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INVISIBLY INKED: AN INTERSECTIONAL ANALYSIS OF
TATTOOED FEMALE ARREST PATTERNS

by

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ABSTRACT

INVISIBLY INKED: AN INTERSECTIONAL ANALYSIS OF TATTOOED FEMALE ARREST PATTERNS

Jocelyn N. Camacho
Old Dominion University, 2022
Director: Dr. Elizabeth Monk-Turner

This project fills a gap in the literature of law enforcement response to a visible tattoo on a racialized female arrestee. With the increase in popularity of tattoos and their inherited status as a proxy for deviance, the entanglement of both racialized female bodies and symbols of deviance at the place of entry into the criminal justice system is significant. The racialized female body does not move without carrying the history of violence and inequality on it. As such, the entry of female bodies of Color into the criminal justice system is a time where capturing their experience is critical. In current law enforcement studies, the focus is on male offenders and Black male offenders using mainstream criminological perspectives. Additionally, the literature on arrest patterns of tattooed offenders, much less females of Color, is non-existent. Using an intersectional perspective, this project is a necessary analysis to fill this gap in the criminological body of knowledge.

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CHAPTER I

INTRODUCTION

The Tattoo

In a recent survey, more than 44% of adults in the United States report having a tattoo (Taylor, 2022; Jackson, 2019). In addition, an Ipsos poll found that the number of people with tattoos increased from 21% in 2012 to 35% in 2019 (Jackson, 2019). Wearing a tattoo traces back to 450 B.C. in Greek society where they were seen as markers for the highest social class (Lineberry, 2007). In 9th century China (Reed, 2000) and 18th century Russia (Schrader, 2000), however, tattoos were used as marks for criminal offenders, military defectors, and as social group designations. The same practice was also conducted in India and Australia as a form of surveillance and humiliation of criminals (Awofeso, 2002). However, the West was not introduced to the practice of tattooing until the mid-1700s by natives in New Zealand (Rubin, 1988). Sailors adopted the practice and transformed the “savage” practice into something they regarded as being civilized. Tattooing was also brought back to the West in the form of novelty as carnival shows for curious spectators. Here Westerners were able to see the bearded lady and the tattooed man as a form of entertainment (Rubin, 1988). The tattoo found its way to sailors, bikers, and prisoners, and the Western psyche was imprinted with these early beliefs that tattoos were meant for “savage”, “uncivilized”, and deviant individuals (Burgess & Clark, 2010).

With the increase in tattoos among the American population, it would be reasonable to assume that they were more accepted, especially by those with tattoos themselves. However, the initial beliefs about tattoos and about those who wear them remain, even on those who get tattooed because they get tattoos in hidden or easily hidden places (Doss and

Hubbard, 2009; Martin & Dula, 2010, Taylor, 2022). In fact, 72% of adults with tattoos have ones that are usually hidden by clothing (Taylor, 2022).

The perception and meaning of tattoos are quite complicated. With their prevalence in popular culture as strong as it is today, it would be rational to conclude that the attributes of “savagery” and deviance were forgotten and tattoos are seen as what they predominantly represent today, a form of self-expression (Copes & Forsyth, 1993; Fenske, 2007; Ferreira, 2014; King & Vidourek, 2013; Kjeldgaard & Bengtsson, 2005; Koch et al., 2005; Pitts, 2003; Watson, 1998; Williams, 2004). However, criminological studies linking tattoos to criminality continue to be published (Adams, 2009; Armstrong & Owen, 2006; Deschesnes et al., 2006; Dhossche et al., 2000; Irwin, 2001; Koch et al., 2010; Lyman & Scott, 1970; Stirn et al., 2011; Velliquette et al., 1998; Wohlrab, 2009). Specific to this current project, a recent study analyzed the predictive effects of visible tattoos and found them to be significant predictors of arrest patterns (Camacho & Brown, 2017). While visible tattoos were significant arrest predictors in this study, the study does not decisively address the question of perception of the visible tattoos by law enforcement as it purports to do. The importance of the study by Camacho & Brown (2017) is that it is the first to examine arrest patterns and visible tattoos, and it opens the door for studies like this current project to explore the issue from a different perspective.

In this project, informed by the Black feminist attributed tool of intersectionality, arrest patterns of female arrestees with visible tattoos will be examined. The racialization of female bodies of Color, the history of the feminist movement, and the progression of tattoos in Western culture will be at the forefront of the examination. The societal burdens racialized female bodies of Color carry will be reviewed; the mainstream feminist

movement will be explored; and the reasons for having a tattoo will be presented as a complex mode of expression that operates within the specific space of contemporary American culture.

The Mainstream Feminists

Mary Wollstonecraft, the mother of feminism, argued for women's education half a decade before the official inception of the feminist movement at Seneca Falls in 1848 (Wollstonecraft, 1955). In her most well-known work, *A Vindication of the Rights of Women*, Wollstonecraft discusses the state of women in reference to men.

Strengthen the female mind by enlarging it, and there will be an end to blind obedience; but, as blind obedience is ever sought for by power, tyrants and sensualists are in the right when they endeavour to keep women in the dark, because the former only want slaves, and the latter a play-thing. (1955, p. 241)

An influence on many activist women of her time, Wollstonecraft articulated the issues for the feminist agenda. The first wave of feminism's push for women's suffrage and education access was following in the path already laid down for them almost 50 years earlier.

The mainstream feminist movement officially began at Seneca Falls in 1848 and continues today as the movement is transformed by the changing politics and culture of the times and by the people that adopt the shifting agenda. Feminist history is often discussed in terms of waves, where each wave champions a different agenda for women's equality. Feminist icons such as Elizabeth Cady Stanton and Susan B. Anthony were leading the charge for suffrage and for more educational opportunities for white women in the first wave of the feminist movement.

More modern feminist icons such as Gloria Steinem and Adrienne Rich found themselves in the second wave spotlight. Steinem, a preeminent journalist, the founder of the first national feminist magazine, and a distinguished activist, was touted as the world's most famous feminist and the face of the second wave. Despite oftentimes being portrayed as a radical by conservatives and too pretty to be taken seriously by other feminist activists, Steinem made feminism accessible with statements like "A feminist is anyone who recognizes the equality and full humanity of women and men" (as cited in Figetakis, 2021). She captured the mainstream feminist audience advocating for the pro-choice movement, workplace equality, and equality for all races and classes. Another intellectual feminist icon of the second wave is Adrienne Rich. A poet, professor, and lesbian feminist activist, Rich used her writing as a form of activism. Rich spoke deeply about her experiences and how it is in sharing these experiences and looking inward that women will feel empowered and create social change. Rich understood the importance of change. Rich (1995) posits that "Not biology, but ignorance of ourselves, has been the key to our powerlessness" (p. 134). Rich understood the importance of the human condition and used her writing to inspire and motivate others to re-imagine society and how social change movements can make it a reality. Her most famous work "Compulsory Heterosexuality and Lesbian Existence" discussed how society forced women to be heterosexual. She criticizes the mainstream feminist movement by stating,

My organizing impulse is the belief that it is not enough for feminist thought that specifically lesbian texts exist. Any theory or cultural/political creation that treats lesbian existence as a marginal or less "natural" phenomenon, as mere "sexual preference," or as the mirror image of either heterosexual or

male homosexual relations is profoundly weakened thereby, whatever its other contributions. Feminist theory can no longer afford merely to voice a toleration of "lesbianism" as an "alternative life-style," or make token allusion to lesbians. A feminist critique of compulsory heterosexual orientation for women is long overdue. (1980, p. 2)

Centering her activism around lesbian feminist theory, Rich criticized the heteronormative existence and insisted that feminists do the same. While initially controversial to the mainstream, her theories and ideas were not necessarily new to others in the feminist movement. Like women of Color and other lesbian feminists, Rich did not find a place naturally within the movement but carved out a place for herself and others like her within the movement.

Even though the first two waves of the feminist movement touted rights for women, the movement was not for all women. On many occasions, icons Elizabeth Cady Stanton and Susan B. Anthony would openly forfeit the rights of any person of Color to secure an equal place for the white woman next to the white man (Schuller, 2021). And while the first wave dissolved with the success of securing the woman's right to vote through the passage of the 19th Amendment, it was only white women that truly benefitted. Discrimination still ran rampant throughout the nation, *de jure* where the public sentiment and laws still aligned, and *de facto* where public sentiment had not caught up with the equality the law was intended to provide. The women's movement was not immune to discrimination or exclusion of women by other women. The mainstream feminist movement was run by predominantly white middle-class heterosexual women whose agenda reflected that throughout the first two waves of feminism, especially.

The Black Feminist Movement

The feelings of exclusion and discrimination by lesbian white women, like Rich, or poor white women were not unfamiliar to Black women in the feminist movement. Some of the early Black feminists spoke to these feelings before the feminist movement was officially a movement. Women like Sojourner Truth and Mary Church Terrell, both active in the fight for women and Black rights, identified the struggle of detaching sexism and racism. President of the National Association of Colored Women (NACW) and a founding member of the National Association for the Advancement of Colored People (NAACP), Terrell compares the experiences of white women versus that of women of Color in a speech she gave at the 1890 National Woman Suffrage Association Convention. In this speech Terrell stated, “A white woman has only one handicap to overcome – a great one, true, her sex; a colored woman faces two – her sex and her race. And colored men have only one – that of race. Colored women are the only group in this country who have two heavy handicaps to overcome, that of race as well as that of sex” (Digital Public Library of America, n.d.). In severing the experiences of women of Color from that of white women and from the white women driven agenda of the mainstream feminist movement, the disjointedness of the movement is made evident. Almost a century later when attending a women’s conference in New York City in 1979, author and renowned Black feminist, Audra Lorde spoke directly to these feelings of separation and of exclusion.

It is a particular academic arrogance to assume any discussion of feminist theory without examining our many differences, and without a significant input from poor women, Black and Third World women, and lesbians. And yet, I stand here as a Black lesbian feminist, having been invited to comment

within the only panel at this conference where the input of Black feminists and lesbians is represented. What this says about the vision of this conference is sad, in a country where racism, sexism, and homophobia are inseparable... And what does it mean in personal and political terms when even the two Black women who did present here were literally found at the last hour? (2007, p. 110)

Even before the movement was renounced by Lorde in 1979, the dissatisfaction of Black women within the mainstream feminist movement led to the creation of a separate Black feminist movement and subsequent splinter groups that catered to their members' issues in ways that were not addressed by either the white mainstream or the Black feminist movements. A noteworthy example of a Black feminist splinter group is the Combahee River Collective (CRC). The CRC was formed to address the issue of homophobia which was not found on the platform of both the white and Black feminist movements. The members of the CRC crafted and released a statement which put forward the rationale for the organization and its agenda. The CRC in their own words:

We realize that the only people who care enough about us to work consistently for our liberation are us... We believe that sexual politics under patriarchy is as pervasive in Black women's lives as are the politics of class and race. We also often find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously. We know that there is such a thing as racial-sexual oppression which is neither solely racial nor solely sexual... (p. 19)

Prominent in their own right, the CRC was but a faction of the Black feminist movement that felt abandoned and took their destiny into their own hands. By calling out their experienced oppression not just by race or class or sex, but also by sexual orientation, which up until this point was not a leading concern within the Black feminist movement, the CRC epitomized the essence of intersectionality a decade before the now famous phrase was introduced into the political discourse.

The Concept of Intersectionality

Kimberlé Crenshaw, a legal scholar and critical race theorist, introduced the term intersectionality in her now famous article “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine” (1989). When discussing three legal cases concerning Black women claiming discrimination within employment contexts, Crenshaw impugned the framework of discrimination being racist or sexist and not both concurrently. With reference to white women and Black men as the standards in sexual and racial discrimination cases, Crenshaw states, “Black women are protected only to the extent that their experiences coincide with those of either or the two groups” (Crenshaw, 1989, 143). While not an original idea within critical race theory or Black feminist theory, Crenshaw coined the phrase that was quickly adopted by other critical race and Black feminist theorists and now by activists within social justice political culture. Both a theory and a tool, intersectionality shines light on experiences that traditional theories are unable to realize. Analyzing experiences in strictly demographic categories such as, sex, race, and age, while informative, cannot capture the intertwined systems of oppression that people experience when they belong to multiple groups of disadvantaged

status. In their 2013 article, Warner and Shields succinctly describe the effects of intersectionality.

At the personal level, intersectionality affects the individual's experiences of their own social spheres. At the socio-structural level, the individual's legal status, resources, or social needs may advantage them or marginalize them, specifically due to the convergence of identity statuses. At its core, intersectionality is the embodiment in theory of the real-world fact that systems of inequality, from the experiential to the structural, are interdependent. (p. 804)

They acknowledge the existence of structural discrimination which affects every individual, and they also recognize that intersectionality is predicated on context. That is, structural discrimination exists differently depending on the situation. In fact, it is context that separates intersectionality from other theories. The flexibility and adaptability of the theory lies in the contextual nature of its application. While often criticized as a victim score card by the political far right, intersectionality is not about victimhood. Simply put, intersectionality is the discussion of the multiplicative effects of overlapping forms of discrimination and bringing them to light in order to rectify the existing structural inequities. The concept of intersectionality, while pivotal to Black feminists in every wave, is no longer a concept confined to the Black feminism movement or the critical race agenda, but to all fields in academia and areas in the public and private spheres where inequalities must be abolished. The reach of intersectionality within academia and in criminology will be discussed in greater detail in Chapter 2.

The White Dominated Discipline

While this concept has pierced through the male dominated bubble of academia, it is still infrequent to find intersectional studies in criminology. While academics like Hillary Potter have made the case for intersectional research in her book *Intersectionality and Criminology* (2015), the mainstream faction of the discipline has been slow to adopt it as one of its core concepts. In an article on the future direction for feminist criminology, Amanda Burgess-Proctor (2006) argues that “the future of feminist criminology lies in our willingness to embrace a theoretical framework that recognizes multiple, intersecting inequalities” (p. 27). The discipline of criminology is still dominated by white males, despite the fact that the inclusion and use of intersectionality in criminological research has recently increased. Posey and colleagues (2020) reviewed articles from “Women and Criminal Justice,” (WCJ) a feminist criminology journal. The authors found that out of 428 articles (almost the entire existence of the journal) an intersectional framework was used in only 11% of the research. Posey and colleagues (2020) explored when the articles were published and found that of the 48 articles, 29% were published between 1989-1998, 31% between 1999-2008, and 37% between 2009-2018. We can see from these findings that intersectional research within criminology has increased over the past few decades (since Crenshaw’s famous article in 1989). Yet, this increase in intersectional studies does not account for the still male dominated discipline. While the article reviewed the publication history of just one criminology/criminal justice journal, the fact that it is a woman focused criminal justice journal gives even more weight to their argument. According to their own website, WCJ is a journal that is “committed to feminist scholarship that contributes to our understanding of female offenders, victims and practitioners, and especially is interested in

analyses of the intersections of race, ethnicity, and/or class with gender” (Taylor and Francis, (n.d.)). With that as the journal’s stated interest and only 11% of their articles using an intersectional framework, the argument can be made that other criminology and criminal justice journals without an interest in feminist scholarship or intersections of race, ethnicity, and/or class with gender have even lower publishing rates of intersectional articles. While women and non-white academics have made inroads within criminology, “the great majority of the most powerful positions are still held by white men. [They] still make up a significant majority of authors in top-tier journals... and... more likely recipients of professional honors and awards... [and] people of Color are almost a nonpresence in criminology” (Chesney-Lind & Chagnon, 2016, p. 327). The increase in intersectional research may signal a more inclusive discipline, but much like power structures intersectionality is used to examine, the dominance of white males in criminology mimics that of most other structural inequalities.

The Intentions of this Study

This study seeks to ascertain if law enforcement in one Florida county respond to visible tattoos as proxies for criminality, and, if so, what are the results of these actions. Specifically, this project asks 1) are women of Color with visible tattoos more likely to be charged with felonies than white women without visible tattoos and 2) are women of Color with visible tattoos more likely to be charged with more offenses than white women without visible tattoos?

This study addresses the above research questions through the following examinations by chapter. The history of tattoos is introduced, the literature on the racialization of female bodies and the history of feminist theory is discussed in Chapter 2.

The chapter starts with a discussion on the history of tattoos. The evolution of tattoos from marks of “primitive islanders” to symbols of pop culture celebrity is described. However, despite its diffusion into popular culture, a tattoo can still serve as a stigma for its wearer. This section ends with a discussion of bias in law enforcement arrests and the near non-existent research on law enforcement treatment of tattooed offenders.

The chapter continues with a discussion on the racialization of female bodies of Color. It describes the process of racialization and how racialized identities are steeped in the flexing of political power, scientific bias, and a history of violence. The origins of racialization of Black, Asian, and Hispanic female bodies are then discussed. The chapter continues with the history of the feminist movement and the splintering of Black feminists from the mainstream. It describes how the mainstream movement was concerned with only white middle-class needs and continues with how Black feminists began their own crusade that was inclusive of all women and all the social, political, and economic statuses excluded from the mainstream movement. The chapter concludes with the concept of intersectionality. A highly regarded Black feminist theory and tool, intersectionality is explained, its history discussed, and the limited number of intersectional studies on offender treatment by law enforcement is reviewed.

The method and data are discussed in Chapter 3. The method section begins with a description of intersectionality as a tool and continues into a discussion of the data. Specifically, the method of collection, the cleaning of the data, and the coding is described. The chapter concludes with a brief description of the variables and the analytic strategy used in this project. The next chapter, Chapter 4, will review the statistical results of the

analyses. The final chapter will summarize the results of the analyses, discuss the contributions of this project, and give recommendations for future research in this area.

This study makes an important contribution to the literature, as it is of great importance to understand how law enforcement patterns differ based on the intersection of gender, race, and the extra-demographic characteristic of bearing a tattoo. To that end, it is also of great necessity for criminological research to include women and people of Color in their analysis. As the bearing of a tattoo has evolved in the West over the last century as a symbol of “savage” and “uncivilized” cultures from the East to marginalized groups in the U.S., such as gangsters, bikers, and prison inmates to now a part of popular culture, identifying if law enforcement responses to tattoos have changed with the times is of great value. The tattoo is a great example of how a physical attribute can change meaning over time and can potentially serve as a proxy that denotes its prior meaning when, in fact, it is now a symbol representing something completely different. This project hopes to lead the conversation towards disentangling an attribute from its Western origins of deviance to its contemporary symbolization by analyzing the response of law enforcement to visible tattoos as proxies for criminality and deviance and how they operate on female bodies of Color.

CHAPTER II

THE LITERATURE

The Signifiers

Tattoos have been used throughout history from the Greek and Roman Empires to the early Chinese Dynasties. Used in different ways by the various cultures, tattoos have been used as punishment for crimes, for signification of tribe membership, as self-expression, and even as familial membership to the monarchy. When discussing the tattoo as a product of culture or the culture itself, Pritchard describes the tattoo as:

Read as either a sign of affiliation within a social order, or pathologized as an “infantile”, “self-destructive” or “oppositional” manifestation of the interface between the individual and society, the tattoo is often taken as a key to insights into identification and socialization. It marks the body; it inscribes, constructs, and invests it within a variety of psychical, cultural and political fields (2000, p. 331).

This next section discusses the literature on tattoos. First, the history of tattoos will be explored. Tattoos and their various stages of entry into contemporary mainstream culture will then be discussed. Lastly, the literature on law enforcement arrest patterns and tattoos will be reviewed.

History of Tattoos

The section explores the history of tattoos from its origins in the Pacific, to the exposure of tattoos to the European explorers, and the introduction of tattoos to mainland Europeans and other Western cultures where the practice was often vilified, and its practitioners were Other-ed by the dominant culture. The chapter will continue the

discussion by examining the initial perception of tattoos as markers for the marginalized, including criminals, and how Other-ing of tattoo wearers is maintained.

