. As a light-skinned Puerto-Rican, Officer Baez seems to reflect an intermediate position, where he acknowledges racism, but offers a colorblind justification. Officer Baez continues to qualify his statement explaining that:
Again, we hire from the general population. I saw Hispanic officers who were lazy, I saw black officers who were lazy, and white officers who were lazy. There was racism, but all races had the capability of being lazy.

Bonilla-Silva (2014) argues that the minimization of racism frame, most often used by whites, provides a recognition of overt acts of discrimination while still claiming that minorities are hypersensitive and use race as an excuse. Although Officer Baez is Puerto Rican, he minimizes the racism that he witnessed in the police department by suggesting that every race has the capability of being lazy. Officer Perez, on the other hand, refused to downplay the racism and instead dared white officers to do it in his presence:

Nobody has the balls enough to call me a s***. You know I heard those comments when I was going through you know like when I was a rookie cop. You know you’re in the locker room there and just you know a bunch of white cops are talking and they are using the you know they are saying S***, N******, and whatever and then you go back in there like “who said that!” Silence, crickets, [laughs].

I then asked if he had ever heard similar comments made toward citizens and he quickly replied:

Not in front of me brother. I’ve heard other officers say that has happened and I’m like well you better do something about it if you heard it. But everybody you know just wants to go the status quo.

In contrast to Officer Baez, Officer Perez relies on machismo to cope with racist officers. This ‘masculinity game’ (Dyson 2005) of daring a white officer to use racial epithets allows for Officer Perez to resist the pressures to minimize racism (Bonilla-Silva 2014). Instead, officers who challenge the status quo are more likely to be unfairly punished.
Officer James explains how the racism is subtler now arguing that “nobody is going around calling people Spics and Niggers no more. They not doing that no more.” Nearly all of the black and Latino officers explained how they eventually worked as undercovers, posing as drug dealers or users. Undercover police work (Jacobs 1992) can create severe stress and be extremely dangerous (Marx 1982). Officer Flores explains the racial disparity in assignments:

Yes, what happens is, you would think that because we know our community and we have the language skills to communicate with the community you think you would get the choice assignments, but many times we would get denied those choice assignments.

After I turned the recorder off, we continued to sit in his car and talk. Officer Flores mentioned not wanting to say certain things on record, but later said that he didn’t care. He stated that there was a lot of “bulls***” that went on and that he was transferred because of his beard, which he was unable to shave because of a medical condition. Although Officer Flores provided a medical note from the doctor, his supervisor stated “your beard is shaped up, I thought you couldn’t shave it?” Officer Flores responded by saying he gets it shaped so that he can look professional. He later found out that his response was interpreted as disrespectful and that is why he was transferred. When he was signing his transfer documentation he was told he was going to be “used and abused” at the new precinct because he was Latino. He described walking with his head high and that his pride is what helped him cope.
Studies have shown that women in the police department also experience high levels of coworker and supervisor gender-related prejudices, stereotyping, discrimination, and harassment (e.g., Brown & Grovel, 1998; Franklin, 2005; Hassell & Brandl, 2009; Morash, Haarr, & Kwak, 2006; Rabe-Hemp, 2008, 2009; Seklecki & Paynich, 2007). Women continue to be underrepresented in police promotions as well (National Center for Women in Policing, 2002; Silvestri, 2006). A retired NYPD cop, Officer Mitchell, was sworn in with the first class of women to become police officers and explained her experience:

Once I got out of the academy and was put in a precinct things were a little different. People weren’t—I should say, I didn’t really have a difficult time but some women had a difficult time because men didn’t want to work with them. I remember when we first went to [the] precinct we had skirts and blazers and they were like what are we going to do with you but I adapted well to it. I can’t say I had any real bad experiences although you would get comments on the radio like go back to the kitchen. I know it sounds strange by today’s world but everybody was kind of like the same.

Officer Mitchell, one of the first women to become a New York police officer, explained that there were difficulties but ultimately offers a gender-blind (Stoller and Pint 2016) account of policing. She describes the existence of sexism, but argues that ultimately she adapted to it and didn’t really have any bad experiences. Studies have found that women receive less social support by their fellow officers (Davis, 1984; Fry and Greenfield 1980; Greene and del Carmen 2002; Morash & Haarr, 1995; Worden, 1993), but that despite reporting negative events early in their career, women with 10 to 30 years claim to have eventually found acceptance by coworkers (Rabe-Hemp 2008).
Officer Mitchell’s ability to downplay overt acts of sexism display the ideological strength of blindness, in regards to gender, that allows experiences with discrimination to be perceived as insignificant.

### 2.7 Broken Windows: The Color of Disorder

In 1982, the Atlantic published “Broken Windows,” an article by sociologist George L. Kelling and conservative political scientist James Q. Wilson, where they argue that a single broken window shows potential criminals that “no one car[es]” about social disorder and will eventually lead to more serious crime. According to broken windows theory (1982:31) minor forms of disorder, such as graffiti, litter, panhandling, and prostitution, if ignored, will eventually spiral out of control into serious criminal activity. It is unclear what officers feel about broken windows tactics since reports have indicated that many officers dislike ticketing. Officer Lopez became visibly upset when I asked her about broken windows:

> I’ll be very honest with you. I still don’t understand the logic of the broken window. I don’t know who makes up these phrases. I know that [in] my time in the police department there was no such thing as broken windows. I can’t specifically comment on it. I’m just starting to hear that now.

Whether she was truly ignorant of the broken windows hypothesis or pretending to be unfamiliar with NYPD policy, officers are public servants who serve as de facto policymakers through their discretionary decisions as street-level bureaucrats (Lipsky 1980). Her unwillingness to acknowledge what has been widely studied and accepted challenges assumptions about an officer’s discretionary powers.
In contrast to that response, Captain Perez explained how there was definitely an enforcement of quotas and how it was enforced disparately by neighborhood:

For the most part you don’t see the same pressure that you might see in a predominantly white borough like Staten Island. Although there are some areas and precinct over there those officers are put under more pressure to do more summonses then let’s say a more predominantly white neighborhood or white precinct.

Captain Perez’s claims were later supported by recordings and evidence that NYPD commanders enforced racial quotas (Wallace 2016). It is the policing of broken window offenses that initiated the contact between officers and Eric Garner on July 14, 2017. In the next section, police officers reluctantly share how they would have handled the incident if they had been involved.

2.8 “Monday Night Quarterback”: The Case of Eric Garner

Police can be reluctant to criticize other police officers based on their shared status and a high degree of occupational solidarity (Skolnick 1975). When asked about particular incidences of racial brutality, police officers consistently mentioned being hesitant to “Monday night quarterback it.” Most interviews were conducted in the immediate aftermath of the death of 43-year-old Eric Garner, which was one of the catalysts of protests across the nation with chants of I can’t breathe” in remembrance of his last words (Ford, Botelho, and Brumfield 2014). After providing the caveat that they couldn’t judge because they weren’t there, they consistently offered alternative to how the situation could have been handled. Officer Perez explains his perspective:
It shouldn’t have been handled at all. I would have just been like Eric can you do me a favor? Can you go take your business down the block? Eric can you do me a favor? Can you go do that outside? Can you just go out and I don’t know give out a card or something so they can call you on the phone if they want a loosey? But I can understand that some of the businesses were complaining because they are trying to sell whole entire packs of cigarettes as opposed to loosey. Well yea I could understand that too but then again those businesses have to understand that your business is not on Park Ave or on Madison, your business is in the neighborhood and you have to deal with that as well. And Eric wasn’t getting his cigarettes from the Indian Reservation, he was getting them from them as well so in either case the businesses there were making money as well.

He explains further how you have to be prepared to deal with aggressive behavior from the public and recalled being spit on and cursed at and how that doesn’t justify responding violently. Officer Garcia, in his late 30’s, explains what he would have done:

Eric Garner? I’ll Monday quarterback it because I been in that situation before. I was the smallest guy on my team and guess who had the most fights? I did. And I was the most compassionate person on the team. I said guys let me talk to him. If I’m the smallest guy, they won’t go after me. I’m like guy, now you’re about to get you’re a** beat because these guys wanted to do it to begin with. So now you got what you deserved and that situation where it’s for cigarettes. He’s a big guy don’t get me wrong. Everybody there was small. I’ve done this where--remember Mitch Green, the former boxer? I had him. He’s put twelve cops in the hospital one time when he was on heroine and Angel Dust and he’s a big guy. How I handled Mitch Green was I said “Hey Mitch listen I don’t want to call more cops because last time you beat [up] 12 cops. They might get 50 cops this time and I don’t want you to get hurt. If I get pops to come will you go with pops?” Pops was [what] he called one of the EMT guys. He goes, “yea yea give me pops, give me pops.” I said, “I promise you I won’t go in the ambulance. I will follow you to the hospital. I won’t turn the lights on but only you and Pops in the back [and] you got to behave. We’ll tie you up and you got to behave, you cool with that?” Pops comes back [with] the ambulance [snaps fingers] “Come on Mitch, its pops, come get in the car” like nothing, just gets up and gets in, I’m like really? So in that situation I’ve done it before.
Officer Garcia said that moments like Eric Garner’s case were opportunities to pull out all the toys, suggesting that it was a reason to bring out military equipment. The War on Drugs expanded the relationship between the military and law enforcement (Alexander 2012). The growth of this cooperation included the increasing use of military equipment by police (Kealy 2003). Patterns of militarization have also been found to reinforce racial hierarchies (Gamal 2016). In this case, officer Garcia suggests that he would have used the threat of violence to get Erica Garner to comply.

Despite an initial reluctance to criticize their fellow officers, it quickly became clear that there were alternative strategies to handling the encounter with Eric Garner that did not challenge the status quo. Officer Pantaleo could have given Mr. Garner his summons and walked away or have found other ways to deescalate the situation before arresting him according to the officers I interviewed.

2.10 Represent, Represent: Black and Brown Officers

2.10.1 Uncle Tom’s Niños: Latino Defenders of the Racial Status Quo

Racial diversity is considered one way to maintain bureaucracy that is representative of all interests in society (Redford 1969). Mosher (1982) builds on Pitkin’s (1967) concept of representation to argue that there is a meaningful difference between passive and active representation. Many have framed black conservatives as “pay-for-hire” suggesting that they are simply pandering to conservative audiences for individual profit and benefit as if there is no way that a person of color could genuinely
believe such racist things and defend white supremacy. Officer Santiago describing his thoughts on racial profiling:

Racial profiling—it’s a nice word for guys [laughs]—if I’m in a neighborhood that’s predominantly black and I’m white who am I going to stop [laughs] when they’re doing crimes. I’m stopping the neighborhood. I’m in the neighborhood. Again, we reflect the people—we protect and serve the people that we serve in the neighborhood. If I’m a white police officer and I’m working in the South Bronx of course the vast majority of people, I’m going to come in contact with are blacks and Hispanics. This doesn’t mean that I’m racially profiling. You know the flipside of that is how many blacks and Hispanics are helped by cops that are white and know no one says anything about that? It’s always the negative. You never hear about the positive, it’s always the negative. So racial profiling to me is horse s***. You know I hate to put it in those terms but its bulls***.

Officer Santiago outright states that “racial profiling is horse s***,” after growing up in “the hood” in New York City and having been stopped by police as a child. It is not clear whether he developed this perspective due to police socialization or held these views prior to joining the police force. Regardless of origins of this mindset, his presence legitimizes the NYPD as a symbol of passive representation despite openly acknowledging no commitment to the interest of his respective racial group. This discussion should not be conflated with debated about authenticity and the expectation that people of color must have particular political views. Instead, in acknowledging the intra-racial heterogeneity of blacks and Latinos, I am exploring the assumption that minority officers will make a difference and whether or not they feel a need to.

The excerpt below is from Officer Lopez, a retired NYPD officer in her late 50’s. She is a brown skinned Puerto Rican, who identifies politically as conservative. This is
another example of a Latina who grew up in “the hood” and aggressively emphasizes respect over racial inequality:

Got along with everyone but you know I treated everyone with respect and people treated me with respect. Now whoever didn’t treat me with respect, I can’t treat that person with respect I don’t care who you are that’s the way I look at it. That’s how I was taught growing up. You respect authority, you respect your teachers, you respect your parents. That’s the Puerto Rican way. That’s it. We had nothing but you better have respect. And that’s how I grew up and that’s how I taught my two sons to behave. Respect and you get respect.

The respondent defines the emphasis on respect as “the Puerto Rican way.”

Showing respect, much like respectability among African Americans (Smith 2014), is viewed as a valuable form of cultural capital (1986). Later on in the interview she goes on to fault the lack of respect, education, and media depictions for the problems facing police-citizen relationships. She also credits being respectful for the success of her two sons who both have graduated from college. Rios (2011) briefly mentions this phenomenon when describing that he found that light skinned Latinos “gained respect from teachers and police once they chose to dress more formally” (18). In this case, these are darker skinned Latinos from lower class backgrounds.

In response to a question about the effectiveness of policing low-level offenses Officer Torres stated:

I’m a proponent and it’s interesting that you should bring that question up now because it seems to be on the— it’s a hot topic right now, the broken windows theory. I’m a proponent of the broken windows theory and I will tell you why. Back in the nineties when broken windows was first instituted, without getting into who the administrations were and who the—you know and the politics and all that without getting into that—I remember in New York City you know in the
middle of the day the squeegees and the hookers [were] walking in the middle of the street and this is in broad daylight and I remember what 42nd street looked like. Now it’s you know Disney.

