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Policing, Punishment, and Place: Spatial-Contextual Analyses of the Criminal Legal System

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Keywords

space, place, policing, punishment, criminal legal system

Abstract

Policing and punishment are unevenly distributed across geographic space. Research analyzing place-based variation in the criminal legal system is increasing, asking how community conditions contribute to variation in criminal justice outcomes and how multiple criminal justice exposures (e.g., policing and punishment) vary together in places. In this article, we identify spatial-contextual analyses of the criminal legal system and summarize their contributions by organizing them by their three major approaches: those emphasizing crime, urban ecology, or social control. We describe challenges the subfield faces, including an overemphasis on large cities and an overcommitment to analyzing criminal justice institutions like police or prisons discretely, when they are often experienced cumulatively and simultaneously. We call for research that transcends received institutional divisions, generates recommendations for stakeholders at multiple scales, makes greater use of formal spatial modeling, and analyzes places across the urban-rural continuum.

INTRODUCTION

The enormous growth of the United States criminal justice system since the mid-1970s has not been distributed evenly across geographic space. Contemporary policing practices cluster spatially, focusing stops and arrests in hot spots and disadvantaged places, potentially affecting the character of entire neighborhoods and communities. The geographic concentration of people who are later incarcerated means certain communities are disproportionately impacted by the cumulative process of surveillance, criminalization, and removal, which may have profound social, economic, and political implications for the families, networks, and neighbors left behind.

Studies of the spatial embeddedness of the criminal legal system grew in the 1990s. Scholars uncovered the broad implications of the criminal justice system's geographic variation, examining its impacts on racial inequality, public health, urban space, and economic mobility. During this time, segregated cities, long buffeted by deindustrialization, increased their police budgets to new highs, and incarceration rates rose in urban and rural areas alike. Meanwhile, the demography of American cities and towns radically transformed: Poverty increasingly moved to the suburbs, income inequality accelerated, and places beyond urban centers diversified. As segregation, economic polarization, diversification, and gentrification continue to restructure cities, scholars are increasingly realizing how policing and punishment shape and are shaped by these social processes. However, as place-based criminal justice research proceeds, there has been little synthesis or harmonization across theories of criminalization and punishment on the one hand, and theories of city and community on the other. Scholars of policing and punishment have favored microlevel theories of individual-level decision making and discrimination, or macrolevel theories of political economy and state policy regimes to explain differential levels of criminal justice contact. We propose that mesolevel, community-based explanations for variations in rates and disparities in criminal justice contact represent an underexamined theory of policing and punishment.

Theories of urban sociology and social inequality have crossed disciplinary boundaries to shape this new spatial research, supplementing and supplanting more traditional criminological approaches. Past work centered around theories of crime, seeking to explain spatial variation in the criminal justice system as the byproduct of spatial variation in criminalized behavior. Newer work in the urban ecological vein considers crime, while also describing high rates of policing and punishment as part of a multifaceted ecology in which many social problems cluster together. These scholars stress that rates of arrest and incarceration are highest in neighborhoods of concentrated disadvantage, segregation, and violence. Social control approaches, in contrast, look beyond crime to attribute the geographic concentration of criminal justice contact to social and spatial control strategies designed to maintain racial hierarchy and class exploitation.

In this review, we organize the research into these schools of thought and recommend how spatial approaches can better synthesize the analysis of crime and the analysis of responses to crime. Past *Annual Reviews* articles have effectively explored the spatial concentrations of crime (Hipp & Williams 2020), the community-level consequences of prisoner reentry (Morenoff & Harding 2014), and the collateral consequences of punishment (Kirk & Wakefield 2018). Our focus is different. Rather than summarize how the criminal justice system impacts crime rates, recidivism, or other community-level conditions, the present review analyzes the legal system as an underappreciated and understudied community-level outcome of spatial and place-based social processes and discusses crime insofar as it is relevant to understanding that system. We show how scholars include crime as an explanation (or not) of spatial patterns of policing and punishment. In our assessment of approaches to studying the spatial patterns of the criminal legal system, we advise a sharp break with studies that wholly explain geographic patterns of policing and punishment with patterns of crime. Instead, we position the criminal legal system as an independent object of study

potentially related to multiple spatial and contextual factors, while still recognizing the reciprocal relationship between crime and the legal system.