The pathway of tattoos into the U.S. mainstream began with the cultural appropriation of the traditional practice of Polynesian islanders. These original symbols of membership and tribal status found their way onto the bodies of sailors, prisoners, bikers, and gang members. It is without surprise that in the U.S. collective psyche individuals donning tattoos are deemed people “of dubious behavior and perhaps questionable morals” (Camacho & Brown, 2017; Fitzpatrick, 2017; Garrett, 1998; Pritchard, 2000). While incredible examples exist of non-deviant tattooing in the West (Caplan, 2000; Fitzpatrick, 2017; Garrett, 1998; Gustafson, 2000; Jones, 2000; Maxwell-Stewart & Duffield, 2000; Pritchard, 2000; Schildkrout, 2004; Schrader, 2000; Windley, 1983), an abundance of research in criminology, substance abuse, and suicide support the strong association of deviant behavior and tattoos (Adams, 2009; Camacho & Brown, 2017; Deschesnes et al., 2006; Nathanson et al., 2005; Koch et al., 2005; Armstrong & Owen, 2006; Brooks et al., 2003; Kosut, 2006).

The human body is not new to the practice of body modification via tattoo, piercing, or other form of modification to various ends (Brain, 1979; Caplan, 2000; Henley and Porath, 2020; Pitts, 2003). While this study focuses on tattooed female arrestees in the United States, the history of body modification expands before the inception of the United States and on people of Color that pre-date this young country. From Asian to Africa, the practice of body modification was not limited to the social groups that the U.S. conscience has assigned to it. That is, from illustrious monarchs to the most humble of religious

monks, body modifications have taken form on every stratum of society outside the United States.

While evidence supports the use of tattooing by ancient Greek and Roman slave owners (Gustafson, 2000; Jones, 2000), in early Chinese history, tattooing and tooth blackening, which represented sophistication, beauty, and maturity, were both found prevalent throughout the country (Blomberg, 1990, Henley and Porath, 2020; Van Gulik, 1982). While initially found on the “barbaric” non-Han people of China (Van Gulik, 1982), tattoos and other body modifications were frowned upon by the Chinese empire except for use as punishment to shame criminals (Reed, 2000). Although later tattooing became an artform in Japan, as early as the 6th and 14th centuries, both Japan and Vietnam outlawed tattooing as barbarous (Henley and Porath, 2020; Reid, 1988; Van Gulik, 1982). In other parts of Asia, Indonesia also found tattoos to be relegated to those with low social status. According to Anderson, “the higher the caste, the fewer the designs” (2000, p. 104). In these same countries, religious affiliation also had an effect on tattoo wearing. For both Islam and Christian followers in the Philippines and Malaysia, tattoos became known as the mutilation of a God-given body, and thus forbidden (Henley and Porath, 2020; Reid, 1988, Siegel, 1998).

While many of the early body modifications have negative connotations, many cultures also saw tattoos as harmless and even favorable. For example, in 19th century Burma, tattooing for men and ear-boring for women was universal (Yoe, 1910). Indeed, for a period of Burmese history, ear-boring was an obligation of the royal family, specifically the king and any princess prior to marriage (Aung, 1953). Tattoos in Thailand were used to mark both nobility and slave status (Red, 1988; Terwiel, 1979). Currently, Burmese, Lao,

Thai, and practitioners of Buddhism uphold and maintain the practice of tattooing for the incorporation of religious symbolism and texts (Cummings and White, 2012). Until the 20th century, Chinese foot-binding was found to be a favorable practice among women who wanted to attract a male suitor (Henley and Porath, 2020; Ko, 204; Wang, 2000). Despite their inconsistent status in early history, the practice of body modification and tattooing were prevalent in the East well before their mass expansion into the Western hemisphere.

With regard to the West, it is the second wave of the European colonial period that had the largest impact on the spread of tattooing in the West. During this wave, European expansion was aggressive in Asia, which dramatically increased the exposure of colonizers to different Native groups. Colonists encountered new groups of people with dissimilar traditions and practices to their own. During the process of exchange between these groups, colonizers' (dominant) culture imposed their practices, values, and traditions onto Native peoples (subordinate culture) with the intention of "civilizing" savage people and controlling them (Burgess & Clark, 2010). However, with regard to tattooing, Europeans appropriated the Native practice, albeit, not necessarily in the same tradition as the Natives (Burgess & Clark, 2010; Fitzpatrick, 2017). The Polynesian Island of New Zealand was one of the countries colonized during the second wave, and it is the Māori of New Zealand that are credited with introducing Western culture to tattoos. While the Māori did not practice tattooing as it is done in the modern-day West, their practice of tā moko is the origin of modern-day tattooing. The Māori practice of tā moko was a chiseling of permanent marks on the face and skin as a representation of adulthood for the higher social classes. The evidence of tattoos existed prior to the colonial expansion in Asia, but it is this wave of colonization that created the greatest influx of Western tattooing influence.

Because of the cultural appropriation of the practice of tattooing between Natives and colonialist sailors, tattoos were immediately and perpetually associated with the Natives. However, the description of tattoos being a Native tradition or Indigenous practice is not a neutral statement. That is, describing tattoos as Native or Indigenous entwines “savagery, primal, and unsophistication” to the practice. Tattoos were regarded as a “primitive form of adornment,” mostly by scholars, missionaries, and colonizers (Fitzpatrick, 2017, p. 101). The sailors took the tradition of tattooing back to the West and adopted it as a new Western practice. In this transformation, this new practice was found to be acceptable to the West, while the still primal form of tattooing practiced by the Natives was seen as anti-West or anti-European. In this adoption and adaptation of tattooing, the Western practitioners were able to appropriate this cultural practice and “civilize” the practice so that the indigenous roots are still seen as other or savage (Broussard & Harton, 2018; Burgess & Clark, 2010; Pritchard, 2000). The same holds true in the European colonization of Africa. The Europeans were seen as the saviors to African people to liberate them from their savage customs. Westerners thought by advancing the African culture with trade, Western-style governing structures, and Christianity that the people of Africa could become civilized (Garrett, 1998). These ideas about the African people are still held today, despite its categorical inaccuracy. The ideas of savagery and inferiority about Natives in the East and in Africa that were propagated during European expansion did not leave the West’s collective psyche.

Despite the perception of tattoos as a tradition for “savages,” other examples of tattoos can be seen throughout the West. Caplan documents applications of the tattoo in European culture. She states that sailors, butchers, blacksmiths, soldiers, and miners all

wore tattoos as a sense of group identity long before the influence of Native tattooing from the East (Caplan, 2000). Caplan also claims that some individuals on religious pilgrims would wear tattoos in a directly subversive act against the teachings of the Bible which states, “You shall not make gashes in your flesh for the dead, or incise any marks on yourselves” (English Standard Version Bible, 2001, Leviticus. 19:28). Similar to the ancient Greeks and Romans, U.S. enslavers also utilized tattoos (branding) on enslaved people as indicators of ownership (Windley, 1983). Tattoos were also used in Nazi concentration camps for purposes of identification and categorization of Jews, gays, gypsies, etc. (Shrader, 2000) and in the transportation of prisoners to Australia (Maxwell-Stewart & Duffield, 2000). In the US, tattoos have been strongly tied to US soldiers who believed that tattoos were symbols of courage and valor (Armstrong, 2000). Another community known for tattoos is the Japanese Yakuza, who are organizationally similar to the Italian mafia. The Yakuza, who are known for colorful, full-body tattoos, are presumed to wear them to either cover up their prison tattoos or as a symbol of wealth (Buss & Hodges, 2007). It has also been reported that British King Edward VII, King George V and his brother the Duke of Clarence, Tsar Nicholas II, and Empress Elisabeth of Austria-Hungary all wore tattoos (Fitzpatrick, 2017). Even in the Western tradition of deeming tattoos as a “savage and heathen” tradition, the practice in the U.S. and European countries served the function of surveillance, control, and categorization, as well as personal expression by some of the most regarded European monarchs.

Following these same themes, many studies in criminology explored the meaning or purpose of tattoos for groups and individuals. The initial study explicitly linking tattoos and deviance was conducted by Post (1968). This study had two major findings. The first is that

tattoos were found to be both symbols of status and self-expression within peer groups. The second finding is that more juvenile delinquents had tattoos than non-delinquents. It is the second finding linking tattoos to deviancy that is most touted, especially within criminology. However, in more recent studies, Post's first finding of tattoos being symbols of status and self-expression is gaining more support (Pitts, 2003; Williams, 2004; Koch et al., 2005; Fenske, 2007). Additionally, the third form that tattoos undertake is that of subversion or group membership. As described by Camacho and Brown (2017), "many ostracized subgroups adopted the same practice and transformed the use of tattoos or other symbols to indicate the unified empowerment of a particular subgroup or subculture" (p. 1026). Other studies support the subversion and group membership finding as well (Blanchard, 1991; DeMello, 1993 & 2000; Pitts, 2003; Greer & Jewkes, 2005; Koch et al., 2005; Nathanson et al., 2005; Kosut, 2006). Despite tattoos also being symbols of self-expression and markers of subversion and group membership, it is the connection to deviance that criminology has most tightly held onto.

Reasons for Tattoos¹

People wear tattoos for various reasons. Throughout the multi-disciplinary literature on tattoos there are three distinct reasons that emerge: deviance, self-expression, and subversion. The dissemination of tattooing throughout the Western world has different timelines depending upon geography and these three reasons are found within each geographic timeline despite the timelines being asynchronous. It is noteworthy to

¹ Portions of this section have been previously published in whole or in part in *Deviant Behavior* (2018).

recognize that self-expression is the most noted reason for wearing a tattoo in the recent multi-disciplinary literature.

Deviance

Tattooing has long drawn the interest of criminologists. Cesare Lombroso, the father of the “Criminal Man” theory and the first man credited with looking at biology as a cause of crime and deviance, derived the inspiration for his theory of crime from his earlier observations of tattoos while in the military (Lombroso, 1911). It was in the military where Lombroso began assigning personality traits to soldiers based on their tattoos (Lombroso, 1911). Once the perceived link between personality and tattoos caught his interest, the “Criminal Man” theory was born. This theory was based upon the idea that deviance was inherited, that deviants were un-evolved physically, and that deviance can be identified by examining an individual’s physique (Lombroso, 1911). Although Lombroso’s “Criminal Man” theory was first discussed in the late 1870s and considered baseless soon after, the initial link he created between tattoos and an individual’s constitution is still discussed within criminology and other disciplines to this day (Blackburn et. al, 2012; Broussard & Harton, 2018; Burgess & Clark, 2010; Buss & Hodges, 2017; Camacho & Brown, 2017; Doss & Ebesu Hubbard, 2009; Ekinici et al., 2012; Fitzpatrick, 2017; Henley & Porath, 2021; Irwin, 2001; Kjeldgaard & Bengtsson, 2005; Koch, et. al, 2010; Koziel, Kretschmer, & Pawlowski, 2010; Mackey, 2016; McMullen & Gibbs, 2019; Orend & Gagne, 2009; Pinedo et. al., 2015; Rivardo & Keelan, 2010; Rozycki et. al, 2011; Shoham, 2010; Silver et. al, 2011; Stirn et. al, 2011; Swami, 2012; Thielgen, Schade & Rohr, 2020; Tiggeman & Hopkins, 2011).

Contemporaneously with Lombroso, a few researchers from other disciplines began scrutinizing the internal meaning of tattoos on a person's external presentation. In anthropology, Kurella saw tattoos as external markers of internal criminality (Kurella, 1893). Despite seeming unassociated with deviance, the field of architecture was not immune to the curiosity surrounding tattoos as Austrian architectural theorist, Loo, spoke quite strongly on the subject. Loo stated that "[t]he modern man who is tattooed is a criminal or a degenerate. There are prisons where eighty per cent of the inmates exhibit tattoos. Those that have been tattooed and are not in prison are latent criminals or degenerate aristocrats. If someone who is tattooed dies in freedom, he has simply died some years before he had committed a murder" (cited in Fitzpatrick, 2017, p. 109). While missionaries in the Pacific saw tattoos as an atavistic savage tradition, Baer, a German musician, rejected the essentialism argument and stated that proximity to others and boredom were reasons that prisoners, sailors, and soldiers wore tattoos (as cited in Fitzpatrick, 2017, p. 109). Although other disciplines give a myriad of meaning to tattoos, the ideas of tattoos in criminology converge on the idea of tattoos as signs of deviance.

Labeling theory is where the remnants of Lombroso's influence continue to resonate in modern criminology. According to labeling theory, an individual will continue their anti-social behavior once a label of "criminal" or "deviant" has been assigned (Tannenbaum, 1938). It is the act of labeling by society that the individual reacts to, and, as such, continues the behavior that earned the label in the first place. Additionally, being negatively labeled creates a space for others with the same label to connect to each other as they have been stigmatized and ostracized by the rest of society (Tannenbaum, 1938).

Labeling theory does not revolve around physical labels or markers such as tattoos or body

forms, as Lombroso led us to believe, but to society created designations that this specific individual is a deviant or a criminal or whatever the specific case may be (Tannenbaum, 1938).

Labeling theory can be applied today with regard to tattoos and society's marginalized groups (a.k.a. sailors, bikers, prisoners, and gang members) that are known for wearing tattoos. Within criminology, individuals with tattoos are still strongly associated with deviant behavior, e.g., substance abuse, suicide, and overall antisocial behavior (Adams, 2009; Braithwaite, 2001; Deschesnes et al., 2006; Dhossche et al., 2000; Nathanson et al., 2006; Koch et al., 2005; Armstrong, 2006; Brooks, 2003; Kosut, 2006; Carroll et al., 2002). Within these different subcultures, are different rules, and individuals within the subculture may opt-in to the attributes a mark, such as a tattoo, carries with it, e.g., gang tattoos. A well-known gang tattoo within the United States is the teardrop. Palermo (2004) describes the teardrop tattoo as an indicator that the wearer has committed or attempted to commit murder (or other violent act), it can also be an indicator of submissiveness depending upon where the wearer is geographically located and with what subcultures the wearer is associated. In the former example, the wearer opts-in to announce that they are someone that can handle themselves against others' challenges, while in the later example, the wearer involuntarily displays their meekness. Within the general gang subculture, the Darwinian law of "survival of the fittest" rules and for gang members with teardrop tattoos, their place within the power stratification of their gang is proclaimed for everyone to see. In these cases, the teardrop tattoo may represent gang culture to society in general, but to the gang subculture, it has meanings that serve self-preservation or a lack of power (Palermo, 2004)

While research on tattoos continues in criminology, a study that appears to hold incredible weight is one from Post in 1968. This study looked at youthful offenders and their relationship to tattoos. It found that tattoos were used as both symbols of status and self-expression (Post, 1968). It also found that delinquents had a significantly higher rate of wearing a tattoo than non-delinquents. This second finding is where subsequent criminologists have focused and were able to maintain the theory that tattoos equated to markers of deviance.

More recent studies have shown correlations between deviant behavior and tattoos among American college students. Two studies showed that almost 30% of the sample had a tattoo and that alcohol, marijuana, antidepressant, and sedative use were highly correlated (Braithwaite et al., 2001; Nathanson et al., 2005). Koch et al. (2010) took a more nuanced approach and analyzed the relationship between deviance and body art also on an American college campus. Depending on the number of tattoos an individual had, the use of marijuana, illegal drugs, and an arrest history were correlated to having tattoos. Additionally, Koch et al. (2010) also concluded that having multiple sex partners, cheating on homework, and binge drinking were also correlated with tattoos. A study in the *Journal of Forensic Medicine* (Blackburn, et al., 2012) analyzed victims of homicide and their association with tattoos. The findings of this study show a significant association between the two and relied upon prior research that riskier lifestyles related to gang activity, incarceration, and violent arrest charges are linked to homicide victimization which supports the argument that tattoos are markers of deviance.

Looking at death from a different perspective, a study in Mobile County, Alabama looked at factors considered in getting a tattoo by suicide victims (Dhossche et al., 2000).

This study found that those who committed suicide or died of accidental death and those who acquired tattoos share risk factors of personality disorder and substance abuse. Because the subjects are deceased no further analysis was possible beyond the conclusion that these groups shared risk factors of personality disorder and substance abuse. Another study on adolescent health found that alcohol and drug problems were significantly associated with body modifications (not just tattoos). According to this study, an individual with body modifications had 3.1 times greater odds of problems with drugs and alcohol than those without body modifications. A German study looked at the perceptions of adventure seeking and a high number of sexual partners for those with tattoos. The study concluded that both were significantly related to the perception of people with tattoos, especially for men versus women (Wohlrab, 2009). From Lombroso to today, many studies across disciplines associate tattoos (and/or body modifications) to deviant behaviors. However, many concurrent studies find that tattoos are forms of art and self-expression, and not the decades long marker of deviance one would have been led to believe.

Self-Expression

Despite the early convergence of studies from multiple disciplines on the idea that tattoos are markers of deviance, criminality, or anti-social behavior, many studies now conclude that tattoos are regarded as individual self-expression or even an art form (Fitzpatrick, 2017; Pitts, 2003; Williams, 2003; Koch et al., 2005; Fenske, 2007). With the immigration of tattoos from marginalized subcultures to the acceptance by dominant culture (Koch et al., 2005; Deschesnes et al., 2006; Kosut, 2006; Nathanson et al., 2006; Adams, 2009) and the number of studies on tattoos increasing within multiple academic disciplines, the most recent theory of convergence has been that tattoos are self-expression

and artwork. Vail argues that art galleries and museums consider tattoos and their artifacts as art and as collectible items for tattoo aficionados (Vail, 1999). Ellis states that tattoos “proclaim[s] the psychological and social place of the tattoo bearer” (2006, p. 687).

Regardless of whether or not tattoos are seen as artwork, much research points to tattoos as a personal symbol of expression.

The idea of self-expression and tattoos is not new. As mentioned earlier, European monarchs wore tattoos for personal expression, as did groups such as blacksmiths and butchers, as a reflection of group tradition and social bonds (Fitzpatrick, 2017; Shrader, 2000). In his analysis of Polynesian tattooing, Gell also believes that tattoos are forms of self-expression stating that “[tattooing] is simultaneously the exteriorization of the interior which is simultaneously the interiorization of the exterior” (1993, p. 38-39). Tattoos were used for self-expression, identity, and group membership. Bearing a tattoo is an explicit way to define identity and group difference from others (Lévi-Strauss, 2008; Schildkrout, 2004). Through the use of *tā moko*, the Māori people imprint their principles and traditions onto group members. In modern mainstream culture, tattoos are now found on the fashion runway and are more acceptable to the mainstream. Thompson and Haytko (1997), describe this phenomenon as a function of capitalism. As more fashion models and celebrities don tattoos, the tattoo has become a symbol of a glamourized lifestyle that is unattainable to most of the public. In a consumer driven capitalist culture, these symbols of glamour are often the only access most have to the celebrity life, and many are willingly partaking in its market consumption.

A study analyzing the motivations of college students getting a tattoo was conducted in both the United States and Australia. Grief et. al (1999) concluded that acquiring a tattoo

for self-expression was the highest-scored reason for both men and women in the sample (53%). Koch et al. (2007) also explored the motivation for acquiring a tattoo utilizing a sample of undergraduate students enrolled in sociology courses (N=518). Twenty percent of the sample reported having at least one tattoo, and one third of the sample reported their desire to get a tattoo. The purpose of the survey was to examine the motivation behind the decision-making process using a combination of the Health Belief Model, which is generally used to explain risky health behaviors, and the social psychology model of deviance and identity. In cases where family and peer influence favors tattooing, the respondents were more likely than others to be interested in getting a tattoo. According to the authors, this finding was consistent with literature on tattoo and identity (Lyman & Scott, 1970; Irwin, 2001; Velliquette & Murray, 2002), where getting a tattoo was seen as a method of self-expression and not a sign of deviance. Concurrent with the Koch, et al. study, a qualitative study of tattoo artists and tattoo wearers focused on the reasons why people get tattoos. This study concluded that self-expression was the common thread found in all the interviews (Johnson, 2007).

In the United Kingdom, two studies were conducted analyzing the relationship of tattoos to self-esteem, body image, and the need for uniqueness (Swami, 2011; Swami et al., 2012). The results of both studies concluded that the need for uniqueness and extraversion were both significantly related. Additionally, the studies concluded that self-esteem increased and body image anxiety decreased after acquiring a tattoo. An interview with a famous tattoo artist in London captures the movement of tattoos from deviance markers to self-expression, "... tattooing is really concrete, it's concrete to people's lives" (Cole, 2006). By this simple response to why he started tattooing, the tattoo artist succinctly captures

the meaning of a tattoo as real objects that are as different as the individuals that seek them.