Research on the crime-disorder nexus concludes that the direct effect of aggressive policing on crime is sparse (Sampson and Raudenbush 1999). Nevertheless, proponents of broken windows usually retreat to using NYC’s crime decline since the early 1990s as evidence of the effectiveness of the quality of life initiative. They use the rhetoric of how clean and safe Times Square is now to suggest that it is correlated with a decrease in crime. Studies have shown that during this same period of time, many large cities across the country experienced similar declines (Zimring 2008), in some cases, proportionally larger, without having implemented order-maintenance policing. Neither the available social scientific research on the matter nor New York City’s own decline in crime proves the validity of the broken windows hypothesis. In regard to a question about race and policing more generally, Officer Torres responded:

We don’t see black and white. As far as I’m concerned you violate the law you violate the law. Black, white, yellow, green, blue, it doesn’t matter.

This is a literal claim of colorblindness. Officer Torres suggests that both individual officers and the law are color-blind.

2.10.2 Softening the Blow

Hong-Hai (2006) argues that we need to go beyond the passive-action distinction and focus on the sources of its substantive effects. Despite the presence of passive
representatives, who may be more aggressive to racial minorities, there does appear to
be substantive effects, that do not fundamentally disrupt the system, but can make
individual differences. Many black and brown officers bear the burden of needing to
intervene when white employees are racially insensitive or incapable of handling the
situation. Officer Flores explains his perspective:

   Nah. Nah. Once they see their own race—I feel once they see their race they feel
more comfortable that’s the way I look at it. You know it’s like when I worked in
Alphabet city in the lower eastside it’s like a lot of Latinos and once they see you
[are] black [or] someone out of the race they [are] going to accept you [and] they
[are] going to feel more comfortable.

   Officer Flores claims that the shared racial identity creates a higher level of
comfort. This comfort may also be misplaced, creating false expectations in those with
similar racial backgrounds. One of the substantive effects is related to language
differences. Officer Baez explains how he resolved an incident that was intensifying
between a white cop and Latino citizen:

   We went to make an arrest [and] the perpetrator was giving the officer a hard
time. [It was] mainly a language barrier [so] I kind of calmed everything down
[and] the perpetrator let me put the handcuffs on him. The officer said later
something like “all Latinos are the same” instead of appreciating what I did when
I did get there.

   Others instances were more difficult to categorize. For example, there is the
manipulation of racial aggression to the advantage of minority officers meaning they can
explicitly offer a less aggressive version of policing that appears convincing when
presented with the alternative white threat of violence. Officer Garcia explains how he handled a situation:

I said but bro it’s midnights. Only white boys work on midnights. If he calls that radio you know how many white boys [are] going to come and beat you’re a**. They gone love beating you’re a**. So now he’s thinking do I listen to this guy or do I get beat up? ‘Because I already told you the result is going to be you’re going to jail. So now he’s thinking beyond the point of jail. He’s thinking do I just call him a punk [and go with him] or do I get my a** kicked?

Officer Garcia explains how he manipulated the threat of white violence to get the individual to comply. This intervention works at completing the arrest without resorting to physical violence. On one hand, it is obviously beneficial to the physical well-being of people of color to be arrested without being physically assaulted or killed. On the other hand, this person is “going to jail” either way and will be subject to a criminal justice process that doesn’t end with police.

We spoke more as he described how he had strong relationships with people where he policed. He described playing dominos with the older men, who didn’t even know he was a police officer until the city-wide blackout, when he came by to check on them and they were all surprised to find out he was a cop. He said they started to hide their beers and he began laughing and told them they didn’t have to do that, considering he had had beers with them in the past. He spoke of how the same people fed him. How those same families would give him plates of food and because he took care of them he could trust them. He was adamant about pointing out that everything is about how you approach people. If you are respectful, people will respect you back. He recommended
that I drive/walk around saying hello to officer and how many won’t respond. He said that he used to say hello to everybody that he sees and how that made a difference.

2.10.3 Brave but Passive

There is an extensive literature highlighting the blue code of silence and police officer’s unwillingness to report on their peer’s misconduct as a consequence of strong solidarity with their fellow officers (Kleinig 2001; Smith 1973; Chin and Wells 1998; Manning and Van Maanen 1978). Law enforcement is perceived as a brotherhood and family built on loyalty (Chin et al. 1998). The intensity of the fraternal order is often cited as the reason why nonwhite officers aren’t more critical of their colleagues (Rothwell and Baldwin 2007). Despite the penalties associated with whistle blowing, there are officers who risk their safety and careers in order to call out discriminatory policing practices. Officer Perez provides an example of how Latino officers have been penalized for speaking out against the quota system:

Currently there is another lawsuit going on with four brave Latino officers that have come forward and said “I’ve challenged my superiors in regards to the quota system and I’ve been disciplined unfairly. They’ve picked on me from little things, you know for being a half a foot away from your foot-post. OH your off post!” My foot-post is 12 inches away.

Officer Perez consistently referred to police officers who challenged the status quo as “brave.” The morality rhetoric of good versus bad have undermined attempts to understand the relationship between agency and structure as a frame for explaining police behavior. There are those few “brave” officers who despite limited agency do
attempt to be active representatives. Officer Perez continues to explain his unwillingness to enforce quotas:

I don’t play those games. I address conditions. Nobody is saying to give out no summonses for the safety of everyone so I’m not just going to come out with some number.

Officer Johnson, who didn’t care if I used his real name also noted how an officer’s complicity with the racial regime impacts their career and can prevent them from receiving deserved promotions:

Everybody just wants to go the status quo. Very few officers are going to come forward and actually report that officer because they don’t want to be labeled as a rat and they don’t want this thing that these white guys may not back me up on a dangerous job. I don’t give a s***, I will go on a dangerous job myself.

He suggests that there are few officers who are willing to speak out because they don’t want to be labeled or fear that white officers will not back them up. The NYPD has two Latino organizations whose history reflects the division among Latino officers regarding representation. Officer Perez explains how the Latino Officers Association broke away from the Hispanic Coalition because of differences in interests:

The Latino Officers Association is a break off of the Hispanic Coalition. The Hispanic Coalition wants to do parties, and salsa dancing, and boat rides, and basically kiss a**. The Latino Officers Association’s motto is if we hear of injustice and see injustice we are going to sue you’re a**.

Recent lawsuits against the NYPD have proven that these Latino officers are not the only ones willing to sue the police department. Even in the case of Officer Perez, who was outspoken against the racist practices of the NYPD, there was a reluctance to
condemn the entire criminal justice system. In many instances, because of the structure of the police department, these “brave” officers are also reduced to passive representation.

### 2.11 Conclusion

There is no clear link between passive and active representation. Instead, there are a variety of ways that the complexities of an individual interacts with the structure to produce different outcomes. Some officers will defend the system, while others may make small differences that don’t fundamentally change outcomes. Few will risk their careers and livelihood to challenge the status quo. In the next chapter, I will explore race and representative bureaucracy in New York City’s court system.
3. Law and (Racial) Order: Representative Bureaucracy and New York City’s Court System

3.1 Introduction

In this chapter, I explore race and representative bureaucracy in New York City’s Criminal Court System. First, I review the literature on representative bureaucracy and legal employees. Second, I describe my positionality and methods. Third, I consider the role that anticipatory socialization plays for attorneys and judges. Fourth, I examine the experiences of various court employees with police officers. Fifth, I examine how court employees view their roles and impact as minority representatives.

3.2 Representative Bureaucracy

Sociologists have tested the organizational determinants of adopting diversity programs (Kalev 2006) and the effectiveness of various kinds of diversity programs (Dobbin, Kim, and Kalev 2011), but a persistent lack of diversity among American organizations has stunted our understanding of the effectiveness of nominal increases of people of color beyond tokenism. Operationalizing effectiveness as simply an increase in proportions of black men and women does not follow through and provide an assessment of outcomes and whether they are committed to substantive representation (Pitkin 1967). The theory of representative bureaucracy suggests “that a public workforce representative of the people in terms of race, ethnicity, and sex will help ensure that the interests of all groups are considered in bureaucratic decision-making processes” (Bradbury and Kellough 2010). Mosher (1982) introduced a distinction
between passive representativeness, the proportion of a particular group, and active representativeness, the expectation that an individual will push for the interests of their respective group. Passive or representational diversity can actually be counterproductive in its fixation on collecting numbers of people as opposed to integrating diverse participation for systemic and paradigmatic change (Anloo 2013).

The passive language of diversity is an inadequate analytical tool. The word “diversity” does not necessarily translate into a commitment to action, redistributive justice (Deem and Ozga 1997:33), or any sense of social justice (Benschop 2001). In fact, the usage of “diversity” can indicate a lack of commitment to real change and assists in concealing more systematic racial inequalities (Anloo 2013). The language of diversity fits the more elusive form of domination referred to as the New Racism (Bonilla-Silva 2014). The historical and continued lack of racial diversity prompted sociologists to consider what are the best practices to increase the shares of black men, black women, and white women in organizations (Kalev, Dobbin, and Kelly 2006).

Research on bureaucratic representation in public schools has found evidence that educator workforce diversity impacts outcomes positively (Grissom and Rodriguez 2015). Meier (1984) found lower suspension rates for Black students in schools with a higher number of black teachers. Meier and Stewart (1992) later discovered that larger proportions of black teachers in schools is associated with lower rates of disciplinary action taken against black students. In terms of access, a greater number of black
teachers is associated with a larger proportion of black students in gifted programs (Grissom et al., 2009; Grissom, Rodriguez, & Kern, 2015; Meier & Stewart, 1992; Rocha & Hawes, 2009). Although these results support that racial representation has a positive impact, the criminal justice system and its variety of domains represent different kinds of organizations with a unique context for interactions.

Ultimately, we need more research that allows these actors to describe whether they feel obligated to push for the collective interest of their respective racial group, are there to do a job, or protect a system which they feel works perfectly fine. Findings are varied in regard to courts and some argue that black attorneys are more needed than black police officers (Young May 2015). Courts appear to be the outlier in that some studies have found differences between white and African-American judges (Uhlman 1978; Gottschall 1983; Welch, Combs, and Gruhl 1988; Steffensmeier and Britt 2001), while others have found no such difference (Spohn 1990a; Spohn and Welch 1986; Walker and Barrow 1985; Farhang and Wawro 2004). Judges in particular, due to their education, training, and career path are considered to be “homogenous in character” and display common attitudes (Griffith 1997:52). Researchers have argued that increasing judicial diversity “is necessary in order to maintain public confidence and trust, that is, to ensure the legitimacy of the judiciary as a whole” (Rackley 2002: 609; Genn 1999; Malleson). The primary concern is with maintaining legitimacy, not eliminating racial outcomes, or simply assessing prevalence of active representation.
Assessments of representative bureaucracy are generally quantitative and concerned with policy outcomes. As Brandy (2014) points out, there is a need for more qualitative data that explores how these individuals perceive themselves and their roles as representatives. This chapter uses a theoretical frame that draws from both theories of representational diversity (Anloo 2013) and representative bureaucracy (Mosher 1968) to examine how black and Latino employees of New York City’s Criminal Court System perceive themselves and their role as representatives.

3.3 Methods

Analyses for this chapter focus on the 38 interviews I conducted with employees throughout New York City’s Criminal Court System. The interviews included 14 legal aid attorneys, 6 prosecutors, 7 judges, 3 private attorneys, 3 court officers, 1 court clerk, 3 law students, and 1 case worker. The sample consisted of 14 whites, 12 blacks, 9 Latinos, and 3 Asians. There was racial variation within each occupation except for court officers. All of the court officers I interviewed were black. In total, I interviewed 21 women and 17 men.

In addition to semi-structured interviews, I conducted thousands of criminal court observations. The speed in which cases were handled in arraignments did not allow for complete information to be gathered about each case. When possible, I documented the charge, demographics characteristics of the defendant, bail decision, and other relevant information. I used a semi-structured interview schedule that allowed for further
probing when appropriate. The interviews were between 30 minutes and 2 and half hours. Participants were asked to complete a demographic sheet before each interview that included questions about their race, age, and income. Interviews were transcribed verbatim then coded to identify recurring concepts and themes. Analysis was done using grounded theory (Glaser and Strauss 1976). Simultaneous data collection and analysis were conducted to delve deeper into the research problem and engage in developing categories (Charmaz 2006).

### 3.3.1 New York City’s Court System

While New York City’s Police Department is its most notorious criminal justice component, the New York City Criminal Court System is considered part of a “model for change,” contributing to the reduction in New York State’s prison population (Austin and Jacobson 2013). The New York State Criminal Court System has undergone transformation from as early as the 1846 Constitutional Convention which enlarged the Supreme Court, increasing the number of justices from three to thirty-two (Bloustein 1987). The entire country experienced a mid-century “law explosion” following World War II (Cone 2016) and despite the 1962 NY Court System Reform, case overload was not resolved (Bloustein 1987). The most notable contribution to racial disparities arrived in 1973 with harsh statutes for drug crimes, known as the Rockefeller Drug Laws (Vera Institute 2015). The devastating impact on racial disparities has been widely addressed (Cole 2011) and as a result, in 2009, Drug Law Reform was passed and has proven to
reduce disparate outcomes in sentencing (Townes 2015). More recently, in 2013, New York Judge Shira A. Scheindlin, ruled that the stop-and-frisk tactics of the New York Police Department (NYPD) violated the constitutional rights of minorities in the city (Goldstein 2013).