We distinguish between contextual and spatial approaches to analyzing place and the criminal justice system (Logan 2012). Simes (2018) and Hipp & Williams (2020) conceptualize a spatial-contextual approach, where “context” refers to the place-based social processes within local areas typically measured as neighborhood conditions. (We use “place” interchangeably with “context” in this review.) Contextual studies may estimate relationships between police arrests, say, and levels of segregation, poverty, or violence in a given geographic area. By spatial, on the other hand, we refer to the relative locations and locational pattern of social phenomena. Spatial studies leverage mapping to visualize spatial patterns, while also testing and proposing theories of scale and examining questions associated with distance, clustering, and spatial dependence. We argue for spatial-contextual approaches that combine the two in order to examine internal social conditions within places, while also analyzing how spatial processes beyond or surrounding places may be influential for patterns of policing and punishment.

In this review, we summarize the growing body of spatial-contextual criminal justice research, identify challenges it confronts, and recommend directions for future research. We thus focus on two key questions: (a) How do spatial and contextual conditions within and across communities contribute to variation in criminal justice outcomes? And (b) how do multiple criminal justice exposures (e.g., policing and punishment) vary together in neighborhoods and communities?

Though spatial criminal justice research is growing, two major oversights remain. First, most research on policing and punishment at the community level has focused on neighborhoods in large cities like New York, Chicago, and Los Angeles. These narrow spatial perspectives have attended narrow theorization focused on urban neighborhoods, with less attention to the spatial and place-based mechanisms outside of large urban centers. A spatial-contextual approach that considers the full extent of the criminal legal system requires research into suburban, rural, and small urban areas; how these places influence one another’s internal social processes; and how continuity and change in policing and punishment follow the trajectories of place-based conditions.

Second, studies have mostly analyzed police, courts, prisons, and community-based corrections like probation separately and with a limited combination of place-based conditions. Mirroring the institutional separation of government functions, these separate analyses contrast with approaches analyzing the multiple interlocking institutions producing systemic racial and social inequality. Moreover, the criminal justice system’s different components are often experienced cumulatively (as one criminal legal process leading from policing to incarceration) or simultaneously (as compounded, multifaceted exposures) within communities and neighborhoods. For example, police stops can cascade into arrests, arraignments, convictions, and sentences to punishment (cumulative); or, a neighborhood may experience high concentrations of police stops, incarceration rates, and levels of community supervision (simultaneous). We thus argue spatial-contextual studies of the criminal legal system should be similarly synthetic, combining analysis of different components together—both geographically and institutionally. In short, a spatial-contextual approach demands we make connections across places and institutions.

A better understanding of the place-punishment connection will inform adjacent subfields. Urban sociology will better understand how social processes of incarceration, criminalization, surveillance, and state violence together form an ecology of state intervention that may influence community cohesion, housing stability, and other key place-based outcomes. Scholarship on race and ethnicity will better explain how segregation is enforced and reinscribed by spatially patterned criminal justice activities. The sociology of law can explore the changing spatial pattern of sentencing outcomes and effects within and across local community areas, while economic sociology and social inequality scholarship can study how concentrations of criminal justice contact influence

wealth and credit, how prisons affect land prices in rural areas, or how criminal justice fines may influence local poverty rates. We conclude by recommending that spatial-contextual approaches to the legal system could be broadened to other social control institutions, such as immigrant and juvenile detention and the child welfare system.

THEORIES OF THE SPATIAL-CONTEXTUAL PATTERN OF CRIMINAL LEGAL SYSTEM CONTACT

We outline three major theoretical traditions that guide spatial-contextual analyses of policing and punishment. These approaches differ in how they describe the causes and consequences of the geographic differentiation in criminal justice contact. First, we summarize the dominant explanation that focuses on crime. We then describe two alternate theories, the urban ecology and social control perspectives.