Subversion

Tattoos were used against marginalized groups, meanwhile these same groups transformed tattoos and other symbols to signify a unified empowerment of their specific subgroup or subculture (Blanchard, 1991; DeMello, 1993 & 2000; Pitts, 2003; Greer et al., 2005; Koch et al., 2005; Nathanson et al., 2005; Kosut, 2006). As a method of rebellion and resistance, subversion is necessary for any marginalized group (Scott, 1990). The use of symbols by groups and organizations is commonplace, however, when the group is one that has been marginalized and ostracized to the edges of society, the commonplace act becomes an act of subversion.

An example of subversion by a marginalized group is the star of David by the Jewish community. While the star of David was a symbol adopted by Jewish communities, one of its most prominent uses was by the Nazis during the Holocaust. Much like the pink triangle was used by Nazis to identify gays during the holocaust, the star was used on the Jewish community to indicate the wearer's faith and their inevitable path to persecution in the Nazi concentration camps. It was a symbol of death in the concentration camps, yet years later it became a symbol on the modern flag of Israel, proudly known as the homeland for the Jewish people. When used in the concentration camp, the star was a symbol of hatred and destruction. The adoption of the star by the Jewish community themselves, the destructive meaning of the star as prescribed by the Nazi's was subverted into a point of pride and identity for the Jewish community. This political act is known as reverse approbation, and it serves as an effective method of political subversion where

marginalized groups can unite against an oppressive dominant culture (DeMello, 1995; MacKendrick, 1998; Bell, 1999; DeMello, 2000; Atkinson, 2002; Pitts, 2003; Schildkrout, 2004; Harlow, 2008; Gurrieri et al., 2011).

Getting a tattoo as an act of rebellion remains a constant within the dialogue of reasons for a tattoo. It is seen as an act to defy the dominant society and as an act of self-marginalization. Where being accepted by society is generally seen as a goal for most, many with tattoos for purposes of rebellion are intent on not fitting in. While the act of tattooing remains the same, the intention of the tattoo has been redefined not as a symbol of group membership or a marker of deviance, but as an act and symbol of rebellion and resistance from mainstream society (Bell, 1999).

While the tattoo in modern research is recognized as a symbol self-expression (Lyman & Scott, 1970; Irwin, 2001; Velliquette & Murray, 2002; Pitts, 2003; Williams, 2003; Koch et al., 2007; Fenske, 2007), much research shows that those getting tattoos are still concerned with their negative stigma (Koch et al., 2005; Deschesnes et al., 2006; Kosut, 2006; Nathanson et al., 2006; Adams, 2009; Swami, 2001; Swami et al., 2012). While most American adults are tattooed for reasons of self-expression, many still choose tattoo locations that are easily hidden (Roberts, 2012). They don tattoos that are seen as sophisticated and are still concerned with the stigma and negative consequences of having a tattoo (Roberts, 2012). This study also found that sophisticated tattoo designs (intricate and not tribal), were more socially acceptable. In this case, the rebellious act of getting a tattoo can become ineffectual by location or design selection. While it may appear to be antithetical in nature, simultaneous subversion and ambivalence is possible when all the factors of tattooing are considered.

Law Enforcement Arrests and Tattoos in the Literature

While research into tattoos has surged in the last decade, much of the literature resides outside of criminology. Despite tattoos being regarded as marks of deviance or of uncivilized people for most of their existence in the West, the field of criminology has not had the boom in research that other disciplines have had. When focusing specifically on tattoos and arrests, only Camacho and Brown (2017) have filled the void. They found that visible tattoos increased the likelihood of receiving an additional offense charge and increased the likelihood of receiving a felony instead of a misdemeanor. Aside from their study, the topic of tattoos and arrests has not been examined. It logically follows that an intersectional analysis of tattooed arrestees is absent from criminology. This is the gap this project intends to fill. A recent study of police bias found that the extra-legal factor of a hip-hop appearance as indicated by dreadlocks, cornrows, afros, braids, gold teeth, saggy pants, etc. led to more severe outcomes (Dabney et al., 2017). Much like Camacho and Brown's (2017) study that examines the effect of visible tattoos as markers for deviance on arrest patterns, Dabney et al. substituted hip-hop appearance as a proxy for deviance. The intersectional questions of tattoos and arrest patterns in Dabney, et al.'s work mirror those of Camacho and Brown's earlier study (2017).

Racialized Female Bodies of Color

Throughout history the role of women and people of Color in the United States has been one of subjugation and objectification. The white male dominated culture of the United States has designed this country and its institutions to wield and maintain power over women, people of Color, and others that are a threat to the patriarchy (Jewell, 1993). According to Petrosino, "Colonial America linked Christianity to racial purity or Whiteness

and heathenism with racial impurity or non-Whiteness... racial superiority permeated American culture to the point where American was synonymous with being White” (1999). Based upon white Christian male values, the United States has oppressed and Other-ed women and people of Color from its inception. While the history and examples of racism and misogyny in the United States are problematic, at best, the focus of this study is on the women of Color. To that end, I will not revisit the entirety of the history of gender or race in the United States, only the relevant parts of this country’s destructive history will be discussed.

While racism is a term that is widely known and easily understood, racialization is not as common. In her discussion of racialized bodies, Sara Ahmed defines racialized as a process of *investing* skin colour with meaning, such that “black” and “white” come to function, not as descriptions of skin colour, but as racial identities... Racialization involves the production of “the racial body” through knowledge, as well as the constitution of both social and bodily space... we cannot isolate the production of racial bodies from the gendering and sexualizing of bodies. (2002; p. 46-47)

Put more simply, racialization is a series of processes based on history, politics, and power structures that attribute characteristics to a race and use those characteristics to identify the race. The creation of race (or racial categories) is in itself bias (Ahmed, 2020; Harding, 1993). Because racial categories are science-based creations they are often accepted as objective. However, it is argued that science is not as objective as it purports to be. As argued by Ahmed, “[w]estern science legitimated itself as objective, disinterested and value free, it was interested, situated and value laden. It sought to legitimate itself by defining it

... ('race') as 'the nature' that must be understood in order to be controlled" (2002, p. 49). Science from the perspective of race creator instead of objective identifier, helps us understand better the idea of racialization and racialized bodies. That is, the creation of race by subjective institutions and the categorization of races was done to define and create a racial hierarchy keeping the white race at the top. Scientific inquiry of the racial differences was not done without an overriding intention (Ahmed, 2020; Alcoff, 2006; Harding 1993; Ngo, 2017). It was done to "[define] what was other (perverse, abnormal, unnatural and so on), scientific discourse sought to constitute what was normal and ideal. Rather than *finding* evidence of racial difference, science was actually *constructing* or even inventing the very idea of race itself as bodily difference and bodily hierarchy" (Ahmed, 2002, p. 49-50). Therefore, racialized bodies are, by definition, bodies of Color merged with constructed racialized identities. Simply put, it is another method of Other-ing (Ahmed, 2002, Ngo, 2017). The racialized body is the site of a racialized identity. "The body is integral to both *racial* and *sexual* oppression... [t]heorists have acknowledged the importance of the devaluation of the black body for black people in a white dominated culture" (Shefer, 1990, p. 37). Not only does this apply to Black women, but to all non-white women in a white dominated culture. By Other-ing non-white bodies and essentializing them as "perverse, abnormal, unnatural, and so on" (Ahmed, 2002, p. 49), imperialism was given license to conquer, enslave, and enact violence on women and people of Color. Now etched deep into the natural science disciplines as objective, racialization is our observational default. As we consciously (or unconsciously) recognize racial identities, the subjectivity of racialization is at work with its history "of different bodies who inhabit the

world differently and who, whether or not they say 'yes' or 'no' to racism, cannot forget [the violence]" (Ahmed, 2002, p. 62).

While acts of racialization are violent and destructive with regard to slavery and colonization, more benign contemporary forms still wield the power of social dominance and Other-ing. For example, racialization of dance would speak of twerking for Black or Latino dancers. Another example would be the racialization of food where soul food would refer to Blacks and anything with rice would refer to Asians, generally. Racialization is not always an overt action. It can take more subtle forms, which is what makes it dangerously enduring.

With regard to the racialization of female bodies of Color, the process is the same but with a lascivious bend. White women were anointed as the model of femininity and purity. Whereas Black women were viewed as the complete opposite. The racialization in this case is the assignment of the characteristics of beauty, femininity, and womanhood as white and the characteristics of strong, independent, and sexually loose as Black. In defining the cultural ideal of femininity, Kwan, Savage, and Trautner (2020) state that "[the cultural ideal of femininity] assumes a white, youthful, cisgendered, and able body that appeals to a heterosexual male audience. Accomplishment of this ideal requires both time and financial resources thereby favoring the socioeconomically privileged [white women]" (p. 68). Planted in the social conscience during the time of slavery, the roles fulfilled by white women and Black women were categorically different from each other, and, as such, the racialization of their attributes served the purpose of upholding the hierarchy not just of race, but of gendered race. As bell hooks stated, "As far back as slavery, white people established a social hierarchy based on race and sex that ranked white men first, white

women second, though sometimes equal to black men, who are ranked third, and black women last” (hooks, 1981, p. 52-53). hooks observations occurred decades ago, yet the racialization of Black (and other women of Color) and white women persists today using the same racialized language.

As immigrants from different Asian, Latin, Caribbean, and African countries were brought to or came to the United States, they are seen by the dominant culture as Other. They are homogenized based on geography, such that Brazilians are not seen as Brazilians, but as Latin. Anyone from South American is categorized as Latin and not specific to their country. The same is true for those who immigrated from Asia. They are not Chinese or Korean or Cambodian; they are Asian. In her discussion of the racialization of Black high school girls, Lei describes the homogenization of different cultures as another method of white dominance. She states,

In the dominant U.S. racial discourse, which has evolved from a history of Eurocentric representations, people of Color have been cast in monolithic characterizations that homogenize diverse populations into subordinate racial groups. This discursive system perpetuates the positioning of people of Color as the Other, and the white, European American culture as the mainstream and the norm. These regulative representations serve as effective tools for maintaining the power and status of the dominant group. (2003, p. 158)

For the purposes of efficient subjugation, people of non-European races are reduced to geographical regions by the dominant white culture in the United States, and in so doing, can more easily be subjects of social control.

As mentioned by Ahmed, gendering and sexualization is inherent in the racialization of bodies (2002). Racialization is done differently to different bodies. “The invention of race as something that belongs to bodies, and belongs to different bodies differently, was a means of justifying and legitimating” the devaluation of other races (Ahmed, 2002, p. 47). These differences came in the form of body types and behaviors whether sexual or of the benign. The gendering and sexualization of race gave way to racialized violence in various forms. From the wanton raping of enslaved Black women to the push-pull of Latina desirability and marginalization (Guzman Valdivia, 2004), and the compulsory hyper-heterosexuality of Asian women in relation to white men (Hiramoto and Pua, 2019), the racialization of female bodies of Color are specific to each reductive race.

Jezebels

The racialization of Black women took the form of stereotypes such as the Jezebel which “functioned to legitimize the dehumanization of Black women, reinforced the construction of the Black female body as an expendable object used for the pleasure and profit of others, and worked to maintain patriarchal constructions of White womanhood through the denigration of Black women” (Cheeseborough et al., 2020, p. 205). Denigrated by slavery, the Black woman’s compelling disposition of resilience, strength, and independence were not seen as positive attributes or womanly by the dominant white culture. Forced into the slave trade, Black women were separated from their husbands, repeatedly raped and forced to give up their children, and they were resolute in their work ethic so as to avoid additional punishment and consequences of simply having black skin. Black women were seen as everything that was opposite of the “ideal” woman (white woman) despite the fact that most of these characterizations were based upon their

experiences in the slave trade when Black women did not have agency over their own bodies as mothers, as workers, or as wives. As such, they were not treated with respect, dignity, or even the basic human decency automatically given to white women or even to Black men in less obvious ways. While the racialization of Black women includes what is diametrically opposite of white women, the racialization of Asian and Latina women falls somewhere in between.

China Dolls

For Asian women, their bodies have become strictly objects for the sexual pleasure of white men. Lee and Vaught use the term “racialized sexualization” specifically to discuss the exotification and objectification of Asian bodies (Endo, 2021; Lee and Vaught, 2003). It is the fetishization of Asian women (and their culture) for the sole purpose of sexual indulgence of white men. Asian women are rarely seen as independent or aggressive, but steadfast in their devotion to serving at the pleasure of white men. Established in the centuries of the West’s military involvement in the East, Endo discusses it further as an “intense and persistent phenomenon that continues to haunt girls and women of Asian ancestry across ethnicities, nationalities, space, and time” (Endo, 2021, p. 345). Aside from the fetishization of Asian women, the “model minority” myth can be just as destructive.

The “model minority” was a term coined in the 1960s to describe Asian Americans as “a hardworking, successful, and law-abiding ethnic minority that has overcome hardship, oppression, and discrimination” (Shih, Chang, and Chen, 2020, p. 414). In opposition to the recently published Moynihan report (1965) which described Black families as having a lack of morals which led to their own plight of indigency and incarceration (Moynihan, 1965), “model minority” established a hierarchy of minority

groups and pitted them against each other. The phrase “model minority” acts as a “hegemonic device, that maintains dominance of whites in the racial hierarchy by diverting attention from racial inequality and by setting standards for how minorities should behave” (Lee, 1996, p. 6). While this term may initially give Asian Americans preferential treatment on the surface compared to other minority groups, its effect on Asian Americans is insidious. Specifically, with the internalized expectations of the “model minority,” Asian American women suffer considerable psychological consequences.

The racialization of Asian woman as sexual objects for white men and the “model minority” moniker leads Asian women down the path of unwellness. The internalization of these two models leads to significant negative impacts on Asian women’s mental health. Combatting discrimination based on their “foreign” culture, living up to the “model minority” identity, and battling the effects of a dual identity (Asian and American) can take a toll on anyone’s mental health. Specific to Asian women, the “model minority” myth leaves them vulnerable to additional trauma as Asian women are often overlooked as needing any assistance and overlooked for not being taken seriously (still viewed as a sexual fetish). Being intentionally situated within the white-Black binary of racism, Asian women are able to enjoy the privilege of “passing” through a generalized performance of what it means to be a “good” minority, while individually are still being held to non-white standards of high achievement for equality with mediocre whites.

Mamasitas

The racialization of Latina women is more nuanced in that it is both marginalization and desire (Gilman, 1985; Guzman Valdivia, 2004). The dominant culture classifies Latin women as overly passionate, aggressive with lavish jewelry, seductive clothing, curvy body,

and long dark hair (Gilman, 1985; Guzman and Valdivia, 2004). Latina women are also perceived as exotic, borderline to what is acceptable which creates the push-pull mentality over their racialized body. “[Latinas] exist outside the marginalizing borders of blackness. Instead, they occupy a racialized space in between the dominant U.S. binary of Black or White identities. Given their dark, full-bodied hair, brown eyes, somatically olive skin, and a range of more or less European facial features, they are physically ‘any-woman’—with the perception of their identity determined both by the context of reception and the relationally encoded setting of production” (Guzman and Valdivia, 2004, p. 214). Because Latina women are more closely related to Euro-ethnicity, they are able to move in racialized spaces without always receiving the negative consequences of a racialized Latina body. That is, they will have more opportunities than Black and Asian women to disentangle their Other-ness and their exoticization and dismantle the system that racializes all female bodies of Color.

The racialization of female bodies of Color does not occur in a single point in time or a single process. It is based upon a collective history of white male domination over the course of centuries. Racialization is the act of othering, the act of objectifying, and the act of subjugation. It “reflects and reproduces a broader system of male domination in which femininity, female sexuality and the female body is considered to be controlled and possessed by men” (Shefer, 1990, p. 39), generally, and white men, specifically. “The paradox is that as long as African American women must assume responsibilities for themselves and their families, due to a social and economic system that limits opportunities for African American males and females, they will continue to possess the qualities that threaten patriarchy” (Jewell, 1993, p. 65). This sentiment holds true for all

women of Color in the United States. Jewell continues that to eliminate the need for such qualities, the system which makes them necessary must be eliminated and in so doing “would mean that those who are socially and economically privileged would no longer ... maintain their advantaged status by limiting the opportunities of others” (1993, p. 65). While Jewell postulates on the status of Black women as threats to the white patriarchy, this, too, holds true for all women of Color. Although stated quite eloquently by Jewell (1993), it goes without saying, the institutions that perpetuate white supremacy must be eliminated in order for women of Color to act with full agency, and if women of Color acted with full agency, it can only presuppose the dethroning of white women from the top of the female hierarchy and white men from the top of the entire human power structure. Aside from the social and economic consequences, racialization of females is not without other significant consequences when their bodies are viewed in such a dehumanizing manner. The theoretical perspectives on sexual objectification posit that racialized stereotypes about women of Color as sexual objects may exacerbate the negative consequences of objectification (Frederickson and Roberts, 1997), which may also include that of arrest and entry into the institution of the criminal justice system.

The Feminist Groundwork

This section discusses the relevant literature on the feminist movement. It begins with a discussion on the three waves of feminist history and continues to discuss the Black feminist movement, the development of the Black feminist theory of intersectionality, and the lack of intersectional theory representation within the discipline of criminology and criminal justice. The history of criminology is steeped in white male dominance in terms of research subjects and white male academics conducting the research. Does this history

affect the research done today? Within the discipline, non-white, non-male experiences are not highly regarded as valid or worthy of research. The theory of intersectionality and the bias predisposition of the discipline is evidence as to why non-white women as research subjects has not been adequately examined.

White Waves of Feminism and Black Feminist Discontent

Within feminist theory are many perspectives and intentions. Feminist theory is not monolithic, similar to the history of feminism. There is not one history shared by all in the movement. In tracing the history of mainstream feminism, it is clear how those outside of the middle-class white community felt the need to develop a perspective(s) that addressed their needs for themselves and for those sharing similar political, social, and economic status. This section discusses the mainstream feminist movement, why Black women in the mainstream movement detached from the mainstream and began their own movement, and the drafted what will later become the theory of intersectionality.

The Mainstream Feminists

The feminist movement is often referred to as a series of waves. Each wave had a specific agenda, tone, and approach. They are successive in chronology and specific within the context of their period. From the first wave seeking the basic right of suffrage to the current wave confronting systemic white male supremacy for universal social justice, feminism has the equality for women at its forefront. However, the answers from each wave of which women are the focal point, what rights are being targeted, and how best to get such rights change, from wave to wave.

The first wave of the feminist movement began in the mid-19th century and ended almost a half a century later in the 1920s. The first wave prioritized middle class white

experiences such as suffrage, employment, and education. This wave produced feminist icons such as Elizabeth Cady Stanton, Susan B. Anthony, and Alice Paul. Pre-dating the first wave is Mary Wollstonecraft, a feminist icon in her own right. Her work on gender equality, the right to education, women's suffrage, fairness in employment, and her intellectual stamina against the political philosophers of her time influenced many of the mainstream feminists we know today. In fact, one of her most famous books, *A Vindication of the Rights of Women*, published in 1792, is often cited as the first major work espousing feminist theory and ideas. As such, Wollstonecraft influenced many of the first wave feminists in U.S. history, such as Anthony, Stanton, Lucretia Mott, Margaret Fuller, and Virginia Woolf. Mott is another first wave feminist who walked hand-in-hand with Stanton as they were thrown out of an anti-slavery convention for being women. A Quaker and abolitionist, Mott was also a co-organizer of Seneca Falls with Stanton. Mott's legacy within the first wave is that of an orator whose public speaking helped both the abolitionist and feminist movements for equality. A writer, like Wollstonecraft, Margaret Fuller was a first wave feminist and an author whose ideas influenced the feminist movement from its inception. Her book *Women in the Nineteenth Century* (1845) was significant as it was the first to stress the importance of equality of women politically, but the fulfillment of women emotionally, spiritually, and intellectually. Her legacy to the feminist movement is her intellectual voracity for equality. The movement in its early stages was associated with the abolitionist movement and the lesser-known temperance movement. It is early in the first wave that the division between race occurs and when it is identified within the movement itself (DuBois, 2018).