Table 2. Lawyers, and Judges, Magistrates, and other Judicial Workers (2010)

<table>
<thead>
<tr>
<th></th>
<th>Manhattan</th>
<th>Bronx</th>
<th>Brooklyn</th>
<th>Queens</th>
<th>Staten Island</th>
<th>Metro Area*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>7.2</td>
<td>16.0</td>
<td>10.7</td>
<td>9.0</td>
<td>7.2</td>
<td>4.9</td>
</tr>
<tr>
<td>White</td>
<td>83.4</td>
<td>62.5</td>
<td>76.5</td>
<td>64.1</td>
<td>83.4</td>
<td>83.7</td>
</tr>
<tr>
<td>Latino</td>
<td>5.4</td>
<td>19.5</td>
<td>5.3</td>
<td>12.0</td>
<td>5.4</td>
<td>4.6</td>
</tr>
<tr>
<td>Asian</td>
<td>3.9</td>
<td>1.8</td>
<td>6.0</td>
<td>14.1</td>
<td>3.9</td>
<td>6.0</td>
</tr>
</tbody>
</table>

Although the racial demography of the legal profession has improved, lawyers, and judges, magistrates, and other judicial workers remain mostly white. Table 2 shows judicial workers in New York City (Census 2010). It is clear that while whites are a consistent majority across all boroughs, and there is significant variation from borough to borough. The New York State Bar Association’s (2014) report on judicial diversity concludes that New York City has done a commendable job at increasing racial diversity and has succeeded in increasing the numbers of minorities and women on the bench. The statistics also suggest that the proportion of minority judges may exceed the percentage of minorities in New York City (American Bar Foundation 2014). It is in this
context that I conducted observations and interviewed respondents employed in all five boroughs.

### 3.3.2 Judge for a Night

From the initial point of police contact, the criminal justice process begins to lose visibility. The initial arrests are increasingly visible as cell phone cameras continue to produce footage of these encounters. Courts in New York City do not allow recording without approval from the Judge. I was sitting on the bench with a presiding judge when she rejected a reporter’s request for video and photography.

I rode to the court with a black court officer, Jamel Davies who after an earlier interview invited me to observe night court. Officer Davies described himself as having “both sides of the coin” referring to the officer and the gangster side. He said that his grandfather sold drugs and that it was odd for him to work in law enforcement. As we entered the court building through the employee entrance, he encountered a white attorney who he spoke to briefly about whether they were going to be on the same flight to Florida and made plans to get drinks the next week. After the attorney walked away, Officer Davies stated that the same attorney had previously asked him whether he watched *Orange is the New Black* and he replied “hell no, that’s for women and homos.” He explained that at the time, he did not know that the attorney asking the question was himself gay. He concluded by qualifying his homophobic statements, saying that they

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5 All names have been replaced with pseudonyms
had become close friends and how he has had dinner with the attorney and his boyfriend.

When we arrived to the actual courtroom, Officer Davies introduced me to Judge Cohen-Perez, who I was told by an attorney kept her married name to appear Latina. We spoke briefly before I observed arraignments with her. She walked me through the files for each case, which included a photo of the defendant, the list of charges, any previous record, and a short description of the incident. After about an hour, she debated whether or not she should go to the wake for a colleague and the court officers, including Officer Davies, encouraged her to go despite the urgency of those already seated in the audience waiting for their family member or friend’s cases to be heard. The court officers were urging her to go because they wanted overtime. Judge Cohen-Perez left me seated at the bench with the court reporter to the left of me and her court attorney seated beside me on the right. The court reporter, a working class white woman in her thirties, said she didn’t really think about the cases and what she was typing. It was clear once several court officers and a legal aid attorney came up to the bench to speak with me, that they had never actually conversed with the court reporter. She retreated back to her silence once Shonda, Judge Cohen-Perez’s black court attorney, began dominating the conversation.

Shonda began by stating that most of the courts are racist and how she mostly witnesses men come into the court that she could have potentially dated. As the
conversation went on she admitted to crossing the streets when she sees a young black man in a hoodie or a group of black girls. Shonda even acknowledged that she calls the police on youth in her neighborhood because she doesn’t think they should be hanging out on the corners. As we continued to discuss race and criminal justice, I noticed the audience growing increasingly frustrated as hours passed since the Judge left for the wake.

When Judge Cohen-Perez returned, she quickly worked through the remaining cases and after agreed to answer any remaining questions I had. During my observations and interviews it often felt that the “race question” itself was on trial, with defense attorneys not simply pleading individual cases, but defending the entire notion that the system is racist. Judge Cohen-Perez expressed a deep frustration over particular defense attorneys who always argue that their client committed an act because they are poor and oppressed. She also claimed that because she grew up in the Bronx she could read through “defendant’s bulls***.” In the following sections it will become clear that many minority representatives feel that their familiarity with the inner-city gives them an advantage by making them less gullible.

3.4 Anticipatory Socialization

Research has examined the role of anticipatory socialization among individuals who pursue careers in law enforcement (Silverii 2014). Criminal court shares with policing the overwhelming presence of fictional accounts in film, television, and books
The popularity of courtroom dramas and “reality show” court entertainment suggests that children are provided with images of attorneys, judges, and the courtroom long before they encounter an actual court or express genuine interest in pursuing a career in law (Machura and Ulbrich 2001).

Attorneys often recalled an interest in television shows that depicted attorneys and courtrooms. A Queens’ attorney, Kristine, who grew up working class explains that she wanted to be like the character Perry Mason and how “he was a hero on TV.” Sharp (2002) argues that new law students use the binary representations of “good versus bad” in legal dramas to construct their personal images and expectations of lawyers. A Cuban assistant district attorney, Angel, who grew up in Miami described how law was an early thought that he eventually came back around to later on. He explained the impact that both television and his propensity for arguing had on his interest in pursuing law:

I originally made it probably after ninth grade—I watched *Law and Order*, TV, I liked to argue. I would always argue with my parents. It was probably my mom’s fault. When I was younger I was very timid, very soft spoken, very accepting. I think I was in sixth grade and she was like you need to be vocal, you need to express yourself, stand up for yourself, be assertive, say what’s on your mind. It had the unforeseen consequence of changing the way I looked at everybody in terms of superiors and I started treating everybody like equals which meant I argued with my parents back and forth and because I was quick witted I would shut them up at certain times which would frustrate them even more but I was told you should be a lawyer you are always arguing. And that and [what] you would see on like TV is glorified courtroom drama and all that and [would say] “This drama, this is tense. I like this.” And that I think that was where I first got—well sixth grade was when I got my first what’s the way of phrasing—sort of command of myself—but later on is when I started watching more TV and kind of like this image of courtroom justice stayed in my head around that time.
Angel explained that *Law and Order* (1990) had an influence on him and that he was attracted to the “glorified courtroom drama.” He also explains that his interest was sparked by his mother telling him to speak up for himself and how he increasingly argued with his parents. The tendency to frame a child’s inquisitive behavior as the foundation for a great attorney is a positive way of framing a characteristic which could be framed as confrontational and negative. Studies have examined the relationship between social class and parental expectations (Lareau 2003; Gillies 2006) suggesting that parent’s own biographies influence how they perceive their child’s future and potential (Erwin and Elley 2012). Keesha, a law student who grew up in Brooklyn stated that she was interested in being a teacher and wanting to help people when she was young. It was Keesha’s father who said that her leadership skills and tendency to argue would be better suited for a career as a lawyer.

Although Kristine first cited the *Perry Mason* (1957) television series as sparking her interest in law, it became clear after further probing that the desire to be an attorney was the result of a combination of factors. She highlighted how her drunken sexist father created the desire to argue for an individual’s rights. It was the injustices she observed and experienced from her father that appeared to be the most salient factor as she got older. Kristine explains:

I grew up in a very sexist household. My father was “very girls are supposed to set the table” and things like that. My father used to drink all the time so I would stay in my room and read to avoid him. That was the time it was like women’s
liberation is going to be my salvation. [He] wanted my brother to [be] an altar boy and I said why can’t I do it, but my mother said don’t you dare say stuff like that [and] I used to say I want to be a lawyer to put my father in jail because he was committing Civil Right violations.

Despite police officers being the subject of harsh criticism (Sela-shayovitz 2015), they are still held in high regard as having a difficult job and being heroic (King 1999), especially in New York City in the decades following the September 11th attack. Rankin and Eagly (2008) argue that the cultural construction of heroism restricts opportunities for women to become heroic. Although public defenders have been framed as having difficult jobs, this is largely attributed to the large workload (Benner 2011). None of the police officers in the previous chapter expressed a deep commitment to fighting injustice as the motivation behind their pursuit of a career in law enforcement. In contrast, as Kristine describes above, her attraction to law was rooted in the Civil Rights violations she felt her father was guilty committing against her and her mother. The motivation to fight injustice appeared typical for those who pursued careers as public defenders.

3.4 How to Get Away with Racism: Law School and Racial Diversity

3.4.1 The Law School Admissions Test

The LSAT was first administered on February 28 1948, but was not originally developed to be the sole criteria for making admissions decisions (Lapiana 2003). Many law schools now rely on the LSAT as the principal criterion for admissions, which has a negative impact on the enrollment of applicants of color (Nussbaumer 2006). Bothwell
(2001) argues that the Law School Admission Test (LSAT) is biased against racial minorities. The LSAT is a clear barrier for African-American students, who on average score lower than their white counterparts (LSAC 2015). Puerto Ricans were found to have the lowest average LSAT scores, which is likely due to language issues (Reeves and Halikias 2017). Beyond proving that the LSAT was biased, I was concerned with any disparities in preparation for the exam. Nearly all of my respondents who attended law school reported taking a preparation class that they paid for. Josephine, a legal aid attorney, who grew up in the Bronx explained how she studied for the LSAT:

The LSAT, what a disaster. So there was this group there was this—it was called binary solutions, no—TestMasters. My friend had taken binary solutions before me. It was very pricey and then I think I had did done a little research online and I had been out of school for a couple of years and I just think my college experience really drastically affected my confidence academically so I was not at the position where like for the SATs for example where I just studied by myself. I was not going to leave that to chance so I researched TestMasters. I heard that they had all these great reviews and that the person who was moderating it, who was teaching us the stuff. She was a Yale graduate who had gotten a perfect score. So I paid my little money and I took the test and I ended up getting the exact same score when I took the LSAT for real that I did when I took the practice test and so I felt it was a waste of money because I could’ve gotten that score by myself and did, but that’s how I, I mean it was, I was working so it was after work and then I just carried the little books around and studied on the train and studied home.

Josephine also stated that the course cost her $1250 and that she made several payments of around $250 until it was paid for. In contrast to Josephine, most respondents reported taking the Stanley Kaplan course. A white legal aid attorney, Rebecca, who grew up working class, was the only respondent who reported not taking
a formal LSAT prep course and recalled that she got a rather low score. Instead, Rebecca stated that she self-studied and “got an LSAT exam book and did a lot of those tests.”

### 3.4.2 Law School

Clydesdale (2004) found that law schools increase academic differences across race, age, disability, and socioeconomic origins rather than reduce them, and that academic differences in turn effect bar passage. Studies have provided evidence indicating patterns of inequality by race among graduates of elite law schools (Nelson and Payne 2000). Lisa, a white legal aid attorney explained what her law school experience was like:

> It was wonderful. It was a very supportive environment. There was a lot of collaboration. I worked with a lot of different study groups and was inspired by all of the students and their various passions for different types of public interest projects.

When I asked her about diversity she stated “I would say it was diverse, not necessarily inclusive.” After probing further she explained:

> There were certainly a large number of people from many different backgrounds, whether it was economic backgrounds or racial diversity or from different gender orientations or sexual orientations. But there was still uh in the law community at large a general sense of [long pause] as much as there tried to be a forum for discussing issues when there was a clash or a disagreement there was still generally a sense of what was right and wrong and who got to decide that and there was as there is in any conversation there is about criminal justice a series of assumptions that white people make when they are learning for example about how to defend people in the criminal justice system, most of whom are black. was lucky to be in a couple of those classes where those conversations happened pretty explicitly and pretty honestly but it was definitely conversations that needed to happen. Not everybody was on the same page about what it meant to kind of walk into a courthouse and defend someone
who was accused of a crime when you already have a series of prejudices running in your head and so part of learning how to be honest with ourselves about our biases was a huge part of my education at Rodham which I credit mostly to my professors more than to the institution.

Utilizing a snowball sampling technique (Soy 2008) provided instances where respondents knew each other. In this case, two different legal aid attorneys expressed their views of the same law school, Rodham University. Rosa explained her thoughts on diversity at Rodham:

You know and I’m going to just go out—and because I’m being honest—it was in their own way. I find and this is the way I think about it and feel in every arena now, in corporations or even in organizations like this, where diversity has now taken on a new name. It used to be cultural diversity. There were, I think in terms of that, the greatest minority population in my law school as Asian, both Indian, Pakistani, and then of course Asians, Chinese and in terms of minority—you know Blacks and Hispanics, we were you know we made up a good amount but it was you know same as like the country 10 or 11 percent but they were always espousing that they were 40 percent. They were very diverse but they brought in sexuality now became a source of diversity. I frankly don’t think that—I don’t necessarily ride along with that view because I’m like why? I can see how you can be a minority in the sense that if you are homosexual and the majority of us are heterosexual but I feel like being a minority is not itself the only thing that makes you, I think your culture in a predominantly white and male world I is what I was expecting so yes and no. They would think they were diverse and I would say it was regular.