The Crime Explanation

Historically, the overwhelming majority of research in this area has been dedicated to understanding how the criminal legal system impacts crime. This review documents the growing body of research dedicated to understanding the reverse causal pathway: how (or whether) crime shapes the geographic distribution of criminal legal system contact.

For many observers, particularly criminologists and criminal justice practitioners, crime is the largest and most significant determinant of spatial variation in policing and punishment. That crime is the most important factor in policing is such a common theory that it often goes unnamed, but it has been called the “deployment” (Engel et al. 2012) or “differential police scrutiny” hypothesis (Gaston 2019). This view argues that police deployment and enforcement decisions are targeted toward high-crime areas, so geographic variation in crime and in 911 calls will explain most of the geographic variation in policing and punishment (Bratton & Kelling 2015). Neighborhood demographics or biased practices do not independently determine the spatial pattern of criminal justice contact, a view summarized by former New York City Mayor Michael Bloomberg: “We put all the cops in the minority neighborhoods . . . because that’s where all the crime is” (Herchenroeder 2015, p. 1). Hot spots policing, a strategy used by a majority of US police departments, targets small areas containing the majority of crime events in a given jurisdiction (Braga et al. 2014). These understandings foreground crime as the driver of policing.

Grappling with how crime interacts with legal systems requires answering not just theoretical but also methodological questions. Researchers can measure crime using victimization surveys, ethnographic observation, the number of calls to 911, or police-recorded offense rates. Each has its advantages and drawbacks, and the measure a researcher chooses can impact their findings, as when two studies of Seattle drug arrests came to opposite conclusions by using different metrics (Beckett et al. 2006, Engel et al. 2012). Understanding how crime and legal systems influence one another is further complicated by the often-simultaneous feedback loops that link the two. Crime fluctuations can spur legal institutions to change, which might, in turn, impact crime, which might spur institutional change, and so on. Disentangling such endogeneity is becoming easier with advancements in longitudinal methods and instrumental variable approaches (Chalfin et al. 2022) but requires careful consideration of both theory (how to define “crime”) and methods (how to measure it).

The dominant, crime-based explanation often neglects how criminal legal systems impact crime not just through actions like arrests or incarceration, but also through defining crime. In addition to the discretion that allows criminal justice actors to determine whom to stop, charge, and lock up, police are also responsible for collecting most of the widely used crime data, so their

choices shape which people and neighborhoods receive the most legal scrutiny. For instance, police track property theft more closely than wage theft by employers or tax evasion by businesses, despite the latter cases representing a larger loss of value by some estimates (Cooper & Kroeger 2017, FBI 2019, Johnson & Rose 2019). This might make it appear that theft is higher in working-class and poor neighborhoods, and this, in turn, might inaccurately justify the concentration of police resources there. When using crime to explain geographic variation in criminal legal actions, some researchers eschew crime as a measure and instead analyze types of harm that are less susceptible to police definition (e.g., homicides).

The Urban Ecological Perspective

In the urban ecology perspective, the spatial pattern of crime has a large impact on the distribution of policing and punishment; within urban space, crime is highly spatially concentrated. However, urban ecologists are curious about how crime is part of a larger, multidimensional urban ecology found within disadvantaged urban places. For example, one study of the concurrent association between crime and incarceration in Chicago community areas finds near unity (0.96), indicating there are virtually no high-crime/low-incarceration community areas (and vice versa), but also finds high associations between concentrated disadvantage and incarceration (0.89) (Travis et al. 2014, p. 293). The urban ecology perspective on policing and punishment emphasizes the ecological pattern of crime, concentrated disadvantage (e.g., poverty, unemployment, receipt of public assistance), and rates of arrest or incarceration. As Sampson & Wilson (1995) discuss, crime is shaped by its community context and the ecological concentration of poverty, racial segregation, population turnover, family disruption, and weak civic participation within urban space. In an era of mass criminalization and incarceration, scholars have begun to include criminal justice contact—including stops, arrests, police violence, and incarceration—among the measures of disadvantage typically used to define neighborhood deprivation (Bell 2020, Manduca & Sampson 2019, Sampson 2012, Sampson & Loeffler 2010, Simes 2021).