The temperance and abolition movements are important to the history of feminism as it is in these movements that activists of the time networked around and found

additional support for each other. The temperance movement led to the nationwide prohibition of alcohol, while the abolitionist movement worked towards the abolishment of slavery. The temperance movement was rooted in Protestant churches while finding staunch supporters in Baptist and Methodist clergy (Dannenbaum, 1981). This is noteworthy as Elizabeth Cady Stanton and Susan B. Anthony, leaders of the soon to be feminist movement, were part of these congregations. Many in the temperance movement supported women's suffrage because they thought that by giving women, who were thought to be inherently chaste in nature, the right to vote, the cause of prohibition would be more easily won on the ballot (Dannenbaum, 1981). Similarly, abolitionists were also active in the feminist movement (Hoffman, 1986). While many of the abolitionists were white Northerners, many abolitionists were also emancipated slaves that sought the freedom for all Black people. Frederick Douglass and Sojourner Truth, both emancipated slaves, were just as active in the abolitionist movement as two white icons of the first wave of feminism, Susan B. Anthony and Elizabeth Cady Stanton (Hoffman, 1986). Once the Thirteenth Amendment (1865), which abolished slavery, the Fifteenth Amendment (1896), which gave Black men the right to vote, and the Eighteenth Amendment (1919), which prohibited alcohol, were ratified both the temperance and abolitionist movements dissolved and many joined the fight for women's suffrage.

The official start of the first wave of feminism is marked by The Seneca Falls Convention in 1848. Seneca Falls was where the feminist ideology and agenda were first declared in writing by Elizabeth Cady Stanton and Lucretia Mott. Modeled after the Declaration of Independence, the convention's Declaration of Sentiments and Grievances stated, "We hold these truths to be self-evident, that all men and women are created equal,

that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness” (Digital History, (n.d.), p. 3). It was the first ever women’s rights convention in the U.S. and the impetus for activism on behalf of women’s suffrage and higher education. A famous abolitionist, Frederick Douglass, was a speaker at Seneca Falls to discuss how women’s suffrage could become a reality like that of the Black men in the country. From the convention to praxis, the women’s movement found both success and failure through a series of different organizations, such as the American Equal Rights Association (1866), which did little before collapsing into two separate organizations; the National Woman’s Suffrage Association (1869), which made many strides in higher education; and the American Women’s Suffrage Association (1869), which focused on state suffrage; and ultimately the National American Women Suffrage Association which focused on both women’s suffrage and education rights. Because strides made in higher education outnumbered that of suffrage, Alice Paul founded the National Women’s Party (1916) that focused solely on a constitutional amendment for women’s suffrage. Four years later, the 19th Amendment was ratified, and the first wave of feminism ended.

While it seems the early feminist movement achieved its goals of women’s suffrage and rights in higher education, the movement was not as focused as it is often presented. During this first wave, dissent occurred between white and Black feminists as to the focus of the movement. While white feminists were looking at suffrage and higher education, Black feminists and other women of Color were wanting action on issues such as lynching, domestic working conditions, and economic independence. Additionally, the passage of the

Fifteenth Amendment unveiled the first wave leaders' true intentions which gave little regard to the women of Color within the movement.

One of the most notable dissenters was Sojourner Truth. Her now famous "Ain't I A Woman" (hooks, 1981) speech describes how even as a person of Color, she is still a woman deserving of all the rights and privileges afforded to her white counterparts. Prominent Black activist, Angela Davis describes the first wave in similar fashion.

White supremacy and male supremacy, which had always had an easy courtship, openly embraced and consolidated the affair... [t]he influence of racist ideas was stronger than ever. The intellectual climate... seemed to be fatally infected with the irrational notions about the superiority of the Anglo-Saxon race. This escalated promotion of racist propaganda was accompanied by a similarly accelerated promotion of ideas implying female inferiority.

(2011, p. 121)

As Davis describes above, the white woman led feminist movement was not immune to embracing the racism of the time. Because Black men were given the right to vote before white women, Stanton and Anthony did not hesitate to argue for their, and other white women's, place at the table. For example, a lesser-known intention of the aforementioned NWSA was to undercut the Fifteenth Amendment because it did not include voting rights for women. Regarding the passage of the Fifteenth Amendment, Anthony stated, "I'd sooner cut off my right hand than ask for the ballot for the Black man and not for women" (Schuller, 2021, p. 19). Similarly, Stanton stated at another women's rights convention that "I do not believe in allowing ignorant Negroes and ignorant and debased Chinamen to make laws for me to obey" (Schuller, 2021, p. 20). Stanton went so far as to create a parallel

between Black enslavement and the plight of white women. While seemingly a supporter of women's rights, Stanton and Anthony, only when pushed, were specific about which women they supported in their fight for suffrage.

The first wave ends with the ratification of the 19th Amendment which granted voting rights to women on 18 August 1920 (Gamble, 2004). The white women of the movement found success in gaining the right to vote and in the public education sphere. Even with this huge win for the movement, the position of women of Color did not change with regard to voting and higher education. With Stanton and Anthony controlling the agenda, Black feminists, specifically, felt neglected by the movement and branched out to form organizations of their own to address issues they were still affected by such as: lynching, economic independence, educational status, and domestic working conditions.

The second wave of feminism began in the 1960s and lasted until the 1980s. Concurrently, the Civil Rights movement was also gathering momentum. Much like the first wave, the women's movement found allies within other political movements of the time. In the first wave it was the abolitionist and temperance movements. In the second wave it was the Civil Rights movement. The second wave of the movement focused on issues of equality and discrimination. However, Black feminists still felt ignored. Black feminist scholar Nellie McKay states that white women forgot that "... for Black women, issues of gender are always connected to race... Black women cannot choose between their commitment to feminism and the struggle with their men for racial justice" (Potter, 2015, p. 61). Analogous to the first wave, the second wave was still dominated by white feminists and their interests at the exclusion of others.

Two white feminist authors played prominent roles during the second wave. The first is Betty Friedan, and the second is radical feminist Mary Daley. Friedan's book, *The Feminine Mystique*, was a discussion on how housewives are defined by the patriarchy and are relegated to lives where they exist simply as a complement to men. Through a number of different arguments, she examines how housewifery is "quite simply, genocide" (Friedan, 1963, p. 495) and asserts that women start regarding themselves in a professional and self-actualized light when they can ascend the role of housewife and redefine what feminism really means on their own terms. It was a call to action for bored white housewives to reclaim what defined a woman outside of those prescribed by the patriarchal designed society. While this tome sits perfectly within the tone of the second wave and was widely accepted by the mainstream feminists, the criticism it received from the Black feminist factions, specifically bell hooks (Schuller, 2021), was expected.

A prominent Black theorist of the feminist movement, hooks criticized Friedan's musings as another example of white feminism excluding and oppressing women of Color (hooks, 1992). hooks argues that Friedan's focus on white housewives is again at the exclusion of women of Color who are in the workplace. Additionally, Friedan's call to action for bored white women to remove themselves from the mundane duties of the home implicitly requires working class women, people of Color, to stagnate while the now freed white middle class woman is given the opportunity to flourish. Friedan's desire for white housewives to rise is inextricably intertwined with the sacrifice of all other women.

The second book that played a prominent role in the second wave was written by Mary Daly, a radical feminist. Daly's *Gyn/Ecology* (1976) examines the different forms of the patriarchy and its effects on women throughout the world. It was an assault on the

patriarchy and one of the loudest voices of the feminist movement at the time. Despite its impact in maligning the patriarchal oppression of women, her ground-breaking book was not without its feminist critics. One outspoken critic is Audra Lorde, a prominent Black feminist. An attempted exchange between Lorde and Daly speaks volumes about the relationship between white feminism and Black feminism. In response to *Gyn/Ecology* (1976), Lorde sent Daly a letter regarding her book and her thoughts on white feminists. Lorde begins her letter with a criticism of white feminists' inability to hear Black women.

The history of white women who are unable to hear Black women's words, or to maintain dialogue with us, is long and discouraging. But for me to assume that you will not hear me represents not only history, perhaps, but an old pattern of relating, sometimes protective and sometimes dysfunctional, which we, as women shaping our future, are in the process of shattering and passing beyond, I hope... To imply, however, that all women suffer the same oppression simply because we are women is to lose sight of the many varied tools of patriarchy. It is to ignore how those tools are used by women without awareness against each other. (Lorde, 2012, p. 67)

Lorde directly addresses the manner which Black feminists (and Black women) were regarded by white feminists in the movement. Not only does Lorde touch on the neglect felt within the movement by only addressing issues of white middle-class women, but also on how white women adopt the same patriarchal practices they are fighting against and use them against women of Color. Black feminists within the mainstream movement felt the same discrimination they felt in their everyday lives. They did not feel a bond or a sisterhood with white feminists when the treatment by white feminists did not differ from

society at large (patriarchy). For white women to discount, or at best, ignore, the issue of race within the women's movement was seen as another instance of white women's privilege within the patriarchy. On this topic, Lorde goes on to state,

The oppression of women knows no ethnic nor racial boundaries, true, but that does not mean it is identical within those differences... To deal with one without even alluding to the other is to distort our commonality as well as our difference. For then beyond sisterhood is still racism. (2012, p. 70)

The second wave of feminism dissolved with the Civil Rights movement achieving its objectives of legislation protecting people of Color from discrimination. However, despite the passage of Civil Rights and women's rights laws, feminists of Color did not believe the struggle is over. The dawn of the third wave of feminism materialized at the end of the second wave in the early 1990s and was seen to be more inclusive of issues for both white women and women of Color.

The third wave feminists argue that their wave is distinct from the second wave because they are more inclusive than prior movements. The third wave pivots from the essentialist argument. The universality of sex and gender no longer apply, and individuality based on sex, gender, race, sexual orientation, and social economic status is now taken into consideration within the movement. The third wave is intended to be a movement of feminists of all colors, all socio-economic backgrounds, all sexual orientations, and all sexes and genders. The third wave feminists are critical of the prior waves of feminism for their focus on interests of white middle-class women at the exclusion of all others' interests. At the core of the third wave is inclusion and from this the term intersectionality is born.

As an example of the third wave's increased diversity, the third wave is marked by the Anita Hill case which shined a public spotlight on sexism in the workplace at the highest levels of the criminal justice system, the increased victories of women in politics which gave women a voice in the white male dominated state- and national- levels of government, and by Rebecca Walker's article in Ms. Magazine announcing simply, "I am the Third Wave" (Walker, 1992). As a queer woman of mixed race decent, her mother was Black and her father was white and Jewish, Walker epitomized what the third wave was about. Outspoken on issues of gender and "my body-my choice" issues, the feminists of the third wave were transforming the movement into something to which all women could relate. Naomi Wolf became a household name in the feminist world with her book *The Beauty Myth: How Images of Beauty are Used Against Women* (1991). In this book, Wolf argued that traditional beauty standards were patriarchal constructs with female oppression as its sole purpose (Wolf, 1991). It became one of the most impactful writings of the time, much like *Gender Trouble: Feminism and the Subversion of Identity* (1990). In *Gender Trouble*, Judith Butler provided an argument separating the concepts of sex and gender. According to Butler, mainstream feminists focus too much on defining women with universal characteristics reifying the male/female binary. She tried to remedy this by directing feminist efforts to power structures that manipulate and maintain who women are and where they sit within society. In support of her efforts, one of the most influential concepts from Butler's book is her argument that gender is performative and not prescriptive (Butler, 1990). That is, a person is not feminine or masculine, but their behavior is feminine or masculine so far as it is consistent with behaviors as defined by patriarchal power structures. Butler's argument breaks the link between sex and gender and opens the

discussion to talk about gender fluidity. Butler's ideas on gender were later used as the foundation for queer political theory.

The third wave feminist movement intentionally welcomed women regardless of race, socio-economic background, gender identity, and sexual orientation. The third wave refused to repeat the mistakes of the prior waves and pledged to be an inclusive movement, not a continuation of the white mainstream feminists of the past. The third wave was a movement that introduced gender fluidity to the mainstream and pushed for pro-choice issues for all women. While successful on its own, the third wave laid the groundwork for the foundations of queer theory and for future inclusive movements such as #MeToo and #BlackLivesMatter and as it ended in the 2010s, the fourth wave was ushered in with the rise of social media.

Black Feminist Movement

In 1851, Sojourner Truth gave her now famous speech entitled "Ain't I A Woman?" to a white middle class audience of women's rights activists. While this is a speech often referred to in discussions of Truth, it is not the only speech she gave that addressed the Black feminist agenda, which preceded a formal Black feminist movement. In fact, in 1867, Truth foreshadowed this agenda by addressing Black men receiving the right to vote before Black women. She stated, "There is a great stir about colored men getting their rights (they received their rights after the Civil War), but not a word about the colored women; and if colored men get their rights and not colored women theirs, you see the colored men will be masters over the women, and it will be just as bad as it was before" (Wayne, 2020, p. 250). In this simple excerpt, Truth addresses structural racism and sexism that is inherent with unequal voting rights. Soon after this speech, the 15th Amendment was ratified, and Black

men received the right to vote decades before women. As Crenshaw responds to the state of the feminist movement at the time, Black women cannot choose between their identities and that “the interests and experiences of women of Color are frequently marginalized within both” (as cited in Potter, 2015, p. 61).

A contemporary of Truth, Francis Harper was another Black feminist activist that was not blind to the racism of the mainstream feminist movement. An avid activist for both abolition and women’s suffrage, Harper did not let her womanhood displace her racial status. At the same women’s rights convention where Stanton discussed “ignorant Negroes and debased Chinamen” and declared her allegiance to her sex, Harper elected to argue for racial equality. She found that white women’s advocating only sex reifies whiteness and condemns her status as a Black woman to a lower position. White women were beneficiaries of white privilege despite not having equal rights of men, so Harper was not convinced that the white mainstream movement was working for the equality of all women. Harper declared, “If the nation could only handle one question, I would not have the black women put a single straw in the way if only the race of men could get what they wanted” (Schuller, 2021, p. 20). This is the true beginning of the feminist movement’s divide. While the issue of racism was always present, for such a prominent activist to choose a side opposite that of the white mainstream leadership is evidence that the agenda of the women’s movement was that of white women and not inclusive of all women as often touted. This is also where the ideas of intersectionality start taking shape. An often-credited founder, Harper’s form of feminist activism becomes what we later know as intersectionality.

Soon after, Black feminist scholars began to publicly discuss a Black feminist agenda addressing both racism and sexism separate from their white counterparts. Known as the mother of Black feminism, Anna Julia Cooper discussed the double enslavement of black woman “confronted by both a woman question and a race problem” (Lerner, 1973, p. 573). Cooper believed that education was the avenue to lift Black women out of their status and to bring the rest of the Black community with them. Not just an activist and advocate for education, at the age of 67, Cooper was the first Black woman to earn a doctorate in Philosophy. Similarly, in 1904, Mary Church Terrell, the first president of the National Association of Colored Women, wrote “Not only are colored women ... handicapped on account of their sex, but they are almost everywhere baffled and mocked because of their race. Not only because they are women, but because they are colored women” (Jones, 2012, p. 308). Years later, Terrell helped create the NAACP which advocates for equality for all people of Color, not just women. Ida B. Wells was a former slave and anti-lynching activist. Wells openly published her thoughts on lynching and argued that lynching did not take place because the victims raped white women but because the victims simply challenged white supremacist authority. She was also a suffragette and later in her career a founder of the NAACP. One of the most overlooked women in the women’s movement, both mainstream and Black factions, is Pauli Murray. A poet, legal scholar, and activist, Murray was prolific in their correspondence to authority figures challenging the inequalities faced by women and people of Color. Borrowing from the term Jim Crow, Murray coined the phrase Jane Crow to analogize her experiences as a woman in areas unrestricted to men, such as education and the workplace. She wrote letters to President Franklin Roosevelt and later First Lady Eleanor Roosevelt hoping to provoke action towards the same vision of

equality the President and First Lady advocated for in the media. One of the founding members of the National Organization for Women, Murray's legal arguments are what has structured much of what we take for granted today within the social justice landscape. Furthermore, despite both acknowledging Murray's work, much of what is given credit to other scholars such as former Supreme Court Justices Thurgood Marshall and Ruth Bader Ginsburg (Schuller, 2021). A queer Black woman with a legal mind before her time, Murray's work has helped lay the groundwork for social justice advocates that followed.

In 1972, Frances Beale introduced "double jeopardy" to describe the discrimination felt by black women. "As blacks they suffer all the burdens of prejudice and mistreatment that fall on anyone with dark skin. As women they bear the additional burden of having to cope with white and black men" (Beale, 2005, p. 92). As an example of this, Angela Davis compares the experiences of black men, black women, and white women during slavery. She notes that black men were flogged, and black women were flogged and raped (Davis, 2011). Additionally, Black women were forced into sexual slavery by white male slaveowners where white women were excluded only under this classist and racist institutional system of oppression. bell hooks also notes that "No other group in America has so had their identity socialized out of existence as have black women. We are rarely recognized as a group separate and distinct from black men, or a present part of the larger group 'women' in this culture When black people are talked about the focus tends to be on black men; and when women are talked about the focus tends to be on white women" (hooks, 2014, p. 12).

In 1975, Pauline T. Stone described the economic system as separate having black jobs and white jobs. She claimed that this hierarchy within the economic sphere resulted

from racism in the social sphere. She also identified the separation of jobs by sex. Because women stayed at home and did the unpaid housework, they became dependent on men. This is where Black feminism first identified the link between classism, racism, and sexism and the effects of their simultaneous oppression.

In 1977, the Combahee River Collective, an offspring of the National Black Feminist Organization created due to homophobia, splintered from the mainstream white feminist movement. As described by Hill “[the CRC was]... a community of black feminists, they developed their intersectional analysis in the context of social movements for decolonization, desegregation, and feminism” (Hill, Collins & Bilge, 2015, p. 74). They focused on the intertwining of systemic oppressions of racism, patriarchy, capitalism, and heterosexism. They found capitalism and heterosexism to be equally powerful systems of oppression. In the words of the collective, “... sexual politics under patriarchy is as pervasive in Black women’s lives as are the politics of class and race. We find it difficult to separate race from class from sex oppression because in our lives they are most often experienced simultaneously. We know that there is such a thing as racial-sexual oppression which is neither solely racial nor solely sexual” (Combahee River Collective, 1995, p. 236).

While these terms captured the idea of multiple identities under which Black women have been institutionally oppressed, they were limited in their scope. The idea of socio-economic status, sexual orientation, and other statuses were excluded in these early forms of analysis. This creates an opening for Crenshaw and her remarkable contribution of intersectionality.

The Theory of Intersectionality

Crenshaw, a legal scholar and activist, used the term intersectionality to discuss identity politics and the oppression felt by women of Color specifically in the legal system. Due to the negative reference to identity politics in the 1980s, intersectionality, even before the phrase was coined, was widely used to combat the negative connotation identity politics held in legal discourse of the time (Barmaki, 2020). Crenshaw did not think that the categories such as race or sex or socioeconomic status as an issue in and of itself. She believed that the social principles affixed to the categories and their subsequent hierarchies were the fundamental issue (Potter, 2015, p. 68). Crenshaw outlined three forms of institutional oppression: structural, political, and representational (Crenshaw, 1989). Structural oppression referred to sociostructural elements and institutions that place women of Color and people of other secondary status at a disadvantage. Political oppression referred to the struggle by women of Color feminists to get the voices of women of Color heard and their experiences integrated into the mainstream white run feminist agendas. And representational oppression considered the images of women of Color and how the intersections of these women were based on others' perception (i.e., stereotypes) of women of Color which was not controlled by women of Color (Crenshaw, 1989). Crenshaw used this term in the legal sphere oblivious to the idea that she would later be known as the author of one of the most prominent Black feminist theories.

History of Intersectionality

Intersectionality is borne from Black feminist theory and critical race theory. Black feminist theory posits that Black women are typically oppressed within both the Black community and society based on subordinated statuses, and research on Black women

should be conducted using this perspective. Black feminist theory puts the interwoven identity experiences lived by Black women at the center of an analysis. Tenets of critical race theory are that race is socially constructed; racism is ordinary in society and cannot be easily resolved with law; and that the legal system privileges some races over others (Potter, 2015; Crenshaw, 1989). Critical race theory promotes a “voice of Color” thesis that maintains, because of their experiences of oppression, people of Color “may be able to communicate to their white counterparts matters that the whites are unlikely to know” and encourages “black and brown writers to recount their experiences with racism and the legal system and to apply their own unique perspectives to assess law’s master narratives” (Delgado and Stefancic, 2017, p. 10).