Although Lisa was reluctant to call Rodham “inclusive,” she did claim that it was diverse. She went on to explain that there were some necessary conversations about race that she credited her professors for facilitating, not the institution as a whole. Rosa instead criticized the entire notion of diversity and concluded that although Rodham
would claim that they were, she found it to simply be “regular.” Rosa goes on to explain a particular incident that occurred while she was attending Rodham:

I was a part of the Black Law Student Association. I was also a part of the Latino law student association and we always fundraised in order to give a scholarship to a student who was going to be doing a public interest internship over the summer because they were generally unpaid. All public interest internships are generally unpaid and a lot of times there would be an issue of who would be receiving it. You know we felt in a lot of ways [that] we had to always be very particular about doing it in a way that wasn’t offending anybody and although we thought it would have been nice to give it to a student who was of color, we couldn’t, all the time, because then it would be perceived as discriminatory. But it kind of was like—it was a circular problem. You know we’re trying to raise money through our organization to help people who are generally disenfranchised but now because of like this red tape and we’re a public school because I went to Rodham so it’s a public school. We couldn’t just pick who we wanted. We had to have it be a very open and that’s not a problem but I’m like there were other organizations that were not race based and anyway came up often. I also felt that um particularly in my clinic, I was in the defender clinic, it was—there was a point where there were some conflicts between—you could just cut it with a knife. The white students had their views on certain things and then the students of color with—particularly when we were talking about cases where race was a factor um and it made me feel like here we are at a public interest school and we’re supposed to be super liberal and I felt like a lot of the thoughts and mentalities of the people were the same as I would have expected at a private swanky, you know, waspy school.

Rosa refers to the same conversations that Lisa described, but viewed them very differently. For Lisa, these were the difficult conversations that needed to happen, especially regarding the biases that white attorneys can carry with them into the courtroom (Pearce 2005). She was ultimately satisfied with the fact that she was present for these discussions and how she individually benefitted from the experience. In contrast, Rosa was disappointed with the tensions over racial factors among students.
she expected more of since they were at a public school. Also, Rosa was frustrated with
the broadening definition of diversity and how the black and Latino students had to be
careful not to offend anyone.

Keesha, a black law student in her second year at a private institution, expressed
that “there is no such thing as a diverse law school body.” She went on to explain:

It doesn’t exist. It’s you either are going to go to a PWI or an HBCU right? You
are not going to have a school that is that has 50 percent of a diverse student
body. That’s not going to happen. You will be lucky with 20 and that’s across the
board of students of color. That’s not just saying 20 percent black. That’s saying
you probably get 2 percent black, 5 percent Latino, and the rest is Asian.

Keesha continues to explain how the lack of diversity impacts her experience:

Every day I realize that wow, okay, I’m black. It’s a constant reminder. In my
neighborhood I don’t have to think about I’m black because my neighborhood is
predominantly black people. Although we come from different backgrounds, we
are all Caribbean and we are all black. But at law school it’s a constant reminder
of your race that you are 2 of 80 in a classroom and so when they say crazy stuff
like the other day when a student said “the Negroes were denied housing
accommodations” and you write the professor an email and I wasn’t even there
for that class my friend told me I missed that class, and when I went to the
following class. When I went back for Tuesday’s class, I addressed the whole
class “that language is unacceptable in the classroom environment. I don’t want
to hear negro, nigga, nigger.” Just because, that was for constitutional law, so
when you are studying constitutional law you have to know that it is going to be
race based. A lot of it, you’re going to have to be able to speak about those cases
in a professional manner. So if the case is saying “negro” that was back in the
1900s when they used that language. We’re not using that language now so you
need to be able insert African American or black people. That’s common sense. A
lot of time, “they” feel so comfortable, “they” meaning white people, they feel so
comfortable with each other that they don’t have any regard for you so I said to
him in class in front of everyone “had this class been 99 percent black you would
not have used that type of language, but since this class is 99.9 percent white you
don’t have a problem with that.”
Keesha recalls a particular incident where she was upset with a student’s usage of the word “negro” in a law school classroom. Her argument about the privileges of whiteness (Case 2012) include comfort that is based on the presence of whites as the majority.

3.5 “Cops are your Friends?”: Experiences with Policing

Van Cleve (2016) argues for the significance of studying adjacent criminal justice institutions. An important component to this project is its design to capture a more holistic view of New York City’s criminal justice system. There has been public concern over the amicable relationships between prosecutors and police officers (Guerrieri 2001). In this section, I briefly examine how judges, court officers, and attorneys view policing.

3.5.1 Judges

Judges are more likely to have spent time as prosecutors than as defense attorneys (Tolan 2016). This suggests that most judges are likely to have spent time working closely with police officers (Goldstein 1968). Judge Turner, who was born in Brooklyn, but raised in Edison Projects, admitted to having negative encounters with police:

In my experience as a New Yorker, just walking the streets of New York and having been in various situations, I would absolutely say that I’ve had my own encounters with officers that I’m just like “are you serious?” And what it is that—I’ll give you an example. When I was an associate at the law firm I use to do what they call 50-h hearings. Those are essentially dispositions on behalf of the city and my colleagues would do them as well. My colleagues, who I worked for, and I just remember many of them being appalled at some of the depositions and the things that people would say that would happen by police officers.
Whether or not it was kicking their door down or falsely executing a warrant or how they were stopped, being appalled and outraged and just totally couldn’t believe this and I’m just like “are you kidding me?” And I just couldn’t believe that you would be appalled. The perspective was just so different I was like “are you kidding me?” There were stories that I had or different stories that my friends had and they would say “oh you’re exaggerating” or “well did you report it” because the stories that you hear if it happened to some of my colleagues I promise you there would be a civil suit. As lawyers we know that you have to have extreme damages to make money but it is really unbelievably outrageous to the people who these things do not happen to. But I can tell you when I was a law student after my first semester, that December, finishing my finals I was ecstatic. I called good friends of mine, one was a prosecutor, one was a legal aid and I wanted to have dinner. We were walking down a street with a precinct and he said “Good Evening Officer” to an officer who was in a patrol car and he says “Shut Up N*****” and I remember that like yesterday because he was like “God I can’t believe this” and he was a prosecutor and he was going to keep walking and I was like “did you hear what he said?” I’m like we have to file a complaint to the civilian review board and I’m like no we are going in there because you know I just graduated from law school and I know everything. And we went in there and OH God, the coldness, and the way that they were, like they don’t have the form and making us wait and I just couldn’t believe it. I was so outraged and it was so sad but if you tell people that happened, he said “Good Evening Officer” and the officer said “Shut up n*****.”

Judge Turner provided another instance where she experienced racial profiling:

I remember, this was not offensive, but I remember walking down Adam Clayton Powell that’s the day of the Harlem Day Parade many years ago. It was a beautiful day. I had just got out of church and it was early because I went to the early service so it wasn’t crowded and I remember walking down the streets and I could see that they were using the blue things and I was like I’m not going to be able to continue and there were a bunch of officers. I was walking in my pretty little dress thinking I was cute and I said something like “isn’t it a beautiful day” and he said “get in the street” and I was like okay and it was weird and I wasn’t hostile and I’m a woman in a dress and I’m actually ready for you to tell me to move over and [hear] “could you get behind the barricade” but it was a bark and my whole day was kind of ruined after.
It is clear that Judge Turner is all too familiar hostile police interactions. The assumption based on her responses would be that this is someone who is critical of policing, but she actually continued to express deep support for officers and the policing of minor offenses. Although Judge Turner had negative encounters with police, she expressed that she is ultimately supportive of policing when asked about her thoughts on stop-and-frisk:

I think that I disappoint many people. I think that—I think that you need police to police. I grew up in Edison projects and back when I grew up there was what they used to call community police and we all knew them and they knew us and when they were around you better act right and I loved them because literally it really distinguished law-abiding from non-law abiding so if something had to be done and said. People would just go to officer Owens and you tell officer Owens and then he’d get right on it and I mean that for the good and the bad.

Judge Johnson, describes his views on policing by contrasting his experiences with other black students he met in college:

They were much more radicalized then I was. They were much more you know the police and all this. The police never bothered me in New York. They just didn’t. We had beat cops. My father was a Tuskegee Airman. My uncle was a Tuskegee Airman and Redtail so I came up with I came up with a good sense of self and like you are not going to stop me from doing what I need to do but I am going to do it within the system. I’m not breaking laws and knocking people over the heads.

For Judge Johnson, the police never bothered him and he could not relate to other black students because of their views on police.
3.5.2 Court Officers

Court officers are rarely examined members of law enforcement (Panzarella and Shapiro 1988). In many ways they serve as the police officers of the courtroom. Tonya Price, a black court officer, explained that the aggression of her colleagues is often unwarranted and further provokes people. In doing so she contrasts their experience with police officers who she argues are more justified in their approach:

That’s just human nature I think. If someone is being nasty to you no matter how nice you try to be, at some point, your rude side is going to come out so I think that you don’t really have to be like that to get this job done. It’s not like we work in the street. Things can happen there. But I think that you probably would have to be more like that if you worked in the street.

Officer Price justifies police aggression through a criticism of court officers who she feels are unnecessarily abrasive. She describes how that sort of aggressive behavior is only justifiable in “the street.” Officer Price explained her thoughts of the two police officers who were killed and how they have a shared bond:

I don’t think that is going to solve the situation that’s going on. If anything it’ll probably make it worse because then police are going to be more aggressive because they have—we all have this little bond so I don’t think that that’s not how you get anything done.

This bond is put into question by another black court officer, Brittany Ross, who works in the same building. She was soft spoken but assertive, explaining how she grew up in Harlem, the daughter of an interracial couple. Her father was a boiler repair man and her mother worked for the IRS but retired as a Probation Officer. She spoke of a middle class experience where she had no interaction with the police or the criminal
justice system, aspiring as a child to be the Chief of Police of the City of New York. She was hardly a rabble rouser, claiming that despite her parent’s interracial relationship being frowned upon, she experienced no difficulties because of it. Her charges of discrimination were instead articulated in terms of specific incidents where she felt she was being treated unfairly in the workplace. Officer Ross describes an incident that occurred with NYPD officers:

I was returning from lunch. It was a very cold day. I had a parka on. I was covered up so you couldn’t see my uniform but it was under my clothing. I had my hair out. I think I looked like the average 5’4’ light skinned black woman and I don’t think I looked like an officer. I entered the building and as soon as I entered the building there were two police officers standing there and then they started asking me questions and from my understanding the police department doesn’t work in the courthouse so I was trying to tell the police officer that I work here and that I was just trying to return from lunch and they were extremely aggressive. They seemed to not care and they continued. I didn’t feel safe to move. They didn’t put their hands on me but they were speaking to me in an aggressive tone inside the building that I work in so I could sense immediately that they didn’t know I was an officer and I didn’t want to get them further aggravated so I called for one of my co-workers to come over because I had already told them I worked here that it wasn’t good enough. I called for the officer and he just stood there and looked at me and he just stayed across the floor and he never came to help me and I’m telling the officer again that I work here and I’m just trying to get back to work and I still didn’t feel like I could walk away so I called again for one of my co-workers to come assist me. And all I wanted them to do was to come over and say “oh she works here” and I really didn’t want them to tell them more than that. And they didn’t come. Then eventually they said “Alright lady go.” So that’s when I went by and I stopped by the officer across the hall and asked “Does NYPD work in the building now?”

Officer Ross explained that “somebody suggested they were looking for gang members,” to which she replied “are you trying to say I look like a gang member?” She details how her supervisor responded:
I was called into the boss’ office and I am told that I am being unprofessional. So now I begin having a battle internally. They wanted to tell me that I need to understand that these things happen.

Although Officer Ross works in law enforcement and was entering the building in which she worked, she was not only stopped by an NYPD officer but also denied the support from her fellow court officers and supervisor. Her experience highlights the difficulty in sorting out the role of the minority representative who can be victimized by the same practices that they enforce.

3.5.3 Attorneys

Shirley, a Dominican legal aid attorney who grew up in New York City, explained her experience with police growing up was limited:

My parents sheltered me a lot as you can imagine so we were not allowed to hang out outside at all. You know anytime we went outside was to go to school basically coming and going. And so that I think definitely played a role and I mean I just don’t remember having interaction growing up with police I mean I’d see them around. I remember when one of the murders they came knocking on the door. My mother answered but again it was just like this very—it seemed like something that was very outside my sphere.

This is a recurring theme that seem to signal the kind of “decent” families that Anderson describes in his book (1999). Instead of suggesting a moral superiority, she emphasizes that she was simply “sheltered.” Shirley explains how she and her sister were not allowed to hang out outside at all and basically only went from home to school and school to home.
She explained that she did have interactions with police as an adult and that they were negative:

I’ve reported my car got broken into and the officers who came to take the report were very nice. They were also very useless because they didn’t do anything but they were nice. I mean again they’re people so I don’t doubt that any person can be nice but I think there’s there—I’m more prone to see an officer overreact and I think that’s my biggest issue. They overreact. They—and I don’t know if it’s from training, they itching to pull out their baton because I don’t think someone who is a peacemaker in my opinion grows up thinking I want to be a cop. Like I think that people that grow up to want to be cops are not people as much as they say they want to help the community, no you don’t. You like the glamour of holding the gun and going on these wild goose chases that you see Will Smith do on the TV. That’s what you equate with being a cop. You don’t equate it with walking around giving out traffic tickets. I don’t know if it’s that they just they overreact [but] they’re very aggressive. They’re extremely disrespectful. They’re very discourteous. This whole courteous professionalism [and] respect—none of the above. NONE of the above. Um and over the smallest things. Even if you’re the one who’s seeking help. I remember there was an incident where we were driving. We were coming from an event, a black law student association event, a gala, and it was four of us. The driver was a black male. He works for legal aid now. The front seat passenger was myself. Behind the driver was my friend who’s a Black ADA and then behind me was a white friend of ours who we called “White-tina.” There were two white people who were in the intersection even though the light was green and I guess the guy got mad that we didn’t slow down and the guy kicked the car. The car belonged to the person behind the driver, who was the ADA, black girl. She automatically was like “stop the car.” We stopped across the intersection. We jump out. The guy who kicked the car and his girl I guess, they’re across the street and we basically B line it towards them, [and] we’re cursing them out. I would’ve been happy if it was just that [makes screeching sound and curses under her breath] you know but she being the ADA which kind of made me it—it was one of those moments where I was just like “you see, even for you okay.” She was like “No and this is ridiculous and I’m calling the cops” right. We flag down an officer, [and he says] “this is not our precinct, wait for the precinct cops to come.” When the precinct cops come it was a Hispanic man and a white man and I think it was just two of them and you would have thought that the white people called the cops. They went to speak to them first which is never the protocol. They’re supposed to speak to the
complainant first to get the story of what happened. They went to address them first and oh they going back and forth.