Beyond the contextual factors within neighborhoods driving criminal justice contact, the urban ecological perspective emphasizes that criminal justice exposures spatially cluster within urban areas and diffuse across neighborhoods. Clustering of extreme disadvantage, incarceration, and violence creates a compounded form of correlated adversity in the lives of poor residents (Desmond & Western 2018). Drawing from analyses of the ecological structure of crime, some authors have theorized that formal social control spills over into surrounding neighborhoods, influencing patterns of criminal justice contact independent of a given neighborhood's internal context (Sampson 2012, Simes 2021).

The Social Control Perspective

A social control perspective on the spatial-contextual pattern of criminal justice contact diverges from the urban ecology and crime perspectives. In this view, mass imprisonment and policing represent a regime of racialized surveillance and control practices created through shifts in criminal justice policy directed at social problems associated with working-class, urban, and Black communities. These thinkers emphasize the race and class disproportionality of legal-system contact to hypothesize an “extrapenological role” (Wacquant 2001, p. 97) and “noncriminal functions” (Bell 2020, p. 650) of police and prisons (Gilmore 2007). The legal system, in this line of thinking, governs poverty and enforces White supremacy (Beckett & Herbert 2010, Hinton 2016, Weaver 2007).

In the 1960s, urban police forces expanded their role in crime prevention (Alexander 2010, Flamm 2005, Weaver 2007). The public quality of poverty and poverty-related criminalization in

urban places, such as street homelessness, loitering and idleness, and drug use, came to be framed in terms of security and criminality, expanding the purpose of crime control to encompass governing social marginality (Beckett & Herbert 2010, Beckett & Western 2001, Hinton 2016, Tonry 1995). Given the profound racial disparities of mass incarceration, Alexander (2010) characterizes it as “the New Jim Crow,” joining other theorists of social control to attribute the spatial and contextual conditions of criminal justice to systems of racial oppression, including segregation and racial profiling (Alexander 2010, Bell 2020, Burch 2014a, Kurwa 2019, Smith 2012). Wacquant (2000) makes a case for the prison itself being an urban institution, drawing a historical link between the urban ghetto that emerged after Jim Crow in the industrializing North and the historic increase in imprisonment that followed.

Some in the social control lineage stress the importance of capitalism in shaping the contours of the criminal legal system. For instance, working-class and Black neighborhoods become associated with crime when their residents lose work (Hall et al. 1978), and local business owners and real estate developers encourage police to target enforcement in urban areas important to commerce and housing market growth (Beck & Goldstein 2018, Davis 1990, Smith 1996). At a more macro scale, Gilmore (2007) describes how prison construction in California was patterned by financial capital investments in state prison construction bonds instead of newly unprofitable factories, funding prisons on rural land that had lost its agricultural productivity. Eason (2017) considers the role of rural communities in the prison build-up, but, unlike Gilmore, stresses how prisons can deliver economic growth (or at least diminished economic decline) to rural communities. Muller & Roehrkasse (2021) find strong economic underpinnings to recent trends in incarceration, while arguing for a more expansive understanding of racial disparity and incarceration that centers differential neighborhood exposure to incarceration. These scholars underline the role elites, markets, and economic growth (and decline) play in the geography of policing and punishment.

As the emphasis on racism and capitalism suggests, scholars who take the social control perspective are skeptical that crime shapes criminal justice and are doubtful of crime measures’ accuracy. They tend to argue that the concentration of social control efforts in disadvantaged places produces the pattern of criminalization and punishment independent of the spatial distribution of crime. The combination of policing strategies, criminal codes, public ordinances, and sentencing practices that fueled mass imprisonment and hyperpolicing expanded the scope of criminal processing to include the governance and management of urban social problems associated with economically and socially marginalized people and places. Thus, any measure of crime is endogenous to crime control. Crime statistics also describe where police and other agents of social control direct their efforts and whom they criminalize.