It is difficult to trace the non-linear history of Black feminist theory. While prominent theorists exist, they do not follow each other in an organized chronological manner. That is, while Black feminists would work with the white mainstream feminist movement throughout the years, they would also splinter from the mainstream and from other Black feminist groups to work towards goals specific to their collective experiences. From Sojourner Truth to bell hooks to Patricia Hill Collins and Kimberlé Crenshaw, the Black feminist movement has had a dynamic agenda that cannot be captured in a successive fashion but culminates into a theory and tool of analysis that transcends feminism and transforms how we look at phenomenon in a manner that respects and acknowledges formerly ignored individual and group experiences. Intersectionality is also a tool that can identify and amplify the nuances of oppression and promote the dismantlement of the social, political, and economic power structures study by study which will be discussed in more detail in the methods section.

As mentioned earlier, Francis Harper is one of the first Black feminists to promulgate a theory that resembles what we currently know as intersectionality (Schuller, 2021). As a first wave feminist, Harper saw first-hand founders of the mainstream feminist movement betray women of Color in an effort to secure their own rights. She witnessed Stanton and Anthony abandon non-white women when their own political destiny was threatened by the Fifteenth Amendment giving all men the right to vote. Instead of picking race or womanhood, Harper articulated how neither was second to the other, and from this, comes intersectional feminism. Murray was another Black feminist who did not capitulate to the mainstream white feminist agenda. As a queer Black feminist of the second wave, Murray was an established attorney, and she grounded her legal arguments in terms of race and gender. She believed each was as important as the other. Murray understood that as a woman she would be denied opportunities afforded to white men, Black men, and even more, as a Black woman, would also be denied opportunities afforded to white women. While still not using the term intersectionality, Murray's legal acumen created much of the legal framework by which many legal cases have been based to grant equal rights and protections to all the social and biological categories, such as race, sex, gender, and sexual orientation.

Around the same time Crenshaw's intersectionality entered the public discourse, King (1998) used the term "Multiple Jeopardy" to describe the multiplicative effects of oppression. King did not believe that effects of status were additive, but multiplicative. That is, the discrimination felt by a poor Black woman is not equal to sexism + racism + classism. King posits that sexism multiplied by racism multiplied by classism is a true indicator of discrimination felt by poor Black women. Oppression felt by those of multiple minority

status did not just append to each other but multiplied by each individual status identity. Like Crenshaw, women of Color or those with multiple minority status experienced oppression specific to the combination of identities in the specific context of evaluation.

With similar, yet competing, theories being introduced into feminist scholarship to address institutional discrimination, intersectionality quickly moved to the forefront of Black feminist theory and legal scholarship. Intersectionality was accepted and quickly adopted for use in the 1990s and 2000s in numerous academic fields and seen as a major pivot from the white male dominated theories of mainstream scholarship (Jackson, 1993). While seen as a Black feminist theory, intersectionality can be found in various disciplines throughout the academy. From psychology and art to education and literature, disciplines were rewriting themselves to include the examination of race, gender, and class (Belkhir & Ball, 1993). The theory of multiple identities and the institutional domination of individuals because of these identities is applicable in all areas depending only on the context one analyzes. For economic purposes, socio-economic status, race, gender, and education level are pertinent identities to analyze. Whereas in sports, perhaps race, gender, and sexual orientation would be the most relevant. From Black feminist theory to the rest of the academy, intersectionality has become one of the most highly regarded theories attributed to Black women scholars and the dominant theory for dismantling institutional oppression by critical race theorists and Black feminists.

As a prominent Black feminist, Patricia Hill Collins took center stage in the discussion of intersectionality to define its premises. In her book, *Intersectionality As Critical Social Theory*, Collins outlines the premises of intersectionality as such (Collins, 2019):

- Race, class, and gender as systems of power are interdependent.

- Intersecting power relations produce complex social inequalities.
- Intersecting power relations shape individual and group experiences.
- Solving social problems requires intersectional analysis.

Under these premises, mono-categorical theories contain blind spots that could never simultaneously address the issues of race, gender, class, etc. By understanding the interdependent nature of the various systems of power and its varied measures of oppression on the different categories, intersectionality directly addresses what traditional theories could not do. In her follow-up book, *Black Feminist Thought*, Collins states simply that “oppression cannot be reduced to one fundamental type because systems of oppression are neither produced, nor experienced independently” (Collins, 2000, p. 18).

However, intersectionality does not come without its critics. Intersectionality is not a hierarchy of identities or a form of identity politics where scorecards are kept for the number of minority groups to which one belongs, as its politically conservative critics would lead one to believe. While attributed to Black feminists, it is not a weapon for women of Color to use to claim victimhood from white social structures. It is a tool for analysis of discrimination to understand the interactive effects of the different identity status oppressions and the vulnerabilities in their confluence within a specific context. For example, how are poor white women with a high school diploma treated while working at a Fortune 500 company compared to an affluent Latinx man with a master’s degree in the same place of employment. In this example, does whiteness protect the white women from discrimination based on classism or elitism? Does sexism or elitism protect an educated Latinx male from discrimination? Intersectionality does not just consider the experiences of females of Color, but everyone regardless of their status identities. As Gabbidon et al.

state, "...often, criminological studies of men ignore how gender may be related to their experiences. [intersectional] approaches in criminology necessitate the consideration of intersectionality of not only women's experiences but those of men as well" (Gabbidon et al., 2011, p.7). It is understanding how these different statuses converge into one identity within a specific context where oppression is examined regardless of sex. Intersectionality is precisely this.

The biggest criticism of the theory is its definitional vagueness. Cho, Crenshaw, and McCall discuss what makes an analysis intersectional in their 2013 article as such:

[W]hat makes an analysis intersectional is not its use of the term 'intersectionality,' nor its being situated in a familiar genealogy, nor its drawing on lists of standard citations. Rather, what makes an analysis intersectional... is its adoption of an intersectional way of thinking about the problem of sameness and difference and its relation to power. (p. 795).

The vagueness of intersectionality might be seen as a valid critique of the theory, but it is its vagueness that makes it an adaptable tool for social analysis in any field and any context with overlapping power structures. This makes intersectionality a living theory that can flex and mold to its user while still elucidating the experiences of individuals and groups under the collective oppression of the dynamic social, political, and economic power structures. This presumed weakness is potentially intersectionality's principal strength.

A Feminist Incompatible Discipline as Revealed in the Literature

As intersectionality made its way throughout the academy, the field of criminology was no exception. The default framework of criminology is that of a white framework that prioritizes the male perspective (Bernard, 2013). Hillary Potter (2015) introduced the

intersectional framework to criminology as an extension of the Black feminist movement. For Potter, existing theories could not sufficiently address the systemic oppression experienced by women of Color. With a regard to sex and gender, Potter identified how hegemonic masculinity, emphasized femininity, and nonhegemonic masculinities prioritize cis gender males, the subordination of femininity, and the performance of masculinity. However, even with the introduction of intersectionality into criminology, it is still regarded as a white male discipline.

Mainstream Criminological Research

Within academia, the issue of misogyny and racism runs rampant (Jenkins, 2014), not just within the academy but in the scholarly research produced by the academy (Belknap, 2020; Chesney-Lind, 2020; Daly & Chesney-Lind, 1998; Jenkins 2014; Woodward et al., 2016). Criminology is not an exception. In fact, many of the prominent theories are based on research using only white males as its subject. A recent study by Sharp and Hefley (2007) found that 85% of high-profile criminology journal articles did not include female subjects in their sample. Initially, white male only research could have been seen as a sign of the times where white males were the only subjects available. However, to see in more recent research the lack of women and non-white representation and in the demographics in the field itself does not reflect well on the discipline (Chesney-Lind & Chagnon, 2016; 2020; Chesney-Lind, 2020; Sharp & Hefley, 2007; Woodward et al., 2016). While explaining female criminality, Bernard (2013) even coined a phrase referring to mainstream criminological theory as malestream perspectives on crime to denote the domination of the discipline by white males. While women and non-white academics have made inroads within criminology, “the great majority of the most powerful positions are still held by

white men. [They] still make up a significant majority of authors in top-tier journals... and... more likely recipients of professional honors and awards... [and] people of Color are almost a nonpresence in criminology" (Chesney-Lind & Chagnon, 2016, p. 327).

Cesare Lombroso, the father of criminology, was one of the first criminologists credited with looking at biology as a cause of crime and deviance. His research revolved around tattoos on members of the military and evolved into attributing deviance to physical attributes (Lombroso, 1911). The subjects of Lombroso's research were white males in the military. Although his biological theory of deviance fell out of favor within criminology, his example of using only male white subjects has continued for decades within the discipline. Adolphe Quetelet (1796-1874) was another researcher who used only white males. He is most known for establishing the body mass index (BMI) measurement, but a little-known fact is that he studied male bodies to understand criminality based upon physiology (Jahoda, 2015). Dr. Charles Goring (1870-1919) also looked at physiological traits of solely male prisoners and non-prisoners to ascertain whether or not physical attributes determined criminality (Beirne, 1988). He determined that physiology did not determine criminality and refuted claims by Lombroso. Another early discussion of the male-ness of criminology is Albert Cohen's study of delinquent boys and how it ignores girls outright (1955). He noted the significance of social status and was one of the first to regard subcultures in the periphery. His contribution was enormous in correlating socio-economic status with delinquency, but he still excluded any substantive discussion of gender and race. Not to be overlooked are Sutherland and Cressey's discussion of the sex ratio of criminal offending (1974). While commenting on the different offending rates between boys and girls, Sutherland and Cressey entirely dismiss social

environment as causes of delinquency since boys and girls (siblings) grow up in the same household, yet boys delinquency rates are much higher than girls, and attributed the difference in offending to the fact that “girls are supervised more carefully and behave in accordance with anti-criminal behavior patterns taught to them with greater care and consistency than in the case of boys” (p. 129-130). Not only do Sutherland and Cressey take social environmental out of the crime paradigm, but they also fully eradicate any mentions of gender in the criminological conversation.

One of the most noted theories in criminology is Gottfredson and Hirschi’s general theory of crime (1990). This theory is based on the idea that a lack of self-control leads to delinquency. The authors state that their theory is applicable to all people regardless of race, gender, age, culture, and geography even though their theory was based upon research with limited samples of white middle class boys. Their only serious mention of gender occurs in their discussion of single-parent families which were usually headed by women and how these single parents cannot adequately monitor, recognize, and punish deviant behavior (Gottfredson & Hirschi, 1990). Likewise, their limited mention of race disputes the effects of institutional racism and attributes non-white deviance to simply low self-control.

A few years later, Sampson and Laub make the same claims of universal applicability with their life course theory. While their life course theory analyzed subjects over their lifespan, their subject pool consisted solely of white males (Sampson & Laub, 1993). Even where the opportunity presented itself, they did not inject any concepts of sex, gender, or masculinity into their analysis. Even as gendered subjects, violence perpetrated onto their wives were not critically evaluated regarding gender (Cook, 2016). With regard to race,

Sampson and Laub claim that “[their] data allow us to discuss crime in a ‘deracialized’ and, we hope, depoliticized context...we believe the cause of crime across the life course are not rooted in race... but rather in structural disadvantage, weakened by informal social bonds to family, school, and work, and the disruption of social relations between individuals and institutions that provide social capital” (Sampson & Laub, 1993). Unlike Gottfredson and Hirschi, these authors acknowledge the social power structure that assign specific categories of people with more power and privilege than others. However, their entire sample was white and their claim to hopefully deracialize and depoliticize the conversation is ignorant at best. Apart from bringing up race in that context, the issues of race and gender were still wholly ignored and excluded.

While the examples are countless on the exclusion of women and racial minorities as subjects of criminological research, the research using the theories discussed above illustrate the racially biased and anti-feminist nature of criminological scholarship. It is this pattern that creates the strongest argument for the incorporation of intersectional analysis in criminology. For without a more inclusive body of research, the field of criminology remains stagnant in its own foundation.

Intersectional Research of Law Enforcement Arrests

As critical criminology and feminist theories have penetrated the field of criminology, the application of intersectional theory has increased. Studies from Jason Williams, Kathryn Russell Brown, Nishaun Battle, and Delores Jones-Brown have addressed the experience of racialized women within the criminal justice system. As race and crime experts, their work has discussed the topics of re-entry of formerly incarcerated Black women and Black men (Williams, 2021), Black women and punishment throughout history

(Battle, 2016), the policing of Black bodies (Jones-Brown, 2000, 2017) and race and crime from a legal perspective (Brown, 1995, 2004, 2006, 2021). While these accomplished scholars and many more operate within an intersectional framework in their research on the criminal justice system and crime, in general, their work is not within the scope of this project. With respect to research on how law enforcement officers treat female arrestees of Color, the literature is almost non-existent. In a recent article discussing gendered racial vulnerability, Powell and Phelps state, "... recent intersectional scholarship contends that the focus on young men of Color in policing research often dismisses, or treats as collateral damage, the experiences of women, girls, genderqueer, and transgender people of Color. This gap in scholarship remains troubling as women represent 44% of all adults who experience a police-initiated contact and 25% of adults in incidents where police used force" (Powell & Phelps, 2021, p. 432). A search for intersectionality and law enforcement police in criminology, criminal justice, and law enforcement or intersectionality and police in criminology, criminal justice, and law enforcement resulted in 28 peer reviewed articles, and a search for "intersectionality and policing" resulted in 23 articles. Of these 51 total articles only 5 articles are relevant to this study and only 2 are published in criminology or criminal justice academic journals.

In criminology and criminal justice academic journals, Owusu (2017) conducted an intersectional analysis of how Black people are policed in the 21st century. In 2019, Kule, Bumphus, and Iles examined public attitudes towards law enforcement. The last study looked at race, sex, and sensationalism of prosecuted human trafficking cases in Canada (Millar & O'Doherty, 2020). While relevant to criminology and criminal justice, these articles do not directly address the scope of this project.

The two articles found in non-criminology and non-criminal justice academic journals looked at the intersectionality of race, gender, sizeism, and ableism, respectively. Gilbert and Ray (2016) analyze the epidemic of policing killing Black males from a public health perspective. The second article examines encounters with law enforcement from a sociological perspective by examining how race, body size, and other identity status intersect when interacting with law enforcement (Whitesel, 2017). While these two articles are not located within criminology proper, they do address issues that are of great importance in understanding the nuanced interactions between law enforcement and the multi-dimensional public they serve.

The five articles mentioned above conducted intersectional analyses of law enforcement interactions, none of the five articles tangentially or directly address the topic racialized female bodies of Color and visible tattoos. What is missing from these articles is an intersectional analysis on law enforcement arrest patterns of female tattooed offenders and how the racialization of female bodies of Color affect arrest patterns. It is this gap that this project intends to fill.

CHAPTER III

METHODS AND DATA

The current work explores arrest patterns of arrested tattooed women. Using a quantitative analysis of arrest data, this work explores how race and visible tattoos affect the severity and the number of offenses charged to an arrestee. Prior research has found that arrestees with tattoos were more likely to be charged with felonies than non-tattooed arrestees and be charged with more offenses (Camacho and Brown, 2017). Despite the acceptability of tattoos in mainstream culture, tattoos are still viewed as markers of deviance, by society writ large those with tattoos themselves. Is it the simple fact that an arrestee has a visible tattoo that warrants additional or severe charges? Does a visible tattoo affect the number of charges received by an arrestee? Using the analysis tool informed by intersectionality, this chapter expands upon the prior study by Camacho and Brown (2017) and examines whether or not race and visible tattoos have similar effects on women that have been arrested.

The Tool of Intersectionality

The theory of intersectionality has penetrated numerous disciplines within academe and has found its way into the current lexicon in discussions of social justice and other areas where institutional and systemic inequality is perceived. In 1989, Kimberlé Crenshaw, a legal scholar, coined the term “intersectionality” and in 2015 the term appeared in the Oxford dictionary defined sociologically as referring to the interconnected nature of social categories. Crenshaw (1989) focuses on structural, political and representation aspects of intersectionality. The idea of multiple identities did not begin

with her seminal article (Crenshaw, 1989). The seeds of intersectionality were sown over a decade before Crenshaw penned the term.

As discussed earlier in the literature review, the idea of multiple identities went through numerous iterations before Crenshaw. As a tool, intersectionality is not about creating new minority categories eligible for more protection, nor is it intended to vilify straight white males. According to Crenshaw, intersectionality is a tool that can be used to remove the categories altogether and subsequently the varied levels of overlapping oppression based on those categories. By identifying the differing experiences of oppression, policies addressing this identified discrimination can be promulgated to minimize these discriminatory practices and erase discrimination altogether. In a recent news article, Crenshaw spoke of her conversations with conservatives who openly critiqued intersectionality. She stated that as a concept or an observation, conservatives found intersectionality to be fair, but as tool, “they are deeply concerned the practice of intersectionality, and moreover, what they concluded intersectionality would ask, or demand, of them and of society” (Coaston, 2019). Intersectionality is not just the acknowledgement of differing experiences based on race, gender, or other status categories, but a tool to analyze the structural power dynamics and a remedy to the countless imbalances of power based on the different categories. The purpose of this project is to do exactly what Crenshaw intended which is to analyze the arrest experience of tattooed women of different races and, if significant differences are found, to suggest remedies to uproot the discrimination at this stage of the criminal justice system. Utilizing a female arrestee dataset does not discount this project from being an intersectional analysis since intersectionality does not require representation from all possible identities.

This study is an analysis of the outcomes for arrested women of various racial backgrounds and of various status with regard to having visible tattoos. Despite analyzing a dataset of only female arrestees, the study is an intersectional analysis because it is one that relies upon the premises and intentions of intersectionality. This study centers the female experience, examines the racialized consequences of female bodies of Color within the white male constructed institution of the criminal justice system, and investigates the function of a former proxy of deviance (and deviants) in a contemporary setting. This project is in every sense an intersectional analysis despite the absence of males in its data.

The Analysis

With the recent influx of academic studies regarding tattoos as both deviant and mainstream normative behavior, this study takes a cross section of the population and examines the effect, if any, visible tattoos play with regard to an arrest. The main research questions this study addresses are as follows:

- 1) Does race make a significant difference in the arrest pattern of female arrestees with visible tattoos?
 - How does race and a visible tattoo affect the charge severity outcomes?
 - How does race and a visible tattoo affect the number of offenses charged?

*Data Collection*²

The data for this study was collected from the Pinellas County Sheriff's Office (PCSO) website during the months of May 2012 – August 2018. Pinellas County is located on the

² The data set used in this project is a subset of a data set used in an already published article. Portions of the Data Collection and Variables sections have been previously published in whole or in part in *Deviant Behavior* (2018).

western coast of Florida. It is part of the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area. The data included all cases in which the Sheriff's office and/or other local law enforcement agencies made an arrest. The data were collected using a web scraping computer application. Web scraping is a computer programming method of data collection. Through the use of scraping (or copying), data found on a webpage is programmatically collected, stored, and later used for various purposes. The scraping program is configured to the layout of the webpages that contains the desired data. The specific areas of the webpage that display the desired data are programmed into the application, and the application is configured to copy the data from each of the specified areas. When the application is executed, it copies the displayed data from the pre-determined areas of the webpage and saves it in an electronic file (database or text document depending on the application).

For this project, the web scraping application was configured to copy specific areas of an arrestee's Subject Charge Report webpage. PCSO incorporates an arrestee's court assigned docket number into the web address for each individual arrestee. Each arrestee's webpage address is standardized with the exception of the docket number which appends the standard website address. Additionally, docket numbers run sequentially and chronologically which allows for easy identification of docket numbers to include in the application programming. Arrestee searches were conducted using the first and last days of each year spanning ten full years from January 1st of 2006 – to December 31st of 2015 to identify the first and last docket numbers assigned. Once the docket numbers were identified, the web scraping software was programmed utilizing the range between the identified docket numbers. The code was then applied to the web scraping software, and

the application was executed. The collected raw data was initially stored within the web scraping application until the application completed the scraping of all 10 years of arrestee information. The raw data was then exported into a SQL database where it was then cleaned and coded prior to analysis. Because the data was collected programmatically, it was not collected on a daily basis, but on a yearly basis. The data encompassed 10 years of arrests and was collected over a period of 6 years, one year at a time. Often the data was collected years after the arrest date.