This story highlights that although employees of the criminal justice system are likely to have the knowledge to navigate the system, they are not immune to police aggression.

3.6 Colorblindness, Empathy, and Shame

3.6.1 Colorblindness

“I feel like being a Black Judge brings a different perspective to the bench. It just does. As opposed to some Judge from Scarsdale, who grew up there, you know when I see some of these big black brothers coming in front of me in arraignments or some place else and they are looking all you know [grunts] Rahhh Rahhh Arghhh Rah. You know it’s like you looking to scare somebody? Come on I got six court officers and they got guns.” --Judge Johnson

The quote above is from Terry Johnson, a black New York City Criminal Court Judge in his 50’s. He was one of many respondents who explicitly acknowledged the importance of racial diversity while reifying stereotypes about people of color. Other participants expressed support for racial diversity while reinforcing the racial status quo, but Judge Johnson’s comments were stunning in that his critique of the ineptitudes of a white “Judge from Scarsdale,” was immediately followed by his own inability to perceive black male defendants as anything more than “big black brothers” who require the threat of violence. Despite his stereotypical performance of “criminal blackness,” which puts into question his own assertion that “a black judge brings a different perspective to the bench,” Judge Johnson has a proven record of promoting racial
diversity on the bench. The comment from Judge Johnson problematizes a priori assumptions about the benefits of racial diversity, especially as a catalyst for systemic change.

Judge Johnson does not argue that race doesn’t matter or resemble conservative blacks such as Clarence Thomas who have openly expressed disagreement with race consciousness altogether (Henry 2013). Instead, he spoke openly about racial discrimination and the need for more black judges, even urging me to pursue law and offering to write me a letter if I abandoned sociology. It was his own discussion of the limitations of white judges that prompted his critique of (white) judges who grew up in the suburbs. He was proud to have grown up in Harlem and to have family members who were prominent Civil Rights advocates.

The critique of a “Judge from Scarsdale” or “white guy from Long Island” is one I heard repeatedly from police officers and attorneys as well. The failures of the criminal justice system were not attributed simply to the lack of racial diversity but also the lack of familiarity with New York City. It is a claim to street credibility and knowledge that many Black and Latino respondents claimed to have. It is a claim to have been close enough to understand the “code of the streets” (Anderson 1999) without having been raised by them. It is both an affirmation of similarity and difference that reflects

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* Other judges and attorneys confirmed his record on promoting diversity. Also, when his court attorney brought me to the courtroom to sit with him on the bench during arraignments, she spoke of his commitment to mentorship and how he loves when students of color visit with him.
Anderson’s taxonomy of the inner-city ghetto (1999). Black and Latino respondents often referred to their race and neighborhood to assert a ghetto familiarity that whites can’t understand, while distinguishing themselves as the decent individual who can interpret the streets. Research has shown that colorblind racism can exist among Latinos as well (Lewis, Chesler, and Forman 2000). A Latino assistant district attorney, explains his thoughts on race:

You’re people. I don’t like identifying terms. First, I don’t like, you’re American. I don’t care this label African American, Dominican American, whatever you want to call it its bull shit. Um but I mean a lot of terms are bull shit, Caucasian implies you’re from the Caucuses mountain region, you’re not all Caucasian. African American implies you’re from Africa. And Hispanic, Hispanics are in a unique position because at least in my opinion Hispanic comes from Hispaniola and I’m not a Dominican and I’m not Haitian so I’m not a Hispanic. I’m not Latino, because that’s a Mexican term. I’m not Latino, which is also a South American term. I’m not South American. I’m not Spanish because I’m not from Spain so where am I from? I’m American with Caribbean ancestry so I think labels are—you’re people.

This unwillingness to accept labeling terms is not unusual in “post-racial America” (Hughey 2014). This indicates that more research should be done to understand how this impacts the decisions that minority representatives make when they hold strong color-blind beliefs (Norton et al. 2008). Judge Turner provided her thoughts on the importance of diversity:

I do I do [think it’s important]. And I think that the reason why I say background I think its—I think that diversity is so important on the bench and I guess all jobs but I don’t just mean the racial diversity. I mean the socioeconomic, the religion, race too but as we become more integrated as a society I think race is going to become less important than socioeconomic. Also because you don’t want people
who are exclusively well off and privileged to be judges and I know it’s relative
what is well off particularly in New York.

Judge Johnson and others reveal that a commitment to diversity and the existing
racial order are not mutually exclusive. The contradiction is just one of several themes
that emerged among employees of color. Others respond in the more predictable
manner as conservative leaning defenders of the racial status quo (Gabbidon, Higgins,
and Wilder-Bonner 2013) while others fall on the opposite end of the spectrum showing
a brave commitment to resisting the existing unequal order. Nevertheless, most
respondents fell in this more ambiguous in-between like Judge Johnson, where racial
diversity is an explicit interest but in a primarily passive form, which at its best serves to
simply soften the blow of the criminal justice system. At its worst, it is increasingly
punitive as black and Latino representatives insist that defendants aren’t going to “get
over” on them.

3.6.2 Racial Empathy

Sherry (1986) argues that women alter the legal system simply by their presence
and participation, which is supposed to assist in shattering stereotypes through
increased visibility. Therefore, anyone who comes into contact with judges, who are
women, is expected to learn “a subtle but direct lesson about the role of women in our
society” (Sherry 1986). It is the experience as a woman that gives them greater empathy
and insight into women’s problems, which “regardless of the substantive content of that
perspective—sometimes enhances the contribution that women judges can make in their
decisions” (Sherry 1986:162). There is certainly value in simply employing a demographically diverse group of people, but evaluations of substantive representation (Pitkin 1967) are necessary to evaluate the impact that such diversity has on an organization.

The expectation is that people are more likely to be empathetic towards those who look like themselves. Sessa, Paola et al. (2014) argue that race can bias the ability to empathize with other persons. Others have found that empathy is more natural when an individual is facing their own race (Xu et al. 2009; Avenanti et al. 2010). Most research has focused primarily on the empathy of jurors (Taslitz 2013). Taslitz (2013:7) argues that without empathy for the defendant, a jury is left only with stereotypes as a basis for judging him.”

Officer Tonya Price, whom I cited above, explains that her empathy comes not from racial similarity, but from her social work background, being from the neighborhood, and her experience. She also makes it very clear that her compassion is unusual for court officers and that her co-workers often tell her that she shouldn’t be:

From what I see I think a lot people think that to do your job like you have to be aggressive and kind of tough. But I’ve found that when you do that you cause more problems than necessary. Of course people come here, they’re angry, they’re mad, but once you realize you aren’t mad at me because you don’t know me [then] I’ll try to bring you down but if you can’t be brought down I can get up to where [laughs] you know what I mean? So it has to be a balance. This is how I get through my day. I always say if I went somewhere and I’m sitting there and somebody’s yelling at me “Get down! Sit Down!” how would I respond to them? Knowing myself I’d probably be like [pshhhhh] “take your f***** hat off and you sit your a** down because I know myself. Then I realized
you don’t have to do that to people because we are all human and most of the time people meet defense with defense. That’s just human nature I think.

Officer Price expresses that her empathy lies in her ability to recognize that any human being would be upset if they are constantly being yelled at or berated. My own observations confirmed the heightened level of rudeness. Judge Ortiz, an administrative judge who grew up in Brooklyn, explains the significance of implicit bias (Jolis and Sunstein 2006) and his view that judges from similar neighborhoods as the defendants have an increased ability to empathize:

When I select a jury and I talk about bias, one thing I say is “we all have biases.” We have been brought up to think that’s a horrible word. We have biases. We like particular colors or we like to dress a particular way or use a particular style. That’s actually a bias. It’s the other biases that we are concerned about and there has been a lot of work that has been done here in New York State. The courts have taken somewhat of an aggressive stance on having lectures about implicit bias to administrative judges. For the last 3 years, newly elected judges who are appointed in January, they undergo a special, usually about a week, of basic judge training. The last three weeks there has been a panel to talk to them and have them think about implicit biases [and] things that we wouldn’t normally pick up on. And this year we actually gave them a website, I can’t think of the name right now but we gave them a website and encouraged them go there, they have all different types of tests. Pick one, take it. You are going to be amazed at what the results are because there are just little things internally and again people are like “I’m not bias” but there may be something that does make you a little bias. Coming from the neighborhood of the people that you have in front of you I think minimizes that because the life experiences are different. The understanding is different. You know my “bs” meter is different than many of my colleagues and I’ve had cases where defendants standing there and giving me this whole story you know talking about this area and it’s like I know that block that’s not what’s there you know. Don’t give me that. It comes into play in a lot of different ways. Perhaps you know being a minority and coming from the Bronx I may be a little more sensitive to the real needs and reactions of people.
Judge Ortiz claims that because he grew up in a neighborhood similar to many defendants that he has a better understanding of their predicament. His responses on particular issues were conflicting though. On the one hand, he was willing to stress the importance of bias, but argued that everyone equally held biases. Legal scholars have revived the concept of bias (Allport 1958), which critical race theorists (Bonilla-Silva 1997:468) have long argued is an inadequate analytical tool due to its pathologizing of racist individuals as irrational, overlooking that racism has a rational foundation. In fact, all organizations are racialized, asserting that discrimination, racial sorting, and an unequal distribution of resources are organizational norms (Ray 2016). Kang et al. (2012) examines impact biases in courtrooms and suggests that exposure through intergroup social contact can decrease bias. Also, despite being critical of policing kids for things he perceived as normal behavior for children, he was opposed to Black Lives Matter, especially with regard to the courtroom. He explained how he made it clear to the attorneys that demonstrations would not be tolerated in court, even in the form of armbands.

Judge Turner explained how she attempts to resist succumbing to the bureaucratic process:

I guess like any job you want to make sure you do your best. And I think for me I’m a new judge, so I should say that. I literally was just elected so you know I want to make sure that I’m fair and impartial but I’m a human being and everybody whether you’re a juror or a court officer or a clerk, you have life experience and what I do for myself to help me always make sure that I remember that there’s a person in front of me is I often sometimes substitute the
image of that person for someone related to me to make sure that I can exercise that human compassion. If it’s a young individual, I’ll make it a niece or nephew. If it’s a senior citizen, I’ll make it a paternal elderly aunt or uncle or so forth just to make sure I see the humanness in this person and I think I say that because it became very clear to me when I was a prosecutor that many people do not after a while. You have to remember like any job when you start seeing the same thing every day you start doing your job by rote? And I’m not saying that that in itself is horrendous but these are people’s lives so you always want to make sure you’re always just better than by rote and that you’re actually seeing the person and appreciating the circumstances of this person’s life.

Research suggests that the empathy that Judge Turner attempts in her decision-making is significant (Glynn and Maya 2015).

3.6.3 Racial Shame

Even among those who are critical of the criminal justice system and the persistent racial disparities, there are questions about what it means to constantly observe black and Latino citizens processed daily (Kutateladze et al. 2014). Josephine, a defense attorney who grew up in Brooklyn, explains what it feels like for even her as a woman of color:

So I felt I felt like it just depended on the person. It really was, but most of the POs, most of the COs, most of the people you see at the level of officers were people of color and you hoped that meant the parolee or the detainee or the client would be treated with a little more understanding and I think a lot of times it’s not the case. I don’t know if it’s because they feel like we’re giving you a handout and they just don’t listen or there’s this resentment. Maybe you know, I think that people of color and I can say that I fall into this you know sometimes you [long pause and gasp, sucks teeth] I won’t say embarrassed or shame, but you I’m sure that also plays a role in your mind too, like every time you see someone coming through the door it’s a person of color. You kind of just feel like damn why all of us—it almost makes you believe and again until I read that book it makes you believe like everybody who commits crime is a person of color so why I am treating them with a, why am I giving them a special attention or
special treatment when they don’t want to get their life together when they don’t have too many options to begin with.

A Latino defense attorney, Fernando, who was critical of the entire criminal justice system explains how he still feels a sense of shame in how minority youth carry themselves:

And when you’re involved in this system, the criminal justice system and classic example, you get on the train now and you see these black and Hispanic kids the way they act in public and it shames you and its hurts you that your people act like this.

Empathy, despite accompanying a consistent recognition of racism and discrimination (Boisjoly et al. 2006), can also manifest itself in racial shame. Racial shame appears to arise in individuals who feel invested in the well-being of people of color, but are constantly bombarded with negative images of blacks and Latinos through both their employment in the New York City Criminal Justice System, which processes predominantly black and brown citizens (Geller and Fagan 2010) and the frequency of contact with lower SES people of color. These individuals provide structural causes for the circumstances of people of color and feel shame precisely because they do care and are empathetic.

3.7 Conclusion

There are many questions that remain about the role of minority representatives in New York City’ Criminal Justice System. Anticipatory socialization plays a role in inspiring interests in law among children, while the LSAT serves as a bureaucratic
barrier to admissions. Law school then serves an important role in the racial socialization of the students (Wendy Moore 2007). Minority representatives, despite being employed by the criminal justice system are vulnerable to the same policing tactics experienced by the general population. These experiences do not necessarily translate into an adjustment of those representative’s perspectives. Future studies should attempt to sort out the relationship between colorblindness, empathy, and shame and how they impact representative’s decisions.
4. “We Gon’ Be Alright”: Policing, Play, and Protest Among Youth of Color

4.1 Introduction

In this chapter, I will examine how youth of color interact with and perceive New York City’s Criminal Justice System based on ethnographic data and semi-structured interviews. First, I review the relevant literature on representative bureaucracy and youth. Second, I describe my methods, including my positionality. Third, I explore the backgrounds and experiences of the youth respondents. Fourth, I interrogate their experiences and views on policing. Lastly, I explore the role of hip-hop in both play and resistance.