A synthesis of the three theoretical approaches’ treatments of crime, policing, and punishment can concede there is significant error and bias in crime reporting while recognizing that violence is a challenge for some disadvantaged communities, and public safety efforts are in part a response to violence in those areas.

POLICING SPACE AND PLACE

After “surprisingly little research” on police practices at the community level throughout the twentieth century (Kubrin & Weitzer 2003, p. 382), ethnographers were among the first to note unevenness in policing across space. They observed how police precincts and beats overlap with the public’s understanding of neighborhoods and turf boundaries to define and confine police activity (Rubinstein 1973, Werthman & Piliavin 1967). Police culture is distinct from the attitudes of the general public, and officers import variegated mental maps of the areas they patrol

from the prevailing police culture, with some neighborhoods and people receiving excess scrutiny (Brogden et al. 1988, Fyfe 1991, Holdaway 1984). Smith cited this ethnographic work in his early quantitative analyses of policing's spatial contexts (Smith 1986, Smith & Klein 1984). He found police made more arrests in neighborhoods of low socioeconomic status and used more force in non-White and racially mixed neighborhoods, net of crime rates and the behavior of the arrestee.

Expanding on the basic insight that police vary their behavior in different contexts, scholars in the 1990s developed a wide range of contextual theories of policing. Herbert (1997) synthesized Foucault and Weber to describe how police control territory and the public by restricting people's movement, establishing boundaries, and marking spaces. Drawing from criminology and social ecology, Klinger (1997) hypothesized that communities' crime and deviance levels would be the primary determinant of police behavior by, in one example, making officers who patrolled high-crime areas more tired and therefore lenient. Combining urban ecological and criminological approaches, Fyfe (1991) described how patrol officer behavior varies by both locational context and temporal sequence, incorporating time with space into the analysis. Scholars during this time analyzed policing at the scales of the officer, beat, and neighborhood, usually emphasizing the role of crime over the roles of state power, social inequality, or macro trends. Smith (1996), in contrast, followed a social control lineage to chart how police restructured neighborhoods on behalf of real estate speculators and middle-class homeowners.

When police forces increased their use of place-based interventions during the 2000s and 2010s, research followed suit (Lum & Fyfe 2015). Police departments increasingly adopted techniques like hot spots policing, community policing, and broken windows policing (Braga et al. 2014). These approaches codified the previously informal police understandings of spatial variation by systematically deploying different tactics in different places, changing the type and intensity of policing based on the perceived crime, disorder, or needs of a community.

Analyzing these new spatial policing approaches revealed "the distinction between public and private space [to be] perhaps the most critical spatial delimitation that conditions police action" (Herbert 1997, p. 46; see also Fyfe 1992). Police are more reluctant to enter a home than they are to observe someone in public. The wealthy, then, are more easily shielded from police scrutiny when they do things in their homes that might be criminalized in public, like drinking, loitering, urinating, or fighting (Sampson 2012).

Police manage public spaces by surveilling streets and parks, stopping drivers and pedestrians, and making low-level arrests aimed at maintaining order. Though the Supreme Court has outlawed antivagrancy laws, police can banish people and activities from large swaths of cities by using reinvigorated trespass and exclusion laws (Beckett & Herbert 2010). Poor and homeless people are especially scrutinized, with police using quality-of-life justifications to push the unhoused into a rotating roster of city locations and then managing them in those exiled places using a mixture of threats, arrests, citations, and coercive therapy (Herring 2019, Stuart 2016).