The Variables

Dependent Variables

The variable arrest patterns will be operationalized as the number of offenses charged. The charge severity is operationalized as the felony dummy variable, as opposed to a misdemeanor. The raw data contained a field named "Booking Type" which held the charge level information – felony, misdemeanor, or no charges. This variable was recoded into a dichotomous variable for felony (felony=1, misdemeanor or no charges = 0). If an arrestee received multiple charges of differing levels (both felony and misdemeanor), the higher charge type was selected, i.e., felony. The raw data for number of offenses charged is a discrete variable which ranges from 0 to 60. The raw data remained untouched but renamed as charges discrete. The raw data was then recoded into a categorical variable with five different categories called charges cat. The first category represents one charge; the second category represents two charges; the third category represents three charges; the fourth category represents four charges, the fifth category represents five, the sixth category represents six charges, and the seventh category represents seven or more charges. The number of arrestees receiving five and six charges is 2% and 1.2% of the

dataset, respectively. Because the number of arrestees receiving seven or more charges is 1.9%, it made the most sense to aggregate these charges into one category in preparation for regression analyses. The purpose of recoding the discrete variable into a categorical variable is to capture both the linear relationships between the variables (discrete variable) and more complex relationships (categorical variable). Both the discrete variable and the categorical variables will be used in the different statistical analyses.

Independent Variables

The critical variables were constructed from the raw data which contained a field for race and for sex which were combined and made into intersectional dichotomous variables. The race and sex of each arrestee was combined into the following five dummy variables, Asian female, Hispanic female, Black female, white female, and unknown female. The raw data in the race field was based upon the perception of law enforcement personnel entering the arrestee's information. That is, the data in the race field was solely reliant upon the intake personnel's proficiency at guessing an arrestee's race.

Another variable used in this study is age. The raw data contained a variable called "Arrest Age," and that data was simply renamed age for use as a discrete variable in this study. The variable of offense type was converted from the statute field in the raw data. In this field, the statute that was violated by the arrestee is listed. The Florida State Statute database was downloaded from the government website (www.leg.state.fl.us) and used as a reference for the offense type. For each statute in the database, a field called "Code Value" was also provided. The statute in the raw data was cross-referenced with the statute in the database and the categorical variable called offense type was created from the "Code Value" field. This field contained offense types as described by the state. In this case, the newly

created offense type variable is strictly based upon the state's definition of the offense; no interpretation or subjectivity entered into the creation of this variable.

The raw data contained a field named "SMT" which was used for any identifying scars, marks, or tattoos. The data contained in the "SMT" field was not standardized and could only be recoded manually. In order to create better comparison variables with the "SMT" field data, various dichotomous dummy variables were created for: having a tattoo (variable name=tattoo; yes=1; no = 0); and having a visible tattoo (variable name=visible; yes=1; no = 0). According to DeMello's work with prisoners (DeMello, 1993; Rozycki Lozano et. al, 2010), the face, neck, and hands are not only highly visible locations, but notorious for garnering prison or street gang tattoos. A dichotomous variable was created for visible tattoo. Arrestees with a visible tattoo had tattoos located on the head (includes face, ears, nose, eyes, lips, forehead), neck, shoulder, arms, elbow, wrist, hands, everywhere, and all over. All other tattoo locations were coded as not visible. As expected in a non-standardized field, some of the "SMT" raw data was not consistent or concise in stating if an arrestee had a scar, a mark, or a tattoo. In such cases, the arrestee was coded for no tattoo. In cases where a tattoo was clearly stated, but no location was given, the tattoo was coded as not visible.

While many of the tattoos that were described can generally be categorized as gang related, religious, Americana, military related, etc., it would be difficult to ascertain which category an arrestee attributes their tattoos to since tattoo categories have much overlap. For example, someone with a Harley Davidson tattoo might belong to a Harley Davidson riding gang or they might simply be a Harley Davidson fan. If a police officer assumed this tattoo were a symbol of a gang affiliation, the officer may be more aggressive, pensive, and

cautious when approaching the potential arrestee. Similarly, someone with a tattoo of the USS Saratoga, the name of a naval ship, may have the tattoo to express their devotion to a family member who served on the ship and not directly related to the military. In this case, an officer assuming the wearer of the tattoo has a military affiliation may give the potential arrestee the benefit of the doubt, may be more lenient, and may be less cautious. The interpretation of tattoo meanings is relative based upon the person wearing the tattoo. While interesting and relevant to the furtherance of the general discussion, tattoo interpretation is beyond the scope and capacity of this project.

The dataset also contained a variable called "complexion." It is a categorical variable that is used to assign the following complexions/skin tones to arrestees: light, fair, medium, ruddy, dark, black, and unknown. Like the tattoo and race fields, the categorization of complexion/skin tone is not standardized and relies on the perception of intake personnel. As evidenced in the complexion categories, intake personnel appear to not follow any criteria for categorization of complexion. For example, having a light complexion and a fair complexion category seems to be redundant, likewise a dark complexion and a black complexion. Also, the category of ruddy may be for arrestees with a genetic reddish complexion. It may also be used for those with an acquired health condition or recent alcohol consumption. This is unclear. Also, like the race and tattoo fields, the assumption is made that the arrestee was not asked to self-categorize their complexion/skin tone. To eliminate the redundancy of the categories, four of the categories were combined into two. The light and fair categories were combined under fair, and the dark and black categories were combined under dark.

The Dataset

The dataset contained 155,707 arrestee records. The number of arrestees with an entry in the SMT field were 59,805 with only 29,185 identified as having a tattoo.

Table 1 Variable Descriptives

	Full Sample		Tattooed Sample	
	Frequency	% of N	Frequency	% of n
Asian Female	662	0.6	115	0.4
Black Female	26,621	23.0	6,289	21.5
Hispanic Female	3,752	3.2	678	2.3
Unknown Female	193	0.2	39	0.1
White Female	84,479	73.0	22,064	75.6
Felony	52,546	45.4	14,232	48.8
Tattoo	29,185	25.2		
	N = 155,707		n = 29,185	

The Strategy

Before a regression model can be run, the data must satisfy specific assumptions. Regression analysis requires that the means of the groups being compared are not equal. The purpose of these preliminary models is to ensure the mean of the compared groups are not equal to satisfy the assumption necessary for use in regression analysis. A series of *t*-tests were conducted comparing the means of the two groups of two or more variables. The first *t*-test run compared arrestees with visible tattoos to those without visible tattoos. The last set of *t*-tests compared arrestees that received a felony against those that did not receive a felony.

In answering the research questions, two regression models were conducted using different samples. The different iterations of the two models utilized the full sample and

three subsets of the full sample: non-white arrestees, white arrestees, and arrestees with visible tattoos. The first regression analysis to explore arrest patterns examined the effect of visible tattoos on charge severity. The dependent variable used in the first model (Models 1A – 1D) is felony (felony = 1, not a felony = 0). Depending on the sample, the independent variables used in the first set of models are Black female, Asian female, Hispanic female, white female, age, and visible tattoo. The second set of models examines the effect of visible tattoos on the number of offenses charged (Models 2A – 2D). The dependent variable in the second set of models is total charges (categorical). Depending on the sample, the independent variables used are Black female, Asian female, Hispanic female, age, and visible tattoo. In support of the research questions, a third regression model was conducted that examines the effect of complexion, instead of the combined race and gender variable, on the charge severity and number of offenses charged. Similar to the first two models, the dependent variables are felony and total charges, respectively. The independent variables used are Fair, Medium, Ruddy, Olive, Dark, age, and visible tattoo.

CHAPTER IV

THE RESULTS

Data Sample

The original dataset contained all female arrestees from January 2006 – December 2015. While most of the arrest records were complete, a number of records were found unusable due to missing data and unspecified data categories, such as “unknown race”. These records were omitted from this study. The number of records omitted was 48,119. The sample used for analysis contained a total of 107,588 records. From this sample, 13,076 (12.2%) had visible tattoos. The independent variables included are those specific to the research presented in this study, i.e., tattoo, visible tattoo, and race.

Descriptive Statistics

The descriptive statistics for the data sample are found in Table 2. The variables are divided into four sections: arrestee variables, tattoo variables, offense/charge variables, and complexion variables. Both frequency and percentage are included for each variable listed.

For the arrestee variables, the racial breakdown by percentage follows the demographics and arrest patterns as expected. Based upon the 2010 Census data, the percentage of whites (not Latino or Hispanic) and Blacks in Pinellas County are 73.1% and 11.1%, respectively. The white percentage of arrestees follows that of the county demographics (74.4%), and the Black percentage of arrestees (22.1%) follows the literature on the disproportionate representation of Blacks within the criminal justice system (Blumstein, 2001; Doerner and Demuth, 2010; Hagen, Shedd, and Payne, 2005; Spohn, 2000; Wacquant, 2001). Additionally, the age variable was grouped for the purpose

of efficiency of use in this table. The age variable used in the analyses is a discrete variable. Tattoo variables are also as expected from the literature with 25.5% of the arrestees having a tattoo (Camacho and Brown, 2017). Of that percentage, 12.2% have visible tattoos.

The offense/charge variables are next with three variables: felony and number of charges. The number of charges variable is a discrete variable, while the offense charges have been re-coded into dummy variables. In order to compare the results of this study with the previous study (Camacho and Brown 2017), the offense type variables were included. The offense types included in this study are those found to be most often committed by women (Ranaweera, 2020; U.S. Department of Justice, 2022) which consists of: assault and battery, drug possession and trafficking, economic fraud, and prostitution.

The complexion is the last variable grouping. The cumulative percentage of arrestees designated with fair and medium complexions is similar to the percentage of white arrestees in each of the two samples. However, the remaining complexion categories do not correspond to specific races. For example, the percentage of Black arrestees is almost double the percentage of arrestees with dark complexions in both samples. Additionally, the percentages for Asian and Hispanic arrestees do not correspond to either of the complexion categories in either sample.

Table 2 Full and Tattooed Samples Variable Descriptives

	Full Sample		Tattooed Sample	
	Frequency	% of N	Frequency	% of n
Arrestees				
Asian Female	608	0.6	112	0.4
Black Female	23,793	22.1	5,612	20.4
Hispanic Female	3,183	3.0	635	2.3
White Female	80,004	74.4	21,088	76.8
Age				
18 – 23 years old	22,202	20.6	6,545	24.0
24 – 28 years old	19,466	18.1	6,441	23.5
29 – 35 years old	20,710	19.2	6,282	22.9
36 – 44 years old	22,290	20.7	5,088	18.5
45+ years old	22,920	21.3	3,091	10.9
Tattoo				
Has Tattoo	27,447	25.5		
Visible Tattoo	13,076	12.2	13,076	47.6
Offenses/Charges				
Felony	52,421	48.7	14,211	51.8
1 Offense Charge	65,974	61.3	15,769	57.5
2 Offense Charges	23,092	21.5	6,233	22.7
3 Offense Charges	8,673	8.1	2,512	9.2
4 Offense Charges	4,349	4.0	1,260	4.6
5 Offense Charges	2,205	2.0	670	2.4
6 Offense Charges	1,249	1.2	369	1.3
7+ Offense Charges	2,046	1.9	634	2.3
Offense Type				
Assault and Battery	19,448	18.1	4,821	17.6
Drug	24,155	22.5	7,034	25.6
Economic Fraud	38,268	35.6	9,706	35.4
Prostitution	2474	2.3	714	2.6
Complexion				
Fair	49,023	47.0	13,243	49.2
Medium	34,781	33.4	8,974	33.3
Ruddy	506	0.5	87	0.3
Olive	1,418	1.4	310	1.2
Dark	14,194	13.6	3,285	12.2
	N = 107,588		n = 27,447	

Statistical Results by Model

Pre-Analysis t-Tests

Prior to conducting the analysis, a series of *t*-tests were run to assure the integrity of the multiple regression model results (Table 3). The *t*-tests determined if the differences between the arrestees with tattoos and without tattoos and with visible tattoos and non-visible tattoos were statistically significant across the variables for race, felony charges, and offense charged.

Table 3 Mean Differences Test for Covariates

	Group 1		Group 2		<i>t</i> -statistic
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	
Full Sample	No Tattoo		Tattoo		
Asian	.01	.078	.00	.064	-4.022*
Black	.23	.419	.20	.403	-7.718*
Hispanic	.03	.175	.02	.150	-7.308*
White	.74	.441	.77	.422	10.866*
Felony	.48	.499	.52	.500	11.729*
Tattooed Sample	Not Visible		Visible		
Asian	.00	.055	.01	.072	2.776*
Black	.15	.360	.26	.439	22.541*
Hispanic	.02	.152	.02	.149	-.605
White	.82	.384	.71	.453	-21.740*
Felony	.51	.500	.53	.499	3.768*

$p < .001^*$, $p < .05^{**}$

As provided in Table 3, the race and felony variables were significant in both the full sample and the tattooed sample. These results show significant differences between the groups (no tattoo/tattoo; not visible/visible) across the variables which are integral to this

project. These results also indicate that the regression analyses can continue as planned since the data meet the assumptions of the statistical models.

Charge Severity

The first question this study asks is about charge severity and whether or not the race or visible tattoo variables effect the probability of being arrested and charged with a felony. The first models utilize logistic regression with a dependent variable of felony and the independent variables of race and visible tattoo. The first analysis in this series used the non-white arrestee sample (Model 1A); the second used the white arrestee sample (Model 1B), the third used the full sample (Model 1C), and the last used the visible tattoo sample (Model 1D).

Table 4 Results on receiving a felony using the non-white arrestee sample

Model 1A Non-White Arrestee Sample			
Variables	B	SE	Exp(B)
Black Female	.597	.084	1.816*
Hispanic Female	.022	.090	1.023
Age	.014	.001	1.014*
Visible Tattoo	.149	.036	1.160*
Model Diagnostics $X^2 = 428.624^*$ $-2 \log \text{likelihood} = 37670.106$ $\text{Nagelkerke } R^2 = .021$ $N = 27,584$			

Asian female is the reference category.

$p > .001^*$, $p > .05^{**}$

In the first model (Table 4), the non-white arrestee sample was utilized with the Asian female variable serving as the reference category. The model shows Black female, visible tattoo, and age variables are significant in shaping felony arrest patterns; however,

the Hispanic female variable was nonsignificant. In this sample, the strongest predictor of receiving a felony is the Black female variable. The odds of an arrested Black women to receive a felony increase .597 compared to an arrested Asian woman; similarly, the odds for arrested women with visible tattoos of receiving a felony increase .149 when compared to non-tattooed women holding all other variables constant. Additionally, for every year increase in age, the odds for female arrestees to receive a felony increase .014 holding all other variables constant.

Table 5 Results on receiving a felony using the white arrestee sample

Model 1B White Arrestee Sample			
Variables	B	SE	Exp(B)
Age	-.012	.001	.988*
Visible Tattoo	.170	.022	1.185*
	Model Diagnostics $X^2 = 466.929^*$ $-2 \log \text{likelihood} = 110164.010$ Nagelkerke $R^2 = .008$ $N = 80,004$		

No felony is the reference category.

$p > .001^*$, $p > .05^{**}$

The second model utilized the white arrestee sample resulting in both independent variables being significant in predicting the receipt of a felony (Table 5). The strongest predictive variable in this model was visible tattoo. In this model, the odds of receiving a felony increase .170 when being arrested with a visible tattoo holding the age variable constant, and for every year increase in age the odds of receiving a felony decrease by .012 holding the visible tattoo variable constant. No other independent variables were included in the model.

Table 6 Results on receiving a felony using the full arrestee sample

Model 1C Full Arrestee Sample			
Variables	B	SE	Exp(B)
Asian Female	-.243	.083	.784**
Black Female	.320	.015	1.377*
Hispanic Female	-.269	.037	.764*
Age	-.006	.001	.994*
Visible Tattoo	.152	.019	1.164*
	Model Diagnostics $X^2 = 842.614^*$ $-2 \log \text{likelihood} = 148235.929$ $\text{Nagelkerke } R^2 = .010$ $N = 107,588$		

White female is the reference category.

$p > .001^*$, $p > .05^{**}$

The third model examining the predictive effects of race, age, and visible tattoo variables on receiving a felony utilized the full arrestee dataset (Table 6) with the white female variable serving as the comparison category. In this model all independent variables were significant with the Black female variable as the strongest predictive variable. In the full model the odds of a female arrestee with a visible tattoo of receiving a felony increases .152 over non-tattooed females holding all other variables constant, and the variable Black female results in a .320 increase in the odds of receiving a felony than the variable white female. Conversely, Asian female and Hispanic female variables have decreased odds of receiving a felony than the white female variable, by .243 and .269, respectively.

Table 7 Results on receiving a felony using the visible tattoo arrestee sample

Model 1D			
Visible Tattooed Arrestee Sample			
Variables	B	SE	Exp(B)
Asian Female	-.021	.244	.980
Black Female	.189	.041	1.209*
Hispanic Female	-.212	.119	.809
Age	-.003	.002	.997
	Model Diagnostics $X^2 = 31.189^*$ $-2 \log \text{likelihood} = 18049.917$ Nagelkerke $R^2 = .003$ $N = 13,076$		

White female is the reference category.

$p > .001^*$, $p > .05^{**}$

The last model utilizes the visible tattoo arrestee sample (Table 7) with the white female variable as the comparison category. In this model Black female was the only significant variable. The odds of receiving a felony increase .189 for the Black female variable compared to the variable white female.

Total Number of Charges

The second question this study addresses whether visible tattoo, age or race variables affect the total number of offenses charged. This second set of models utilizes multiple regression with a dependent variable of total charges discrete and independent variables of race, age, and visible tattoo. The first analysis in this series conducted used the non-white arrestee sample (Model 2A); the second used the white arrestee sample (Model 2B), the third used the full sample (Model 2C), and the last used the visible tattoo sample (Model 2D).

Table 8 Results on number of offenses charged using the non-white arrestee sample

	Model 2A Non-White Arrestee Sample				
Variables	B	SE	β	<i>t</i>	<i>p</i>
Black Female	.151	.067	.032	2.269	.023
Hispanic Female	-.014	.072	-.003	-.200	.841
Age	-.001	.001	-.008	-1.282	.200
Visible Tattoo	.118	.029	.025	4.082	.000
	<i>Model Diagnostics</i> R ² = .002 N = 13,076				

Asian female is the reference category.

The first model examining the total number of offenses charged utilized the non-white arrestee sample (Table 8) with the Asian female variable serving as the reference category. The Black female variable was the strongest predictor of receiving more offense charges, and the visible tattoo variable was the second strongest predictor. In this model, the variable Black female results in a .151 increase in the odds of receiving additional charges compared to the Asian female variable, and arrestees with visible tattoos result in a .118 increase in the odds of receiving additional charges compared to female arrestees without a visible tattoo. Similarly, in the white arrestee sample (Table 9), a visible tattoo results in a .087 increase in the odds of receiving additional charges compared to an arrestee without a visible tattoo, and each year of age results in a .008 decrease in the odds of receiving more charges with 18 year old arrestees as the reference category.

Table 9 Results on number of offenses charged using the white arrestee sample

	Model 2B White Arrestee Sample				
Variables	B	SE	β	<i>t</i>	<i>p</i>
Age	-.008	.000	-.059	-16.607	.000
Visible Tattoo	.087	.018	.018	4.975	.000
	<i>Model Diagnostics</i> R ² = .004 N = 80,004				

Arrestee with no visible tattoo and 18 years of age is the reference category.

Table 10 Results on number of offenses charged using the full arrestee sample

	Model 2C Full Arrestee Sample				
Variables	B	SE	β	<i>t</i>	<i>p</i>
Asian Female	-.193	.065	-.009	-2.970	.003
Black Female	-.049	.012	-.013	-4.145	.000
Hispanic Female	-.220	.029	-.023	-7.640	.000
Age	-.007	.000	-.047	-15.116	.000
Visible Tattoo	.093	.015	.019	6.186	.000
	<i>Model Diagnostics</i> R ² = .003 N = 107,588				

White female is the reference category.