4.2 Representative Bureaucracy and Youth

The theory of representative bureaucracy suggests that in order for an organization to ensure that the interests of all groups are represented in decision-making, the participants must be representative of the public (Mosher 1968). Research on representative bureaucracy and race has been inconclusive (Bradbury and Kellough 2011), particularly regarding policing (Wilkins and Williams 2008) and the criminal court system (Steffensmeier and Britt 2001). At the height of stop and frisk in New York City, at least half of all recorded stops involved individuals who were between the ages of 13 and 25 (Vera 2013). Therefore, it is particularly necessary to examine how young people of color experience and perceive the criminal justice system.
Studies of representative bureaucracy and school discipline have tested whether the racial context within local communities influences the assignment of disciplinary policies in public schools and found that schools rely more on punitive disciplinary measures in school districts characterized by greater segregation and larger African American student populations (Pitts 2007). Research examining the link between representation and performance indicates that schools as a whole benefit from more diverse representation, not just minority students (Roch and Edwards 2015). These results do not necessarily extend to the criminal justice system. There remains uncertainty about the benefits of increased representation for youth of color in terms of police, criminal court, and incarceration.

Researchers have explored the role of race and representative bureaucracy in juvenile detention facilities (Silvera and Smail 2016), suggesting that officers who are able to form strong bonds with youth can decrease recidivism (Schwalbe & Maschi, 2008). Many correctional systems have been attempting to increase the racial diversity of their officers and staff (Dimarino 2009) based on the expectation that officers who share the same race as minors are more likely to form positive relationships with youth. There remains uncertainty about the effectiveness of these efforts.

4.3 The “Dangerous-Dirty-Ghetto-Street” Kids

From the beginning of American sociology, there were efforts to characterize the black population as a heterogeneous group with a “better class,” in contrast to racist
depictions of homogenous blackness as criminal and shiftless (DuBois 1899; Kelley 1993). In *The Philadelphia Negro*, Du Bois divided the black population into four grades: Grade 1 represents the respectable, well-off, upper class of blacks (talented tenth), Grade 2 refers to the respectable working class, Grade 3 describes the honest poor, and Grade 4 (the submerged tenth) includes “the lowest class of criminals, prostitutes, and loafers” (Du Bois 1899:138). Separating the black community in this manner allows individuals to distinguish the more “respectable blackness” (Smith 2014) from the “indecent” submerged population.

It is important to recognize that the four-grade scale was developed around the turn of the century when the notion of blacks being fully integrated into American society. Wilson (1978, 1987, 1996) suggests that the *underclass* (Grades 3 and 4) is isolated as a cultural opponent to all of mainstream society. Social isolation is defined as the lack of contact or of sustained interaction with individuals that represent mainstream society (Wilson 1996). The degree of social isolation for the *underclass* in these highly concentrated poverty areas has become far greater than previously assumed (Wilson 1987). Young black males are also isolated from employers, white mentors, and teachers (Ferguson 2000; Neckerman 1991; Royster 2003). This *underclass* was considered a small percentage of the population at the turn of the century and grew as a result of deindustrialization and shifts in the American economy (Newman 1992). Anderson (1999) divides the *underclass* into “decent” and “street” families, which he argues is an
inconsistent distinction because decent families adopt street strategies and vice-versa (code-switching) depending on the circumstance. Anderson acknowledges how the genealogy of this intra-racial classification traces through Wilson (1987) and DuBois (1899):

DuBois portrayed the submerged tenth as largely characterized by irresponsibility, drinking, violence, robbery, thievery, and alienation. But the situation of the submerged tenth was not a prominent theme in his study as a whole. Today, the counterpart of this class, the so-called ghetto underclass, appears much more entrenched and its pathologies more prevalent, but the outlines DuBois provides in the Philadelphia Negro can be clearly traced in the contemporary picture (Anderson 1998: 255).

The so-called “ghetto underclass,” Anderson argues, is more entrenched and its pathologies more prevalent (1998). Therefore, an individual’s willingness to participate in behaviors associated with this ghetto pathology become markers of an individual’s moral classification. Alice Goffman provides the most recent manifestation of this historical categorization of inner-city racial minorities (2014). Although she is critical of how the young men in Philadelphia are labeled for minor offenses in her ASR article (Goffman 2009), in her book she provides a binary division of her own that separates youth into “dirty” and “clean.” Goffman argues that in contrast to Anderson’s distinctions (1999), the line is now drawn according to legal standing (2014). Goffman (2014) defines the classification as follows:

Those who have no pending legal entanglements or who can successfully get through a police stop, a court hearing, or a probation meeting are known as clean. Those likely to be arrested should the authorities stop them, run their names, or search them are known as dirty (5-6).
Although Goffman (2014) claims to be shifting the focus to labels associated with the growth of mass incarceration, it is more of a reproduction of older taxonomies under new terms. The growth of policing has been dominated by the widespread use of tactics such as stop-and-frisk (Torres 2015), which was applied predominantly to individuals who were innocent of any crime rendering a distinction between dirty and clean irrelevant in terms of policing. Racialized policing relies on overlooking the distinctions between individuals and criminalizing people of color. In this article, I am concerned with how these divisions apply for youth from the vantage point of policing.

4.3 Methods

The analysis for this chapter is based on ethnographic data and ten interviews with black and Latino youth ages eighteen to twenty-two. The interviews included 6 males and 4 females. The ethnographic data includes observations and conversations with individuals who were both younger and older than the sample population I interviewed. I used a semi-structured interview and each interview lasted between thirty minutes and one and a half hours. Respondents were asked to complete a demographic sheet before each interview that included questions about their race, age, and employment status. The interview data was transcribed verbatim then coded to identify themes and conduct analysis using grounded theory (Glaser and Strauss 1976). Eight of the respondents grew up and lived in the same neighborhood. In order to
protect the anonymity of my respondent’s, I use pseudonyms and mask the specific
details about the neighborhood.

4.3.1 Project Boy for Life: The “ghetto” ethnographer returns home?

Between 2014 and 2015, I spent 15 months conducting ethnographic research
throughout New York City’s Criminal Justice System, which included observing youth
at a community program. The Center is the pseudonym for the neighborhood community
building where the program was located. Eastern Heights is the pseudonym for the site of
my ethnographic fieldwork. Eastern Heights resembles other gentrified areas in New
York City where black and Latino residents who reside in public housing live in close
proximity to middle and upper class private housing made up of predominantly white
residents.

During these 15 months, I witnessed a number of violent incidents. One in which
I grabbed a pipe out of one of my respondent’s hands, searched for another hiding in a
building from an opposing gang, took another one to the hospital after a glass bottle
shattered in his hand, and was threatened by members of the rival gang who articulated
that they could care less that I was a “grown man.” Despite the verbal affronts and
threats, I saw them as children and understood their anger. This conflict was merely the
newest iteration of a historical confrontation between projects that started before my
generation.
I could have written about when Kadeef pulled a bag out of his socks with a couple crack-rocks in it and how I purchased the bag from him just to flush it down the toilet in front of him. The first time I had seen a bag of crack flushed down the toilet was when my childhood friend found a bag in his mother’s drawer while looking for a cigarette to steal from her. I can still recall him telling my eleven-year-old self to not tell anyone as he discarded of the bag. I had spent a lot of time around youth as they conducted transactions in stairwells, apartments, cars, lobbies, and out in the open but the sensational aspects of inner-city communities of color have been addressed repeatedly. Those stories are glimpses of a dissertation that I was never interested in writing.

It has always been a strange feeling to have grown up in the so-called “exotic” terrain of low-income African American men in the urban sphere (Young 2008:182) and read about people like myself, friends, and family as participants. Recent ethnographies are not far from 1960s line of thinking that focused on cultural analysis (Young 2008). Rather the consideration of the structural constraints imposed on black and Latino youth is an extension of those who considered the structural impediments in the form of limited employment prospects and how that forced the development of a subculture (Wilson 2010). Despite sometimes challenging notions of cultural difference, readers are still left with the impression that street folk “men on the run” (Goffman 2014) are culturally distinct and inferior.
My relationship to the demographic of arrestees and defendants was articulated by Aubrey, a white legal aid attorney, who questioned how some defendants marked themselves and made the connection to me:

Sometimes people mark themselves. I mean, I have clients with tear drop tattoos on their faces. You make that choice you can’t really argue that I am being discriminated against because of my tattoo. I mean, for my clients, maybe they wear cornrows, or I saw you have hand tattoos, maybe they got those when they were 15. I mean whatever markers there are, you know I mean the whole outfit that comes up with growing up in a certain neighborhood.

Christine, an Asian legal aid attorney warned me that I might be confused for her client, which happened occasionally when I accompanied her to court. Some court officers were aggressive towards me before I became identified as a student. I explained that I was not surprised that I was confused for a defendant in criminal court and Christine replied, “I know you are being understanding but it really isn’t fine.” I, then referred to an interview where a Dominican public defender told me he gets mistaken for clients all the time. Christine stated she has heard of this happening to young women of color as well.

Unlike Wacquant (2003) and Bourgois (1995), I do not claim that this research began as an accident, where I as the curious and innocent researcher stumbled upon this topic. I was aware of the setting and the destination was intentional. Although many of the buildings and physical locations were familiar, much had changed since I had spent any more than a few days in New York City and even fewer in Eastern Heights. There were new faces, new dynamics, and a new feel to the neighborhoods which I once
called home. Nevertheless, my experience was only one narrow version of what policing and growing up in New York City was like. I was still ignorant to the younger generations experiences and the intricacies of the criminal justice system when I began this research.

4.4 No Sheltering from “the Struggle”

Many of the disadvantages that racial minorities face in New York City begin early in life. Black and Latino children are more likely to grow up in poverty (Patten and Krogstad 2015) and attend failing schools (Boschma and Brownstein 2016). Black and Latino youth significantly are also significantly less likely to be enrolled in school or working (Lewis and Burd-Sharps 2015). The unemployment rate for youth of color is also higher for black and Latino youth (White 2015). The youth in this section describe their class background, expectations for the future, and neighborhoods growing up.

Kadeef was 18 and unemployed when I interviewed him. He described Eastern Heights growing up as “violent sometimes” and stated that there were “a lot of drug dealers.” When asked about his class background growing up, he responded, “Aw man, like low—low class that’s what I would say that’s what I think cause like what you saying?” I replied that his understanding was correct and that I was asking for how he would describe his class background in his own words and he explained further:

I think to me, if you ask me, I think low class because we were living in a poverty area like the projects and stuff and my mom only had a one room apartment until my brother was born then they gave her two rooms and we just upgraded to three so yea. It was one room with two parents and two kids in it. When we
went to the two rooms it was five kids in two rooms and now it’s like 8 kids in 3 rooms.

During my field research, Kadeef’s family had moved to another public housing complex where they were given a larger apartment. For him and his family, the move to a three bedroom was a significant improvement. His mom braided hair to support their household. When I probed further about his experience growing up he explained some of the difficulties he had:

Aw man like my childhood neighborhood—kids are mean so my childhood like I got laughed at, I done stole video Gameboys from kids cause I ain’t have none. Action figures, I ain’t have none, so I use to steal them and then I’d see something in the lost and found. I had a rough childhood. I use to keep s*** in the lost and found. Excuse my language.

Criminologists have long studied the impact of strain on deviance, particularly for youth (Agnew 2001). The stealing, Kadeef described is found to be strongly correlated with experiences of poverty (Moon, Blurton, and McCluskey 2008). Early on Kadeef was labeled a “street” kid. Ferguson describes in Bad Boys (2000), how young black males are framed as young as 9 and 10 years old as destined for jail.

Anthony, 19, was employed at the Center and grew up in Eastern Heights as well. He was attending community college in hopes of becoming a chef. He similarly describing his childhood as poverty-stricken explaining that he had grown up in “the struggle” and was an example of the kind of young man that Anderson (1999) would label “decent” and Goffman (2014) would call “clean.” He explained that they “got through but it was mostly the struggle.” For Anthony, the neighborhood was mostly
safe, but he believed there were people who “mess it up.” The “people” he is referring to is the neighborhood youth gang. When I asked him about his experience growing up, he described it in the following way:

Well I actually—I wasn’t really outside in my youth. I was just basically home like in the park but not that much, like I knew what was going on around but I wasn’t there so yea. I feel like that was a good choice for me however—how do I feel about everyone else around? I don’t feel like it means anything like most of the kids that was around the neighborhood—I think the neighborhood is pretty safe but I think the kids try to make it into something it’s really not.

It is obvious from the responses of these two young men, that although they shared a similar class position, that there was a distinction in terms of how much they were “sheltered.” Anderson (1999) and Goffman (2014) both found this “sheltering” among “decent” and “clean” youth. Kamila, 18, grew up in the same neighborhood for the majority of her childhood in what she would described as “impoverished” and below minimum wage. She was raised mostly by her great-grandmother, who was an immigrant from the Dominican Republic. As a child she said she wanted to be everything “a vet, an astronaut, a singer, a dancer,” but is now pursuing a career in nursing. Kamila also described how she was sheltered early on because of her family’s fear of the crime she would encounter in Eastern Heights:

To be honest with you, my great-grandmother and my mom because—my mom and my dad both lived in this neighborhood they never really wanted me around this neighborhood just because when they were growing up there was a lot of drugs and there was a lot of—I guess crime. I’m not sure exactly how I would paint it but they for sure didn’t want me hanging out in the parks around here because they said it was a lot of drugs so I never really hung out in the
neighborhood. My parents are very protective—well my great-grandmother was very protective.