What explains such an intense policing of public space? Scholars who follow in the social control lineage identify public-space policing as an element of poverty governance. At the behest of property owners, business elites, and city officials, police manage the problems caused by growing inequality and declining housing affordability. Urban ecologists, on the other hand, deemphasize top-down forces by stressing how conditions within neighborhoods affect police behavior. According to this approach, problems like disorder, crime, diminished collective efficacy, concentrated disadvantage, and poor police-community relations shape policing (Kane 2002, Kirk & Matsuda 2011, Klinger 1997, Parker et al. 2005, Sobol et al. 2013). Whatever influences public-space policing, a growing body of research, some of it quasi-experimental, shows that nonpolice responses to public disorder can effectively address problems without arrests or citations (Bell et al. 2021, Dee & Pyne 2022).

It is likely that the comparatively more private spaces of residential neighborhoods also shape—and are shaped by—policing, but the research on this is inchoate. Qualitative studies have described how police help maintain racial and economic segregation by making more stops at racial boundaries, and at least one quantitative analysis found evidence for such a boundary effect (Boyles 2015, Gordon 2022; R. Neil & J. Legewie, unpublished manuscript). Heightened police scrutiny at racial boundaries is sometimes motivated by 911 calls from the public, not officer bias (Herring 2019, Lanfear et al. 2018). Arrests, incarcerations, monetary sanctions, and the burdens of a criminal record might “exacerbate pre-existing disadvantage, thereby locking low-income people of color into already disadvantaged neighborhoods” (Bell 2020, p. 690; Fagan & Ash 2017). When racial integration chips away at segregation, White and wealthy residents sometimes reinforce boundaries by calling upon police to scrutinize non-White neighbors who use housing vouchers (Kurwa 2020). Police may target such stigmatized residents with inspections, fines, and—with the help of nuisance property ordinances—eviction (Desmond & Valdez 2013).

Gentrification, a fraught and temporary kind of integration, may also lead to intense policing according to observational studies. The fluctuating demographics of gentrifying neighborhoods and the real estate investment such neighborhoods attract are associated with more police stops, citations, and arrests, even when comparing gentrifying areas to durably poor ones (Collins et al. 2022, Johnson & Patterson 2021, Laniyonu 2018). In central business districts and wealthy neighborhoods, police have been shown to pursue “development-directed policing” (Beck 2020, p. 245) that prioritizes economic growth (Gordon 2022). Noting gentrification’s role in shaping policing does not imply we should neglect studying durably poor neighborhoods. Housing affordability and suburbanization are arguably more powerful forces than gentrification (Desmond 2018, Smith 1996), yet their intersection with policing has received much less scholarly attention. Future research should correct this imbalance.

Among the most robust predictors of policing’s intensity are an area’s class and race demographics. Predominantly poor, working-class, Black, and Latino/a places experience more stops and arrests than wealthy White ones. As mentioned above, many police chiefs, mayors, and criminologists attribute such enforcement disparities to spatial variation in crime and in 911 calls. Crime rates are, indeed, a strong predictor of police enforcement intensity, whether crime is measured by police or measured as calls for service. Most research finds that some spatial variation in policing can be explained by crime rate variation (Ingram 2007, Neil & MacDonald 2023, Sobol et al. 2013, Zare et al. 2022). What’s more, a few studies have found weak relationships between an area’s demographics and its police activity (Engel et al. 2012, Ousey & Lee 2008, Parker et al. 2005).

The lion’s share of research, however, finds an association between police intensity and an area’s racial and ethnic demographics, even after controlling for crime rates and calls for service. Places with more non-White people experience more intense policing, net of crime (Eitle & Monahan 2009, Fagan et al. 2010, Gaston 2019, Geller & Fagan 2010, Jacobs & O’Brien 1998, Kane et al. 2013, Levchak 2017, Smith 1986, Zhao et al. 2019). In places with more poor people, the same trend is observed (Beck 2019, Ingram 2007, Kane 2003, Lacoe & Sharkey 2016). Policing’s inequity by race and class is true for a range of outcomes. Studies that control for crime rates have found that police make more stops (Fagan et al. 2010, Lacoe & Sharkey 2016), issue more citations (Petrocelli et al. 2003), change crime-severity classifications (Lum 2011), make more arrests (Beckett et al. 2006), and use force more often (Gaston et al. 2021, Lautenschlager & Omori 2019, Terrill & Reisig 2003) in poor and non-White places.