Table 11 Results on number of offenses charged using the visible tattoo arrestee sample

	Model 2D Visibly Tattooed Arrestee Sample				
Variables	B	SE	β	<i>t</i>	<i>p</i>
Asian Female	-.167	.024	-.007	-.822	.411
Black Female	-.052	.034	-.014	-1.525	.127
Hispanic Female	-.145	.099	-.013	-1.460	.144
Age	-.005	.002	-.027	-3.051	.002
	<i>Model Diagnostics.</i> R ² = .001 N = 13,076				

White female is the reference category.

The third model (Table 10) utilizes the entire arrestee sample with the white female variable serving as the reference category. The race and age variables account for decreases in the odds of receiving additional charges, while the visible tattoo variable accounts for the only increase in odds. In this model, the Hispanic female variable decreases the odds of receiving additional charges by .220 and the odds decrease by .193 for the Asian female variable. The Black female variable results in a .049 decrease in odds compared to the white female variable, and for age the odds of receiving a felony decrease by .007 for each year increase in age holding all other variables constant. For arrestees with a visible tattoo, the odds of receiving additional charges increase .093 compared to an arrestee without a visible tattoo holding all other variables constant.

The last model (Table 11) utilizes the visible tattoo arrestee sample with the variable white female serving as the reference category. The only significant variable is age. In this model, with every year increase in age, the odds of receiving additional charges decrease by .005 holding all other variables constant.

Complexion as a Proxy

Following the first two models, additional regression models were conducted replacing the combined gender and race dummy variables with dummy variables for complexion. Both of the additional models included the age and visible tattoo variables. The first model addresses the question of complexion affecting the receipt of a felony charge (Model 3), and the second model addresses the question of complexion affecting the receipt of additional offense charges (Model 4). Similar to the race variables, the complexion variables contained missing data, and these records were discarded from the analysis (7,666). Both models utilized the full arrestee sample.

Table 12 Complexion results on arrestees receiving a felony using the full arrestee sample

Model 3 Full Arrestee Sample			
Variables	B	SE	Exp(B)
Medium	.064	.014	1.066*
Ruddy	-.133	.091	.875
Olive	-.417	.056	.659*
Dark	.291	.019	1.337*
Age	-.007	.001	.993*
Visible Tattoo	.158	.019	1.171*
	Model Diagnostics $X^2 = 596.394^*$ $-2 \log \text{likelihood} = 148482.150$ Nagelkerke $R^2 = .007$ $N = 99,922$		

Fair complexion is the reference category.

$p > .001^*$, $p > .05^{**}$

In model 3 (Table 12), all included variables were found to be significant except for ruddy which was found to be nonsignificant with fair as the comparison category. The olive complexion variable results in a decrease in the odds by .659 compared to the variable fair complexion, and every year increase in age results in a .993 decrease in the odds of receiving a felony. The variables medium complexion (1.066) and dark complexion (1.337) result in a decrease in the odds of receiving a felony compared to the fair complexion variable; and the variable visible tattoo (1.171) results in an increase in the odds of receiving a felony holding all other variables constant. Additionally, a chi-square test of independence was performed to examine the relationship between the variables ruddy and felony. The relationship was significant ($p = .009$). However, the percentage of arrestees with ruddy complexions is just 0.5% of the sample which could explain the non-significance of the ruddy variable in this model.

Model 4 address the question of receiving additional charges (Table 13) with the fair variable as the reference category. In this model, the variables olive complexion (.158) and dark complexion (.033) result in a decrease in the odds of receiving additional charges when compared to the variable fair complexion; and for each year increase in age the odds of receiving additional offense charges decreased by .006 holding all other variables constant. The only variable that increased the odds of receiving additional charges is visible tattoo with a .087 increase holding all other variables constant.

Table 13 Complexion results on arrestees receiving additional charges

Model 4 Full Arrestee Sample			
Variables	B	SE	Exp(B)
Medium	-.006	.009	-.002
Ruddy	.086	.057	.005
Olive	-.158	.034	-.014*
Dark	-.033	.012	-.009**
Age	-.006	.000	-.054*
Visible Tattoo	.087	.012	.022*
	Model Diagnostics R = .063* R2 = .004* N = 99,922		

Fair complexion is the reference category.

$p < .001^*$, $p < .05^{**}$

Predictions by Offense Type

The last set of models analyzes the predictive effects of race, age, and visible tattoo variables on being charged with specific offenses. The offenses being analyzed are assault and battery, drug possession and trafficking, economic fraud (larceny), and prostitution. According to the literature and UCR statistics (Camacho and Brown, 2017; Ranaweera,

2020; U.S. Department of Justice, (n.d.)), individuals with tattoos and women are more likely to be arrested for these four offenses. Within each offense, the same two questions will be asked 1) do race, age, or having a visible tattoo predict the receipt of a felony, and 2) do race, age, or having a visible tattoo predict the receipt of additional offense charges? Similar to the previous models, the following offense type models will utilize the full sample of arrestees charged with the specific offense (Model #A) and the visible tattoo sample of arrestees charged with the specific offense (Model #B).

Assault and Battery

The first models (Table 14) analyze the predicting effects of race, age, and visible tattoo variables on arrestees charged with assault and battery with the white female variable as the reference category. In the first two models (5A – 5B), the variables Black female and age are significant ($p < .001$) with similar predictive effects. Conversely, the Asian female and Hispanic female variable are not significantly different from the white female variable in either model. In the full sample, the odds of receiving a felony for the variable Black female result in a .892 increase and a .868 increase in the visible tattoo sample compared to the variable white female. In the full sample, an increase in age results in a 1.008 increase in the odds of receiving a felony and an increase of 1.005 in the visible tattoo sample holding all other variables constant. Being arrested with a visible tattoo is also significant in the full sample with an increase of 1.280 in the odds over non-tattooed female arrestees holding all other variables constant.

The next set of models examined the predictive effects of the same independent variables on receiving additional charges (Table 15). In both models, the age variable was significant. Conversely, the variables Black female and Hispanic female were nonsignificant

in both models. In the full model, the variable Asian female results in decreased odds of .017 of receiving additional charges when compared to the variable white female, and the visible tattoo variable results in a 0.34 increase in odds of receiving additional charges holding all other variables constant. An increase in the age variable results in a decrease in the odds of receiving additional charges by .074 in the full model and .068 in the visible tattoo model holding all other variables constant.

Table 14 Results on receiving a felony for arrestees charged with assault & battery

Variables	Model 5A Full Offense Sample			Model 5B Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.288	.185	.750	-.436	.692	.647
Black Female	.892	.035	2.439*	.868	.096	2.382*
Hispanic Female	-.017	.090	.984	.177	.285	1.194
Age	.008	.001	1.008*	.005	.004	1.005*
Visible Tattoo	.247	.045	1.280*	-	-	-
	Model Diagnostics X ² = 716.413* -2 log likelihood = 25621.058 Nagelkerke R ² = .049 N = 19,448			Model Diagnostics X ² = 86.167* -2 log likelihood = 3197.592 Nagelkerke R ² = .048 N = 2,377		

White female is the reference category.

$p > .001^*$, $p > .05^{**}$

Drug Possession and Trafficking

The next offense being examined is drug possession and trafficking (Table 16) with the variable white female serving as the comparison category. In all four models, Asian female and Hispanic female variables were nonsignificant. The visible tattoo variable was also not significant in both full offense samples. In predicting the receipt of a felony (Table 16), the Black female variable has decreased odds of receiving a felony of .824 in the full

sample and .772 in the visible tattoo sample compared to the white female variable. When predicting the factors that predict receiving additional charges (Table 17), the Black female and age variables are the only significant predictors in both the full and the visible tattoo model. For the Black female variable, the odds of receiving additional charges decrease by .049 compared to the white female variable, and every year increase in age results in a .019 decrease in odds of receiving additional charges holding all other variables constant. The visible tattoo sample resulted in no significant variables.

Table 15 Results on receiving additional charges for arrestees charged with assault & battery

Variables	Model 5C Full Offense Sample			Model 5D Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.271	.116	-.017**	-.555	.507	-.022
Black Female	.044	.023	.014	-.030	.075	-.008
Hispanic Female	-.070	.059	-.009	.131	.226	.012
Age	-.009	.001	-.074*	-.011	.004	-.068*
Visible Tattoo	.144	.030	.034*	-	-	-
	Model Diagnostics R = .090 R ² = .008 N = 19,448			Model Diagnostics R = .072 R ² = .005 N = 2,377		

White female is the reference category.

$p < .001^*$, $p < .05^{**}$

Table 16 Results on receiving a felony for arrestees charged with drug possession & trafficking

Variables	Model 6A Full Offense Sample			Model 6B Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.140	.261	.869	.114	.644	1.121
Black Female	-.194	.041	.824*	-.259	.105	.772**
Hispanic Female	-.119	.117	.888	-.028	.330	.973
Age	.022	.002	1.023*	.028	.005	1.029*
Visible Tattoo	-.006	.047	.994	-	-	-
	Model Diagnostics X ² = 208.192* -2 log likelihood = 23195.600 Nagelkerke R ² = .014 N = 24,155			Model Diagnostics X ² = 86.167* -2 log likelihood = 3197.592 Nagelkerke R ² = .048 N = 2,377		

White female is the reference category.

$p < .001^*$, $p < .05^{**}$

Table 17 Results on receiving additional charges for arrestees charged with drug possession & trafficking

Variables	Model 6C Full Offense Sample			Model 6D Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.141	.229	-.004	-.077	.505	-.003
Black Female	-.266	.035	-.049*	-.059	.089	-.012
Hispanic Female	-.076	.100	-.005	-.030	.267	-.002
Age	-.004	.001	-.019**	.006	.004	.025
Visible Tattoo	.054	.040	.009	-	-	-
	Model Diagnostics R = .054 R ² = .003 N = 24,155			Model Diagnostics R = .072 R ² = .005 N = 2,377		

White female is the reference category.

$p < .001^*$, $p < .05^{**}$

Economic Fraud

Economic fraud is the next offense common to female offending. The full offense sample results in almost all variables as significant, whereas the visible tattoo sample

results in no significant predictors (Table 18) with the white female variable serving as the reference category in both models. The strongest predictor of receiving a felony is the Black female variable with a .160 increase in odds compared to the variable white female, and the visible tattoo variable results in a .113 increase in odds of receiving a felony compared to arrestees without a visible tattoo holding all other variables constant. The variables Asian female and Hispanic female result in a decrease in odds of receiving a felony at .296 and .211, respectively, compared to the white female variable. Additionally, every year increase in age results in a .008 decrease in the odds of receiving a felony charge holding all other variables constant.

Table 18 Results on receiving a felony for arrestees charged with economic fraud

Variables	Model 7A Full Offense Sample			Model 7B Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.296	.137	.744**	-.234	.491	.791
Black Female	.160	.024	1.139*	.075	.067	1.078
Hispanic Female	-.211	.061	.810*	-.343	.197	.709
Age	-.008	.001	.992*	-.004	.003	.996
Visible Tattoo	.113	.032	1.120*	-	-	-
	Model Diagnostics $X^2 = 162.844^*$ $-2 \log \text{likelihood} = 52409.974$ Nagelkerke $R^2 = .006$ $N = 38,268$			Model Diagnostics $X^2 = 6.735^*$ $-2 \log \text{likelihood} = 6357.911$ Nagelkerke $R^2 = .002$ $N = 4,700$		

White female is the reference category.

$p > .001^*$, $p > .05^{**}$

In the models examining the receipt of additional charges for economic fraud (Table 19), only one variable resulted in an increase in odds with the variable white female serving as the reference category. In the full sample, the variable visible tattoo resulted in a

.112 increase in odds of receiving additional offense charges holding all other variables constant. The first model examining the receipt of additional offense charges (Table 19), resulted in four significant variables in the full model with the variable white female as the comparison category. For every year increase in age the odds of receiving additional charges decreased by .007 holding all other variables constant. The variables Black female and Hispanic female result in a decrease in the odds of receiving additional offense charges by .074 and .325, respectively, compared to the white female variable. The visible tattoo sample resulted in no significant variables.

Table 19 Results on receiving additional charges for arrestees charged with economic fraud

Variables	Model 7C Full Offense Sample			Model 7D Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-.186	.139	-.007	-.125	.494	-.004
Black Female	-.074	.024	-.016**	-.040	.070	-.008
Hispanic Female	-.325	.062	-.027*	-.380	.212	-.026
Age	-.007	.001	-.042*	-.003	.004	-.012
Visible Tattoo	.112	.032	.018*	-	-	-
	Model Diagnostics R = .054* R ² = .003* N = 38,268			Model Diagnostics R = .028* R ² = .001* N = 4,700		

White female is the reference category.
 $p > .001^*$, $p > .05^{**}$

Prostitution

The last offense being examined is prostitution. In the first model using the full sample with the variable white female serving as the reference category (Table 20), the only significant predictor is the variable visible tattoo. The variable visible tattoo results in

a .198 increase in odds of receiving a felony holding all other variables constant. The visible tattoo sample resulted in no significant variables.

Table 20 Results on receiving a felony for arrestees charged with prostitution

Variables	Model 8A Full Offense Sample			Model 8B Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	-1.180	.803	.307	-21.249	28395.717	.000
Black Female	.132	.113	1.141	-.267	.362	.766
Hispanic Female	-.069	.264	.933	-21.283	17960.512	.000
Age	.013	.004	1.013	.014	.013	1.014
Visible Tattoo	.198	.117	1.219**	-	-	-
	<i>Model Diagnostics</i> $X^2 = 13.930^*$ -2 log likelihood = 3407.607 Nagelkerke $R^2 = .007$ N = 2,474			<i>Model Diagnostics</i> $X^2 = 12.342^{**}$ -2 log likelihood = 463.014 Nagelkerke $R^2 = .047$ N = 343		

White female is the reference category.

$p < .001^*$, $p < .05^{**}$

Table 21 Results on receiving additional charges for arrestees charged with prostitution

Variables	Model 8C Full Offense Sample			Model 8D Visible Tattoo Offense Sample		
	B	SE	Exp(B)	B	SE	Exp(B)
Asian Female	.458	.570	.016	2.014	1.307	.083
Black Female	-.184	.096	-.036	-.237	.331	-.039
Hispanic Female	-.670	.223	-.060**	-1.250	.831	-.081
Age	-.101	.004	-.053**	-.015	.012	-.070
Visible Tattoo	.214	.099	.043**	-	-	-
	<i>Model Diagnostics</i> R = .099* $R^2 = .010^*$ N = 2,474			<i>Model Diagnostics</i> R = .138* $R^2 = .019^*$ N = 343		

White female is the reference category.

$p < .001^*$, $p < .05^{**}$

When looking at the models examining the receipt of additional charges (Table 21), the variables visible tattoo, Hispanic female, and age were all significant. In the full sample with the white female variable serving as the comparison category, the variable visible tattoo results in a .214 increase in the odds of receiving an additional charge compared to the variable white female holding all other variables constant. Likewise, for every year increase in age the odds of receiving additional charges decreased by .101 holding all other variables constant. The only significant race variable is Hispanic female with a .670 decrease in odds of receiving additional charges compared to the variable white female. Similar to other offense models, the visible tattoo sample resulted in no significant variables.

CHAPTER V

THE DISCUSSION

Summary of Analysis

The results of this study find that female arrestees with a visible tattoo have an increased probability of receiving a felony and of receiving additional charges compared to female arrestees without a visible tattoo in all samples iterations of the first two models, where Models 1A-1D addressed the question of receiving a felony and Models 2A-2D addressed whether or not an arrestee would receive additional charges. The likelihood of arrested women to receive a felony with a visible tattoo increases by 0.3% - 18.5%, depending on the sample referenced. The likelihood of arrested women to receive additional charges with a visible tattoo increases by 0.5% - 12.5%, also depending on the sample referenced. The importance of these findings reflects the enduring belief within the criminal justice system, and institutions writ large, that tattoos can still be seen as a proxy for deviance.

The models using the white arrestee sample and the full sample for receiving a felony saw the largest percentage increases for arrestees with visible tattoos. These results speak directly to the literature. That is, in the white arrestee sample, the proxy for deviance (visible tattoo) plays a more prominent role on white female bodies than on non-white female bodies thereby having the largest effect on the outcome (18.5%). In this case, the protective feature of racialization is in play for arrested white women. In the full arrestee sample, the racialization of Asian, Hispanic, and Black female bodies, which are in and of themselves proxies for deviance, had stronger predictive power than a visible tattoo. In this

case, tattoos still played a role in the results, but the racialization of female bodies of Color is still a more compelling determinant.

In the non-white sample results, being arrested with a visible tattoo was the second strongest predictor, second to the outcomes for arrested Black women. Similar to the results of the full arrestee sample, visible tattoos still served as proxies for deviance and were still predictive in whether an arrestee would receive a felony or be charged with additional offenses when compared to outcomes of arrested Asian women in the non-white sample. Additionally, in the non-white sample, the racialization of Black women speaks to the racial hierarchy within white constructed, white dominated, and white maintained institutions, of which is the criminal justice system. As spoken by hooks, King, Crenshaw, and countless others, being a woman is difficult, but the experience of being a Black woman in the United States is exponentially burdensome. As women of Color are the only arrestees included in the non-white sample, these analyses are a direct comparison of the differential effects of arrest experienced by female bodies of Color.

Looking at the results by race, arrested Asian and Hispanic women oftentimes did not have outcomes different from their arrested white counterparts. The effects of their race were only present when the full samples were utilized. That is, when all arrestees were included, arrested Asian women had lower chances of receiving a felony (21.6%) and receiving additional charges (17.6%) than arrested white women, and arrested Hispanic women had lower chances than their white counterparts of receiving a felony (23.6%) and receiving additional charges (19.7%). The Euro-centric aesthetic of Hispanic women may also play a role in the outcomes for arrested Hispanic women. Because of their Euro-centric features Hispanic women may “pass” as white and avoid scrutiny reserved for people of

Color, aka. Black and darker complected people of Color. Furthermore, according to the literature, the “model minority” myth could arguably play a role in the outcomes for arrested Asian women (Fiske, 2018; Lee, 1996; Shih, Chang, and Chen, 2020). Seen as the top of the non-white hierarchy (Fiske, 2018; Lee, 1996; Shih, Chang, and Chen, 2020; Suzuki, 1989), despite having less of a chance than white woman to receive a felony or additional offense charges, the racialization of Asian women cannot be denied. The model minority myth provides protection where Asian women are seen as capable, strong, and ambitious to receive favorable treatment (Kim, Block, and Yu, 2021), but in criminal offending can be treated more harshly and punished for stepping outside of their prescriptive lines (Eagly & Karau, 2002; Phelan & Rudman, 2010; Rosette et al., 2016; Sy et al., 2010). The belief in the model minority myth by others can negate the experiences of Asian women by denying that they experience any discrimination because they are at the top of the racial hierarchy and closest in social stature to white women. In this study, the percent of Asian women in the sample is less than 1%. With that in mind, the results of the analyses not adhering to the punishment model are more easily understood. Additionally, the percent of foreign-born Asian women in this sample is 65.5% which generally leads to less involvement with the criminal justice system (Bersani, 2014; Martinez, Stowell, & Cancino, 2008; Ousey & Kubrin, 2009; Pietkowska & Camacho, 2002; Reid et al., 2005). While foreign-born status is not addressed in this study, it is an area that deserves further exploration in future research especially with its overlap of the “model minority” myth and the racialization of female bodies of Color.

In almost every full sample model, arrested Black women were significantly more likely than arrested white women to receive a felony. When all races are in the sample,

arrested Black women were 37.7% more likely than arrested white women to receive a felony and 4.8% less likely than their white counterparts to receive additional charges. In addition, when compared to other non-white arrestees, arrested Black women were 81.7% more likely to receive a felony and 16.3% more likely to receive additional charges than arrested Asian women. When narrowing the focus to just visibly tattooed arrestees of all races, arrested Black women had a 20.8% increased chance to receive a felony than arrested white women. However, the exception to these findings is where arrested Black women are less likely than arrested white women to receive additional charges overall. These results are contrary to the literature; however, the next section dissects these results and what factors are at work to deliver such a contrasting outcome.