Family members in neighborhoods with high levels of fear of crime, often try to keep their kids “out the street” to prevent them from victimization and engaging in delinquent behaviors (Carver, Timperio and Crawford 2008). Criminologists have argued that parenting style is instrumental to a child’s likelihood of engaging in delinquent behavior (Gottfredson and Hirschi 1993). For all the youth I spoke with, it was this difference between being outside and being sheltered that dominated their view of themselves and their peers. I never asked any of the respondents about whether they felt they were sheltered but rather it was part of how they responded to being asked about Eastern Heights growing up. The distinctions among youth appear to focus on time spent outside. This not a moral classification, but a recognition that regardless of who you are, simply being outside puts you at risk for joining a gang or participating in crime. In the net sections, I will examine what these distinctions mean in regards to policing and contact with the criminal justice system.

4.5 When Converse7 Save’s Lives: Experience and thoughts on Policing

There is a wealth of research addressing the disproportionate contact that youth of color have with police (Pollock 2014). The public has witnessed no shortage of incidents where police interactions with youth have ended in deadly encounters.

7 An American Shoe Company.
Although outsiders may perceive stops as simply inconvenient encounters, for youth of color who are stopped frequently, these stops can be traumatic and life-threatening.

When I asked Anthony to describe how many times he had been stopped by police, he responded:

Five times. There were a lot more but recently that I can remember is five. There was two when I got out of working like finished working I just got out and like they held me against the wall and basically was just asking me questions so there was those two, one where I actually got saved because of my con—like I decided, it was in the winter but I was going to walk my friend to the train station but instead of wearing boots I decided to wear Converse that day which pretty much saved my life if you want to say that.

When I probed further, he explained that he had fit the description of someone wanted for a robbery:

So what happened is I walked my friend to the train station [and when] I come back home I see a police car roll up and ask me to stop. He let me listen to the radio and was like oh there’s this dude in a black hoodie or blah, blah, blah that basically robbed this lady that was by the train station from like way back.

[Then] a whole bunch of police cars came up and I had to stand there and just because this white lady that was in the car she said that I’m—that the dude that robbed her had on boots and I had on Converse. That was basically the one thing that changed their mind, so if I didn’t decide to wear boots because it was winter, so my thoughts would have been boots, but I just went out for a quick run to the train station. But if it wasn’t for her, I probably would’ve been in a worse situation. Another time I had my keys on, but I think that this one just they basically thought it was something else. They basically pulled me out the train station because they saw my keys and thought it was a blade.

He then recalled another incident when I asked in general about his thoughts on policing:

My thoughts about police are not all of them are bad people but I feel, but I personally feel like most are corrupted with power and I also feel like they judge
people too fast, regardless of what you have on or who you are. They sort of just judge you by where you at, the location, the type of people you around. I been stopped a couple times by police and it wasn’t even like the right information and like one time I went out to jog and I had on like a blue sweater. It was nighttime so I go for a quick run and out of nowhere it was like a movie and it was like ZOOOM! Twenty cops come out of nowhere and from different angles and stop me and told me to get on the ground, cursing—guns already out by the way, and they basically checked me, patted me, and one dude kicked my phone and had his knee pressed against my neck and after they checked me they were like “oh we got a call from somebody that this dude in a black hoodie had a gun” or something and I just didn’t go running that day so I feel like I feel like they could be like automatic on the judging list like they judge people.

This occurred with most of the respondents. Incidents showing extreme interventions without much cause were quite common. These incidents were so frequent and a part of their everyday experiences that they would recall different accounts even as we spoke about other things. When I asked Kadeef about how many times he had been stopped he replied:

Aw man infinity. Nah, I been stopped plenty of times. A lot. For jogging. Like what I was jogging? For playing with my friend in the street? For getting into an altercation. I got jumped by a couple of guys and I got arrested for defending myself and they saw everything and they arrested me but I didn’t know. That’s how I feel.

Interestingly, he described an incident where he was stopped for jogging. The public housing complex that most of the respondents lived in was in close proximity to a park where residents often jog and ride bikes. He then described another incident where he was arrested for being jumped. Malcolm, who had just turned 18, was unemployed and mostly a quiet individual. He explained how he was arrested for looking like
someone accused of committing a robbery. He then described how he was arrested multiple times because he was stopped and did not have identification:

One time I got arrested—I just got stopped because they said I looked like somebody but later on the kid who got robbed came and said it wasn’t me so they let me go out the precinct. I got arrested off of a stop like three times because they stopped me and they searched me and if I don’t have an ID they’ll just take me in.

Tina, 21, who was also employed at the Center, and was only home from college for the summer. She explained that her family’s experience with the criminal justice system has caused her to dislike police officers, despite having family who worked in law enforcement:

I have seen just about everybody go to prison and I find it so ironic because my grandmother was a parole officer so you would think that we would have some kind of admiration for them, but instead, you talk about police officers and it’s an automatic hatred and she doesn’t even consider herself a police officer or part of that force at all and she was a parole officer and that just shows the discrimination that’s there.

The family tie to law enforcement is overcome by the experiences with the criminal justice system. Studies suggest that having family who are police officers correlates with positive attitudes toward police (Sargeant and Bond 2015). Tina’s response puts this trust into question regarding black and Latino officers and their families. Angel, 18 and unemployed, grew up in Eastern Heights but did not join the local gang although he did spend time outside. He described being stopped for simply walking with a plastic bag. Angel explained how they were playing the lottery with his life:
No, not at all. I got stopped for walking with a plastic bag and I think if I was a different color that would have never happened and it was like 11 o’clock and I’m just walking with a bag going somewhere. I’m about to wait for the bus [and] they just riding by and they like oh let’s just check, let’s play the lottery basically, playing with my life.

The tremendous failure of stop-and-frisk tactics was largely its lottery like quotas where police officers fish for weapons and drugs despite searching innocent people the majority of the time. Anthony described how he feels police officers target black people and Latinos:

No, definitely not. I feel like they target. I feel like they first target the so-called bad parts of the neighborhood then they target black people or Hispanics, but before all of that, they basically target you from the people you hang out with the people you around, how you look, the things you wear, and then after that—that’s just it they don’t. They don’t ask any questions. Although the real criminals could be in a suit, they will basically just target you out just because that’s what the world portrays black people as or Hispanics.

When I asked Kamila about her thoughts on policing she began recalling from both personal experiences and those shown on television and social media:

Are you asking me as a colored woman or as a by-standard? Because growing up I had the police break down my door and arrest my uncles, both my uncles, my mother. I’ve had police officers arrest me, arrest my brother, so if you’re asking me from a perspective of a Latina, you don’t grow up like “oh they’re here to protect me, they’re here for me” —no. You grow up scared, even when you’re the victim, you can’t rely on them because you know that they’re going to assume you are the suspect regardless and as a by-standard it’s almost like you see it happen on the news and on TV and on Facebook and on Instagram, it’s so surreal but this is something that’s always been happening, it’s just that now social media is like that perfect window where you catch it right on time.

Kamila separates her views into an interesting binary as both a “colored woman” and as a “by-standard.” As a Latina, she describes the very personal and intimate
experience with a constant police presence and threat. She concludes that from that perspective you grow up scared and is not alone in that perspective. Research has long found that in comparisons to whites, blacks generally have a less positive attitude toward the police (Frank, Brandl, Cullen, & Stichman, 1996; Reisig & Parks, 2000; U.S. Department of Justice, 1995; Wortley, Macmillan, & Hagan, 1997). Schuck, Rosenbaum, and Hawkins (2008) have found that the racial gap is even larger in terms of fear of law enforcement.

Her response also points to an increasingly significant component to the public image of policing, which is the role of social media. Kamila describes how seeing police brutality happen on TV, Facebook, and Instagram makes it surreal. Studies on the effects of watching “reality” police programs indicate that viewing decreases confidence in police while it increases for whites (Eschholz, Blackwell, Gertz and Chiricos 2002). Although research has examined the role that television plays on individual attitudes (Chiricos et al., 1997; Gerbner & Gross, 1976; Heath & Gilbert, 1996) and particularly how it impacts the perception of policing (Dominick, 1978; Flanagan & Vaughn, 1996; LaGrange, 1997; McLeod & Reeves, 1980; Surette, 1998; Tuch & Weitzer, 1997), there is insufficient research addressing how social media impacts policing (Goldsmith 2015).

Although for Kamila it appears clear that her personal experiences with policing have created distrust and fear, her opposition is not straightforward. She mentions that she “loves the idea of what the criminal justice system was supposed to be,” but that she
would never consider being a police officer. Anthony, despite having been stopped frequently but never arrested also makes it clear that all officers are not bad. Even Kadeef, who explained that he was first stopped when he was 15 and would be rendered “dangerous by DuBois (1899), “street” by Anderson (1999), and “dirty” by Goffman (2014) provided a balanced evaluation of police:

My thoughts about police is right now I mean—cops got to be there either way so I’m not going to say “oh the cops I don’t like cops” because I don’t want to sound ignorant but all I’m saying is like they need to figure out what they looking for and who they going for like the type of targets because they harass the wrong people most of the time. I don’t know. They letting go the killers and locking up the drug dealers. The drug dealers ain’t killing nobody so like go get the killers that’s like how I’m thinking.

Despite having experienced frequent harassment and in some cases engaging in criminal behavior, none of the youth completely condemned policing. This contrasts the news version that portrays young people of color as possessing intense hatred of the police. In many cases they could justifiably feel such a way but instead were simply critical of the way that policing was conducted.

4.6 Courts and Jail

The employed youth who had not been engaging in crime at all reported little experience with court and jail. This experience was relegated to nearly all young men, particularly to those who had by their own account committed crime. Ian, 18, member of the local gang, describes what his experience with criminal court has been like:

My experience with court is I feel I lived and learned that it taught me a lesson. Court is a scary feeling. It’s like you just going—you this little person and you’re
going to see this person with a black gown and a big, big chair, high chair with a gavel, he or her has their whole faith in your hand and can decide what you doing and what’s going to happen to you. When you get arrested and you try to explain yourself they tell you to tell the judge because that’s who has the ball in their hands. I mean, I’m not a dumb guy so I understand most stuff but some words I got to be like what did she just say because the way they put it.

Ian describes feelings of fear and powerlessness in criminal courtrooms that were deigned to make defendants feel this way. Kadeef describes how he ended up in a Juvenile Correctional Facility, he offers an explanation that resembles strain theories:

Yes, I have and I’m not proud of it. When I was a juvenile I was young and I asked my mom for something and she didn’t want to get it for me and I really wanted it so I’m like man I’m going to get something and I’m going to sell it and get what I wanted and I saw some guy and he had something—I mean an iPad actually and I snatched the iPad and I ran and I got low. I got out of there. I disappeared for like two weeks [and] I thought I was good. I thought I got away with it, I was getting a sandwich and the detectives in plain clothes just came and arrested me and when they arrested me they charged me with grand larceny. I went to Juvenile Horizons in the Bronx and I did like three months and then I got released on probation and they gave me community service and I had to go check in the office every now and then. I did some community service with some psychotic people.

Another 19-year-old, Domonique, spent time in the same juvenile facility, and described what his days were like:

Correction officers treat us terrible. The staff treat us terrible. As soon as they get a chance, like say two kids are fighting or whatever [and] they don’t know how the fight started. Even if you stop moving, they will still restrain you so roughly like slam you on the floor. They beat some kids up for disrespecting them because some kids are angry and they say certain stuff and when there’s no cameras they get other kids to beat the kids up, giving them snacks, giving them Chinese food when they’re not supposed to have that like “if you beat him up I’ll give you some Chinese food.”
Kalief Browder, who was incarcerated on Ryker’s Island despite being innocent of the crime he was charged with (Gonnerman 2014), was subjected to documented abuse by both inmates and correctional officers. There has been evidence of prison guard brutality in several recent cases in New York (Mann 2016). Studies have addressed the atrocities that inmates face in prisons and jails (Terry 2000). The threat of physical violence is accompanied by other “pains of imprisonment (Messinger 1976). Children in juvenile facilities have encountered cruelty and physical abuse as well (Freer 2005). New York remains the only state, other than North Carolina that prosecutes all youth as adults once they turn sixteen years old (Raise the Age NY 2017).

4.7 The Studio

The recent global protests to end mass incarceration and police brutality, led by #BlackLivesMatter and other organizations, have involved hip-hop as a fundamental component to mobilization. Existing literature has explored the history of hip-hop (Hager 1984), its context and impact as a culture (Forman and Neal 2004). More recent work has examined the movement culture of hip-hop and its ability to mobilize for political participation through an analysis of the role of hip-hop in the Occupy Movement (Malone, Martinez, and Anderson 2015). In accepting hip-hop as “the organic globalizer,” I recognize the genre’s global appeal, while maintaining its function as a grassroots phenomenon (Malone and Martinez Jr. 2015). In this section, based on participant observation at protests throughout New York City, and ethnographic data
from two summers leading a recording studio for teens and interviews with youth of color, I argue (1) that hip-hop is central to any social movement that wishes to engage marginalized people of color and (2) that rapping must be understood as self-expressive play for youth of color, especially those targeted by the criminal injustice system.

Previous research has tended to focus on examining established artists’ impact, providing textual analysis of particular lyrics (Parmar et al. 2015). Despite a wealth of research concerning inner city black youth (Anderson 1999; Goffman 2014; Rios 2011), there is scant research concerning their practice of rapping, which provides creative voice to those who are often the subject of sociological research. Combining an analysis of both protests and observations at a recording studio for teens, allows for an opportunity to trace how youth themselves construct messages and how hip-hop is more than simply a soundtrack to protests, serving as a flexible recruitment tool. The ethnographic data highlights how popular hip-hop songs are collectively re-appropriated as with the remixed lyrics of Rae Sremmurd’s “No Flex Zone” (2014) organically becoming “No Cop Zone,” as protesters chanted and attempted a number of popular song adaptations. Evidence from the studio sessions allow for an analysis of message construction among youth themselves where misogynistic and violent lyrics can shift quickly into critiques of policing and calls for social justice.

Bakari Kitwana (1994) argues in his book, The Rap on Gangsta Rap, that all culture is political. Baker (2011) argues that rap lyrics themselves can constitute language-based
revolt. Research examining post-Katrina hip-hop found that the music not only provided a narrative of dislocation but also challenged the media’s discourse (Kish 2009). The relationship between rap and the Black Lives Matter movement has prompted some to suggest that this is hip-hop’s protest era.

4.7.1 First Day

The first evening that I opened up the studio at “the Center” was by all means a success. The “worst” teenagers in the neighborhood and those labeled as “problems.” They flirted with the idea of smoking in the Center, but that was quickly framed as not worth it with Malcolm saying, “nah, you gone make it hot in here,” a signal that smoking in the Center would put the whole recording studio at risk. It started off slow with hesitations as far as rapping, but eventually developed into them recording songs they had already written, freestyling, snapping jokes on each other, and policing themselves. At one point, a group of younger children (10-13) entered and were so excited to see the recording equipment and their older peers, who many of them look up to rapping. The session ended with about twenty kids in the center, with the attention focused on Kadeef and Malcolm as they went back and forth rapping.

All of the youth were participating in various way even if they were not rapping. Some provided adlibs for songs and were simply excited about hearing their voices recorded. Angel was not a part of the local gang and had incidents with some of the other teenagers in the past. When he first showed up, he told his mother, “those are the
niggas I got beef with” referring to Malcolm who had been supposedly plotting to rob him. He then left with her and texted me 15 minutes later that he wanted to come back. When he returned, he sat near me trying to maintain a role in the background, chiming in every once in a while but not comfortable enough to rap. He told me that his mother said he should return because his presence might end their “beef.” It did indeed. In fact, by the end of the summer, Angel and Malcolm had become close friends. From 7 to 10 PM for the rest of that first summer, over 20 teenagers attended the studio recording program on Tuesdays, Wednesdays, and Thursdays.

4.7.2 The Importance of Play

African Americans and Latinos have historically had their access to recreational activity restricted (Fernandez and Witt 2013). Pools were segregated and recreation became an important component to the Civil Rights Movement (Gutman 2008). There is a number of studies examining how racial discrimination inhibits the leisure activities of people of color (Blahna & Black, 1993; Sharaievska, Stodolska, Shinew, & Kim, 2010; West, 1989). In The Utopia of Rules, David Graber (2015) argues that play, free-form creativity, is a necessary activity in a rule-bound society. More recent research has found that at neighborhood level race and income impact park quality (Vaughn et al. 2013; Jenkins et al. 2015). Research has found that the role of recreation centers extends beyond play as well, serving a critical role in social justice youth development (Pryor and Outley 2014).
A popular prescription for resolving issues concerning race and police brutality is to frame the issue as a conflict with distrust on both sides and suggest we increase community policing (National Crime Prevention Council 2007). Community policing refers to the notion that police officers and the public can work together on solutions to community concerns related to crime, fear of crime, disorder, and neighborhood conditions (Trojanowica et al. 1998). Others argue that racism creates barriers to building trust in community policing historical inequality, officer denial of racism, society is shaped by racism, and racist ideologies are embedded in police socialization (Dias 2006). Most community policing programs rely on broken windows theory (Wilson and Kelling 1982), which argues that disorder leads to more serious crimes. Harcourt (1998) argued that there was no support for the broken windows hypothesis, followed by Sampson and Raudenbush (1999) providing empirical support for the position that social disorder is not predictive of crime. The decline in crime in cities like San Francisco, which did endorse broken windows style policing, put into question the veracity of former Mayor Giuliani’s claim that these kinds of tactic were responsible for New York City’s crime drop. Nevertheless, the past versions of policing are often romanticized and described as community policing alternatives where the officers new the neighborhood they policed. Despite the narrow historical interpretation of a past riddled with racism, it appears to be a reasonable alternative to strangers policing you. Therefore, when police officer occupied the Center and aggressively demanded the attention of youth, I
was more disappointed in the fact that these were not the officers who were actually patrolling *Eastern Heights*. Instead, these were officers deployed by the community affairs unit and were different officers every time.

One incident at *The Center*, included an abrasive and aggressive officer bursts into the room and tried to invade the recording space. This officer, also black and male, came in and said “who got the rhymes?” and yelled repeatedly “where the rhymes at,” before Kadeef responded “who called you” and the officer said “9-1-1.” The officer than stood, a few feet behind me staring down the room attempting to use police style aggression to get the youth to speak to him. I politely asked the officer if I could speak to him really quickly outside the room. I very politely stumbled as I try tried to tell him that I spoke with someone already about not coming into the studio because it makes the teens uncomfortable. He asked angrily, “you spoke to me?” and I clarified that it was another officer and appearing visibly frustrated, raised his hand in a dismissive way and stated “go ‘head man, do your thang” and walks walked off upset. Although the police officers viewed my requests as disrespectful, my goal was to secure that everyone could continue recording without the police presence in the room since I had been responsible for recruiting them to the program. The director would continuously attempt to remind me that “these guys don’t have anything to do with the local precinct and that “they’re good guys.”
By the end of the summer, Billy, 24, mentioned after stating that it was a pleasure working together that “because of you every two weeks an officer comes up to me and says why can’t I go in the studio recording” and then described how they would continue on a long speech about change and what needs to be done to improve relationships. It is difficult to understand how politics based on structures gets enacted at the individual level. But this doesn’t negate the structural problem with police forces and the criminal justice system more generally. They are overestimating their individual power and agency. They argued that change began in the Center but these police officers didn’t actually patrol Eastern Heights. Instead, officers were sent from the Community Affairs unit to build relationships with the community, which they still attempted to do aggressively.

4.8 Protests and Hip-Hop

On December 13, 2015, a week after a Staten Island grand jury declined to indict Daniel Pantaleo in the death of Eric Garner, Black Lives Matter activists organized the largest protest I had personally witnessed during my field research. Protesters gathered at Washington Square Park and marched through lower Manhattan in what was a highly organized demonstration with a predetermined route lined up with police officers the entire way to its end at One Police Plaza. As the crowd began to disperse, a young man with a do-rag and a bullhorn began calling for people to “take the bridge.” This more spontaneous act was similar to what I had witnessed at other protests that
ended up blocking traffic on the Westside Highway and FDR Drive. We arrived at the entrance to the Brooklyn Bridge as NYPD officers were beginning to form a human barrier. Someone in the crowd shouted “run” and everyone sprinted towards the bridge before the officers could close it off. After chants of celebration, protestors debated whether to rush the police officers awaiting us on the other side or veer right as they were directing us too. We locked arms and proceeded to exit the bridge to the right. We would continue to the Barclays arena where protesters staged a “die-in.” This form of demonstration, with everyone lying on the ground silently had become a popular technique. The same young man in the do-rag, turned out to have known Eric Garner and was there when the incident occurred. He spoke briefly at the entrance to the Barclays and then suggested that we march to the Pink Houses where Akai Gurley was killed. It was at this moment that the crowd began to dwindle in size. As we walked deeper into Brooklyn, many protesters openly became concerned that we were going through “sketchy neighborhoods.” As we got to East New York, many of the white protesters had gotten on the train but were replaced by black and Latino residents from the neighborhood who began to run out of their homes and off the street to join the protest. By the time we reached the building in which Akai Gurley was shot and killed, the demographics of the crowd had shifted to predominantly black and brown. After a vigil in the courtyard of the Pink Houses, police officers began approaching what had become a relatively small group of protestors. One young man spit on the police van
sparking an aggressive ambush towards him. Myself and others intervened in the middle, raising our hands, and shouting “Hands up, Don’t Shoot.” Other similar incidents had occurred at different protests and had been resolved with the same technique. A young black man, who had been protesting from earlier in the day and was not from the neighborhood was yelling at others to get back as he spread his arms in front of the police. Several men from the crowd, who were from the neighborhood, yelled back at him and began to recount their stories of police brutality in response. One man, said the police had shot him four times, raising his shirt to show his scars. A second man screamed that police had shot and killed his cousin. It became clear to me at that moment that there was a significant division among those outraged by police shootings. There were those who were upset about the prevalence of police violence in principle while others were intimately aware of the consequences of this violence because they had experienced it themselves. As I prepared for the police to aggressively arrest us all, a black senior officer shoved himself through the ensuing confrontation, turned to a group of mostly white officers and yelled at them to get back. His intervention regardless of intentions proved useful at deescalating the situation.

Hip-hop had been the soundtrack to each protest I observed with structure chants and more spontaneous remixes. In the story above, it was the music that partially masked the ten hours of walking we had done. The group of protesters marched to the nearest train station after the near confrontation with a group of officers. On the subway
ride home, some protesters began a rap cipher as others danced blurring the line between protest and play.

4.9 Conclusion

In conclusion, youth of color, regardless of their status as “street folk” or having a criminal record, are policed aggressively. These stories of discrimination prove that there is a lot of work to be done to understand how these experiences impact young people. There are also concerns about the experiences of youth in juvenile facilities. In addition to the burden of frequent police contact, youth of color have difficulty finding spaces where they can express their creativity. Hip-hop appears to serve as one vessel for this playful creativity. In addition to its role as a recreational activity, hip-hop has proven to be instrumental to social movements that engage black and Latino youth.
5. “Will the Real Representatives Please Stand Up?”: Extreme Vetting of Police Recruits

5.1 Overview

In this dissertation, I examine the role of race and representative bureaucracy in New York City’s Criminal Justice System based on ethnographic data, interviews, and court observations. In chapter two on, I examine the experience and perspective of black and Latino police officers. In chapter three, I explore the role of racial representatives in New York City’s Criminal Courts. In chapter 4, I conclude by focusing on youth of color and their relationship to the criminal justice system.

These chapters collectively build on critical race scholarship and the theory of representative bureaucracy to assess both the experiences of people of color whose lives are in embedding in the process of criminal justice. A critical examination of the role of racial diversity provides new insights into the link between passive and active representation. Although assumption continue to be made about racial diversity, the evidence from these chapters suggest that researchers conduct local analyses that account for all components of the criminal justice system.

Findings from chapter two suggest that anticipatory socialization plays a foundational role in individuals who later pursue careers in law enforcement. The responses do no support a clear link between passive and active representation in regards to race. Instead, there are complex ways that black and Latino police officers account for racial discrimination and simultaneously reinforce and challenge the status
Police socialization, discrimination, and the risk and penalties associated with active representation serve as significant social forces.

Results from chapter three extend the findings from the previous chapter by highlighting the role of anticipatory socialization among individuals who pursue legal careers, while the LSAT serves as a bureaucratic barrier to admissions. Law school and early experiences as attorneys serve as powerful socializing forces. Similar to police officers, black and Latino attorneys, judges, and court officers offer a complicated strategy for dealing with discrimination as they fulfill their respective duties. Nevertheless, these experiences are not necessarily transformative and the link between passive and active representation remains tenuous.

In chapter four, the data suggests that youth of color, regardless of their status as “street” or “decent” (Anderson 1999), are policed aggressively. The discussions of experiences stop-and-frisk and juvenile jail are coupled with an additional scarcity of spaces where they can safely express their creativity. Music was one way in which youth could play and temporarily escape the overwhelming presence of police in their lives.

There are increasing fears about the impact that the Trump presidency will have on issues of criminal justice system. The findings from this research project suggest that the criminal justice system relies on a variety of racialized practices, both overt and covert. Although it may be difficult to overlook the visible bigotry embraced by the current administration, this research supports the affirmation from critical race theorists...
that many of the practices that reinforce inequality appear seemingly nonracial. Therefore, demographic transformations can communicate the legitimacy of institutions, while masking the continuation of racialized practices.

5.2 Discussion

As travel bans are debated for its articulation of Xenophobia, here lies a different issue that could use “extreme vetting” as a way to reduce discrimination. The process of becoming a police officer already includes a character evaluation, a psychological test, an oral interview, and a physical test. It would be rather simple to incorporate a preventative component to ending racialized policing by assessing someone’s thoughts on race, violence, and aggression before they put on a uniform. In Chapter 3, judge Ortiz states that there is a new emphasis on implicit bias, but then states that all they do is give incoming judges a website and strongly encourage them to do some of the activities. I also witnessed Judge Johnson laugh when his court attorney mentioned an article on implicit bias. Although it was something that was being superficially recognized, it was clearly not something that was being taken seriously. It also strikes me that New Yorkers have the keen ability to signify their support for progressive issues by acknowledging racism and discrimination, but not connecting it with action.
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Biography

Austin W. Ashe was born on July 29, 1987 in New York City, NY. He earned his high school diploma and Associates degree from Bard High School Early College in 2005. In 2009, he graduated from North Carolina Central University with a Bachelor’s in Sociology. Austin published a chapter in Colorblind Screen with Eduardo Bonilla-Silva entitled “The End of Racism? Colorblind-Racism and Popular Media in Post-Civil rights America. He has received numerous fellowships and honors, including the Dean Graduate Fellowship and the Kenan Institute for Ethics Graduate Fellowship.