While these results generally follow the literature in finding arrested Black women with the highest likelihood of receiving a felony and additional offense charges, the decrease in probability for receiving additional charges when all races are present is not as straightforward. With regard to receiving a felony, arrested Black women are seen as antithetical to the established norms of what constitutes a real female, i.e. a white female, so it follows the literature that arrested Black women have an increased likelihood of receiving a felony in every sample. Furthermore, the fact that arrested Black women are the only group with a higher likelihood of receiving a felony when all arrestees have a visible tattoo speaks to the extent of racialization experienced by Black women. That is, even when coupled with a proxy for criminality (a tattoo) Black women who have been arrested still have a higher chance of receiving a felony than arrested white women. Concurrently, the outcomes for arrested Asian and Hispanic women, and women higher in age were similar to that of white women that were arrested.

To understand what happens to arrested Black women with regard to receiving additional charges, a series of logistic regression models (Model 8) were run for each total charge level using the white female variable as the reference category for all models (Table 22). At the first charge level (only one total charge), all female arrestees of Color variables were more likely to receive additional charges than the white female variable. However, when a woman of Color is arrested and receives more than one charge, their chances of receiving additional charges are lower than arrested white women. Arrested Asian women charged with one offense are 68.5% more likely than arrested white women to receive additional charges, but when Asian women receive two offense charges, they are 44% less likely than arrested white women to receive additional charges. The pattern is similar for arrested Black women that have a 6.6% increased likelihood compared to arrested white women with one offense charge and a 49.7% and 52.6% decrease in likelihood when receiving four and five charges. The pattern continues with arrested Hispanic women who are 44.9% more likely to receive additional charges when compared arrested white women receiving only one charge; however, when receiving two or more charges, the likelihood of arrested Hispanic women to receiving additional charges decrease at every charge level ranging from 40.8% - 58.1%.

Contrary to the results by race, female arrestees with a visible tattoo when charged with one offense have 55.9% less of a chance to receive additional charges compared to female arrestees without visible tattoos. Conversely, when a female arrestee is charged with 2-5 offenses having a visible tattoo result in a greater chance of receiving additional charges at every charge level ranging from 9.1%-27.1%. Female arrestees that have visible

tattoos have a higher chance of receiving an additional charge unless they are only charged with one offense.

Table 22 Beta estimates on the number of offenses charged by total charges

Total Charge Level	Model 8 Full Arrest Sample - Only significant estimates			
	Asian	Black	Hispanic	Vis Tat
1	1.654*	1.033**	1.388*	.818*
2	.579*		.869**	1.114*
3			.733*	1.162*
4		.849*	.687*	1.213*
5		.890**	.746**	1.335*
6			.663**	
7+			.524**	

$p > .001^*$, $p > .05^{**}$

What these results reveal is that when women arrested with a visible tattoo, their tattoo consistently affects the odds of receiving additional charges regardless of the direction (positive effect resulting in an increase in likelihood or negative effect resulting in a decrease in likelihood). When all race and gender variables predict a higher chance of receiving additional charges, having a visible tattoo predicts a lower likelihood in receiving additional charges, as seen at charge level 1. At charge levels 2 and above where only 1-2 race variables are significant, arrestees with visible tattoos have higher chances of receiving additional charges. What this means is that tattoos as a proxy for criminality is second to racialized female identities and that visible tattoos can also stand independent of the race of its wearer as evidenced in the results of charge levels 2-5. Additionally, Hispanic women that are arrested consistently have a lower likelihood than arrested white women

of receiving felonies at 2 or more total charges and have more predictable outcomes than Black or Asian women who have been arrested and that have similar outcomes to arrested white women.

The results of the models by offense type are also not surprising when considering the results of the other models. That is, the visible tattoo variable was significant in 6 of the 8 models, and the age variable was significant in 11 of 16 models. Similar to models 1 and 2, the Asian female variable affected the outcome in only 2 of 16 models; the Hispanic female variable in 3 of 16 models, and the Black female variable in 7 of 16 models. While being arrested with a visible tattoo increased the chances of receiving a felony and receiving additional charges in all models where it was significant, the outcomes for arrested Black women was not as consistent. Additionally, of other interest in these results the role age plays in predicting outcomes.

Surprisingly, Black women who were arrested have a lesser chance of receiving a felony when charged with drug possession and trafficking than arrested white women in both the full sample and the visible tattoo sample by 17.6% and 22.8%. The same holds true when predicting the receipt of additional offense charges. When arrested Black women are charged with drug possession and trafficking and economic fraud in the full sample the likelihood of an arrested Black women to receive additional charges were lower than arrested white women by 23.4% and 7.1%, respectively. These results appear to go against the literature of criminalization of people of Color (Phillips & Bowling, 2020; Powell & Phelps, 2021; Rosenberg, 2017; Williams, 2019; Williams & Battle, 2017) and the over-policing of minority neighborhoods, especially with regard to drug related offenses

(Boehme et al., 2022; Cobbina-Dungy & Jones-Brown, 2021; Jones-Brown & Williams, 2021; Nordberg et al., 2016; Owusu-Bempah, 2017).

Also of interest in the offense type models is how age predicts outcomes when arrestees are charged with assault and battery and drug possession and trafficking. While the age variable has consistently shown to be inversely related to the chances of receiving a felony charge and receiving additional offense charges in previous models, for these two specific offenses, an increase in age increases the likelihood of receiving a felony. While the increase is minimal at 0.8% and 2.2%, it is a change in the direction of its estimate, and it goes against prior results of this study, as well as decades long research on the age-crime curve (Farrington, 1986; Gottfredson and Hirschi, 1983).

The offense specific models provide evidence that women being arrested with a visible tattoo consistently predicts the receipt of a felony and of additional offense charges. Additionally, the variables Asian female and Hispanic female had similar outcomes in these models as in the prior models. However, the Black female and age variables were incongruent with previous results. Without further consultation from the literature and incorporating additional variables, understanding the inconsistency in the specific offense type models is difficult. As the results of the offense type models were not wholly consistent with the prior models, further analysis of each of the individual offenses with regard to race and gender outcomes is necessary and outside the scope of this project.

In reviewing the results of the complexion models, they are quite similar to the full sample results in Models 1 and 2 when correlating complexion with race. The results of the complexion models were both expected and ambiguous. That is, arrestees with dark skin had a 33.7% increased probability of receiving a felony compared to fair skinned arrestees,

which is similar to the estimate of arrested Black women at 37.7% compared to arrested white women. The visible tattoo variable was also significant in both models resulting in a 17.1% and 9.1% increase in likelihood of receiving a felony and receiving additional charges when compared to arrestees without visible tattoos holding all other variables constant. Again, the results of the complexion models practically mimic the results of Models 1C and 2C, the original models using the full sample, where being arrested with a visible tattoo increased the chance of receiving a felony and receiving an additional charge by 16.4% and 9.7%, respectively. An interpretation or correlation of a complexion does not categorically translate into a racial category; however, it is safe to correlate or interpret dark complexions with Black women and fair complexions with white women. Unfortunately, the exact description of medium, ruddy, and olive complexions relies on educated guesswork at best. The replacement of race categories with complexion allows us to conclude that the complexion results that lack ambiguity can be considered race-based proxies for deviance in the case of racialized arrest patterns of women.

In summary, the research questions of this project have been answered in the affirmative for both racialized female bodies of Color and visible tattoos. With regard to predicting the receipt of a felony charge, arrested Black women will always be more likely than arrested white women; arrested Asian and Hispanic women will always be less likely than arrested white women; and being arrested with a visible tattoo will always increase the likelihood of receiving a felony. With regard to receiving additional charges, being arrested with a visible tattoo will increase the likelihood of receiving additional charges generally, while racialized non-white identities decrease the likelihood of receiving additional charges. The one anomaly in these findings is that Black women who have been

arrested have a lower chance than their white counterparts of receiving additional offense charges. While seemingly significant overall, the likelihood for arrested Black women to receive additional charges decreased when the charges were broken down by total charge number. The predictive effects of racialized female bodies have shown to always increase the likelihood for Black women who have been arrested to receive additional offense charges compared to arrested white women. However, in this one case, the racialization of Black women was not a stronger predictor than being arrested with a visible tattoo.

While research on arrest patterns and tattoos has only been done one time prior to this study (Camacho and Brown, 2017), the results of the current study loosely follow their findings. Although using a different sample and a different framework, the current study asks a few of the same research questions as Camacho and Brown's inaugural study on arrestees and tattoos. Their first question is whether a visible tattoo affects the receipt of a felony when arrested. In their study, using their full sample a visible tattoo was a significant factor in predicting the receipt of a felony and resulted in a 1.293 increase of the odds compared to arrestees without a visible tattoo. Also, Black arrestees had an increased likelihood of receiving a felony compared to white arrestees by 1.330 times and Hispanic arrestees had a 43.8% increased likelihood. In the current study, the results are similar. Being arrested with a visible tattoo predicts the increases the odds of receiving a felony in all models (non-white sample, white sample, full sample, and visible tattoo sample) with an increase range of 16.1%-18.5%. In these same models, Black women that were arrested were more likely to receive a felony than the model's reference categories (arrested white women and arrested Asian women) with a range of 20.8%-81.7%.

Camacho and Brown also analyzed the effects of a visible tattoo, race, ethnicity, and tattoo placement on specific offense charges. Their models incorporated more variables than the current study, and they utilized the full sample, instead of the sample specific to the charge in question. While I could compare the results of their analyses to the offense type analyses in this study, I do not believe it would be a fair assessment as to whether the arrest experience of racialized females with tattoos were similar to the experience of men with tattoos with respect to specific offense charges. The main outcomes of these two studies are that visible tattoos are significant predictors of receiving a felony; however, the Black arrestee variable is a stronger predictor.

Contributions of this Study

While this study does not include men in its analysis, it focuses on the intersectional identities of racialized female arrestees with visible tattoos. It is a study that is informed by intersectionality and one that centers the experience of racialized females as they enter the criminal justice system. For all intents and purposes, this project is an intersectional study even if females are the only sex/gender included in the data. It is important to the discipline to have studies that focus on the female experience to better understand the extent to which the racialization of female bodies of Color effect outcomes in the criminal justice system and elsewhere. When the dominant culture prescribes methods of exclusion, objectification, and denigration to Other members for no other reasons than race and sex/gender, it is imperative to interrogate and purge the institutions that mete out unjust treatment. As an architect of intersectionality, Crenshaw says it most succinctly, that intersectionality as a tool should be used to identify the differing experiences of oppression and promulgate policies addressing the discrimination to minimize the discriminatory

practices and erase discrimination altogether (Crenshaw, 1998). This study centers the racialized female experience at the first stages of the criminal justice system and allows for light to be shed on what discriminatory practices are in place and what policies can be enacted to eradicate the discrimination. This is exactly what Crenshaw and Collins had in mind when discussing intersectionality as a tool (Collins, 2002; Crenshaw, 1998).

Additionally, this project examines the functional role of tattoos in contemporary society, specifically within the criminal justice system. The literature states that tattoos were formerly markers of criminality from the early Chinese dynasties to the Greek and Roman empires to as late as the 1970s in the United States. Meanwhile, the more recent literature asserts that the predominant reason people get tattooed are for reasons of self-expression. The literature on tattoos in the criminal justice system are scant and with regard to tattoos on arrestees, the literature is almost non-existent. The contribution of this project is to fill this gap in the literature. The contribution is to re-write the function of tattoos within the criminal justice system as a medium of self-expression instead of the antiquated function of a proxy for criminality or deviance. While this study provides evidence that a racialized identity can be a stronger indicator than a visible tattoo within the arrest process, this study is only the first step in what can be miles of research to follow on intersectional experiences within the criminal justice system.

Policy Implications

The policy implications of this study vary depending upon the organization or institution that is being discussed. With regard to law enforcement, implicit bias training would be of great benefit to undue and minimize the formal consequences experienced by

racialized female arrestees. When Black and Brown bodies are overrepresented in the criminal justice system, it is essential that these subconscious biases are corrected.

Additionally, law enforcement officers should also be subject to psychological analysis to determine if they, specifically, are holding prejudicial beliefs against women, people of Color, people with disabilities, members of the LGBTQ community, and other marginalized groups. By definition, implicit bias does not include intentional acts of discrimination. Therefore, law enforcement officers who have conscious, intentional, and predatory behaviors against marginalized groups must be removed from service or undergo treatment until they can be trusted to operate with fairness for all the people they are sworn to protect.

The findings of this study not only bring to the forefront the differential treatment received by female arrestees with visible tattoos, but the differential treatment received by different women of Color. The antiquated ideas that sex discrimination is experienced equally by all women and racial discrimination is experienced equally by people of Color are categorically disputed. The statements of having distinctly different experiences due to race and gender by hooks, Crenshaw, and others advocating for intersectional analysis are demonstrated in this study and provide additional justification for changes in policy that still rely upon these antiquated notions of equal treatment of race and gender.

Study Limitations

While the availability of sufficient data is often a limitation for quantitative studies, that is not the case for this study. However, despite the robustness of the dataset utilized in this study, it does have limitations. The first limitation of the data is the race of the arrestee. As stated earlier in the method section, the race of an arrestee was designated by intake

personnel. It is not a variable with arrestee race self-identification information. The potential for this variable to be incorrect is difficult to ascertain, but it is definite that mistakes in racial classification have been made. An easy remedy is to request that intake personnel ask the arrestees how they identify racially. Without that, the observational acumen of the sheriff's personnel must be trusted.

The second limitation of the data are the tattoo variables. The tattoo data was coded from an unstandardized field called "SMT" which stands for scars, marks, and tattoos. Like the race variable, the data in the "SMT" field relies on the intake personnel receiving the arrestee. When an arrestee has a tattoo, intake personnel enter both tattoo design and tattoo body location information in this field. However, the information entered is inconsistent in how it is recorded. The best-case scenario has both the tattoo design and placement location in clear and concise standardized language and format. What is most often the case is the tattoo design is clearly described and the location is missing or the tattoo design is vaguely described and the body location is concise. While both tattoo variables were coded manually, the variables can only be as accurate as the raw data. That is, the inconsistency of the raw data in the "SMT" field affects the validity of the tattoo variables.

Additionally, one of the tattoo variables is named "Visible Tattoo" for tattoos located on easily visible parts of the body such as the arms, hands, neck, and face. However, despite these locations being described as highly visible, it does not guarantee the arresting officer has seen the tattoo. Specific to this study, the observance of the designated visible tattoo by the arresting officer is assumed. A remedy to these issues is training should law enforcement want to invest in examining non-race-based proxies for criminality. The

intake officers could be trained to enter the tattoo information in a specific format which would allow for easier understanding of the unstandardized field. The arresting officers, on the other hand, could be trained to check a box or describe the visible tattoo(s) on arrest forms. Although this remedy would not guarantee the intake personnel or the arresting officers would follow their training, it would improve the accuracy and the integrity of the collected data. While such remedies would be beneficial for studies such as this project, in the meantime, relying on assumptions regarding the accuracy of county sheriff personnel's tattoo documentation and arresting officers' observational skills will have to suffice.

The last study limitation is the absence of additional explanatory variables. While the models presented in this study fit the data with significant X^2 and R^2 statistics, the models accounted for small amounts of variance. While this dataset contains other variables that may have had a greater explanatory effect and increase the model fit, the purpose of this study is to focus on racialized identities and visible tattoos as efficiently and as purely as possible. Additionally, the large sample size may play up the importance of variables which are not at all significant. Although the models included the variables of age, offense type, and complexion, it was done for purposes of minimal mediation and maximum comparison to a prior study. However, additional studies would benefit from the inclusion of additional explanatory variables and mediating variables in a more comprehensive look at racialized female arrest patterns.

Recommendations for Future Research

The first recommendation for research goes deeper than visible or not visible tattoos. An area that would benefit from further research is the type and placement of the tattoos coupled with the perception of arresting officers of the tattoos. While literature

abounds on tattoo designs and their symbolism it is difficult to determine exactly what the meaning of the tattoo is to its wearer and if the meaning received by law enforcement personnel was as intended. Tattoo images can have many multiple dominant meanings depending upon the wearer. For example, many Latin gangs use religious images that hold specific meaning to each gang. Additionally, Christianity is the predominant religion practiced in Latin cultures. If a law enforcement officer were to arrest a Latinx offender with a rosary tattoo, is the arrestee a gang member or simply a devout Christian? Does that change the arrest outcome? If so, how does the arrest outcome change for this arrestee with a rosary compared to an arrestee with a tattoo of Christ's head with a crown of thorns or a virgin Mary praying? Future research must not just focus on the existence of tattoos, but on their intended meaning and their received meaning (perception) by law enforcement. This research will be arduous due to its qualitative nature. For a study like this to be effective, the researcher will need to identify and connect with the arrestee and the corresponding law enforcement officer (arresting officer) to interview them on the arrestee's tattoos. This type of research is not just limited to criminology, but to any area where perception can change someone's life trajectory, such as the criminal justice system or the workplace.

Another future research recommendation refers to the limitation of explanatory variables. Explanatory factors of interest in a similar study could include time of arrest, place of arrest, country of origin, transient status, and socioeconomic factors, such as income and education level based on Census data using the arrestee home address. In line with this study, the arrestee's eye color or hair color could also be examined. Because many of the theories we use in mainstream criminology are based upon, white male perspectives

using white male subjects, analyzing arrest patterns from an intersectional perspective using non-race-based factors often associated with criminality, the experiences of the multi-dimensional arrestees can be uncovered. Although often non-race-based factors such as income and education level can be objectively determined, it is not forgotten that many of these “objective” factors are born from systemic institutional racism which creates obstacles for people of Color, for the already disadvantaged, and for other groups that do not fit the white supremacist model of a good citizen. Using these factors to better understand an intersectional perspective does not contribute to the inequality. Rather, it is through the uncovering and understanding of intersectional perspectives that the patriarchal framework gets dismantled (Collins, 2002, 2019; Crenshaw, 1989).

Despite their prevalence in the United States, tattoos are charged as symbols and proxies for deviance. This has been shown in prior research as early as Lombroso at the turn of the century to more contemporary research in the past 5 years. The idea of tattoos as proxies for deviance is an assignment by the dominant culture that still prevails. Other proxies of deviance and criminality found in the literature are race, skin tone/complexion, and even attire. In a study from 2017, Dabney, et al. looked at the attire and police decision making patterns of arrestees wearing hip-hop clothes in a largely minority jurisdiction. Dabney, et al. found that “extralegal appearance factors associated with the contemporary hip-hop culture (i.e., dreadlocks, cornrows, afros, braids, gold teeth, saggy pants) are predictive of more severe formal outcomes imposed by officers than other relevant predictors” (2017, p. 1311). The findings of Dabney, et. al. (2017), reveal that even in a racially homogenous area, proxies for race-based criminality are relevant.

As other race-based proxies of criminality are examined, we, as academics, are calling out the white supremacist system of social control under which people of Color, non-males, indigent, and other disenfranchised groups are victimized. By questioning the race- and fallacy-based connections to criminality that have become a part of our collective subconscious in the United States, the academic community can add more value to the knowledge base not just of criminology, but to other disciplines that are also trying to dismantle the systemic oppression of white supremacy and release its hold on defining the normative. While this study is but a baby step to that end, the nuances within these results are open for further exploration and dissection. The purpose of studies like this and others like it are not to categorically decide what is and what is not true in all circumstances, but to provide insight within specific contexts so that the nuances of experience are better understood. We must build-up the intersectional body of criminological knowledge, understand the inherent nuances the vast experiences create, and continue working towards the goal of social justice and treatment parity within the criminal justice system and the rest of society.

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PEER REVIEWED PUBLICATIONS

-
- Piatkowska, Sylwia and **Jocelyn Camacho**. "Foreign Born Arrestees and Recidivism: A Multi-Level Analysis of Arrest Data from A Florida County Sheriff's Office." *Crime, Law and Social Change* (2021)
 - **Camacho, Jocelyn**, and Wyatt Brown. "The evolution of the tattoo in defiance of the immutable definition of deviance: current perceptions by law enforcement of tattooed arrestees." *Deviant Behavior* (2017): 1-19.
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ACADEMIC AWARDS

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Asian Heritage Student Scholarship

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