Another recurrent finding in spatial-contextual policing research is the impact of racial incongruity on police action (Gaston 2019). People whose race differs from that of the majority of people in their surroundings face heightened police scrutiny (Gelman et al. 2007, Meehan &

Ponder 2002, Rojek et al. 2012). Notably, most studies find this relationship holds both for Black people in White areas and for White people in Black areas, but recent research has found an effect only for Black people (Hannon et al. 2021).

Most spatial-contextual policing research has focused on dense urban areas, with much of that scholarship examining Los Angeles, Chicago, or New York City. Are studies of these areas generalizable to other metropolitan types? Though policing in suburbs is, on whole, less intense than it is in central cities, the two metropolitan types are converging along several important outcomes. The rates of police killings, misdemeanor arrests, and violent crime are higher in central cities than suburbs, but the gap is shrinking (Beck 2023, Beck & Holder 2022, Edwards et al. 2018, Schwartz & Jahn 2020, Truman & Planty 2012). Rates of quality-of-life arrests, a subset of misdemeanor arrests that includes only the most discretionary charges, like disorderly conduct and public intoxication, are already higher in suburbs than in central cities (Beck 2019). Despite some convergence, important differences by urbanicity remain. The policing of rural areas is distinct (Fyfe 1997), and rural towns have fewer police killings (Beck 2023, Edwards et al. 2018). Policing might be different in character, not just degree, outside of cities, with Black people in suburbs facing unique exposure to police scrutiny (Boyles 2015, Meehan & Ponder 2002).

SPACE, PLACE, AND PUNISHMENT

While policing research has more extensively examined spatial patterns of neighborhood arrests and stops, scholars began to estimate the level and disparities of incarceration within community areas in the late 1990s. Typically, researchers take the total count of people currently incarcerated or admitted to jail or prison in a given year and divide by the total population of the community area to generate a community-level rate of incarceration. The first spatial analyses of community incarceration rates were produced by incarcerated people studying New York City neighborhoods, and later by an interdisciplinary group of social science researchers who examined the relationships between crime, incarceration rates, and other community-level predictors. This body of work established three key spatial-contextual dimensions of punishment and community levels of incarceration: (a) Incarceration in urban areas is clustered in neighborhoods of concentrated disadvantage; (b) neighborhood rates of incarceration are demographically concentrated among Black and Hispanic/Latino residents; and (c) because people released from incarceration mostly return to their former neighborhoods, mass incarceration generates residential instability—a churn of people in and out of prisons and jails.

Portraits of Community Life Under Mass Incarceration

Eddie Ellis, a former member of the Black Panther Party from Harlem, formed a group of prisoner-scholars called the Think Tank who, in 1997, published a report examining the home State Assembly districts of people entering New York State prisons. Ellis previewed their findings, stating in a front-page *New York Times* article, “most phenomenal of all” is that 75% of the state’s entire prison population comes from just seven neighborhoods in New York City (Clines 1992). Moreover, for the Think Tank, the relevant spatial area was the State Assembly district, linking incarceration to the political capacity of New York City residents (Greenhaven Think Tank 1997).

Building on this research, the Vera Institute and Columbia’s Spatial Information Design Lab designed several projects mapping the prior addresses of incarcerated people, the most prominent of which was called Million Dollar Blocks (Kurgan 2013). More recently, the Million Dollar Hoods project in Los Angeles County documents incarceration, arrests, and the total days of jail time in neighborhoods (Lytle Hernandez & Dupuy 2020). In this scholarship, mapping local rates

of incarceration shifts the perspective away from the spatial analysis of crime hot spots used by law enforcement. These maps describe a landscape of population loss and state social control, identifying incarceration as a public investment totaling millions in costs that could be redirected to aid local communities. These works established incarceration as both a significant neighborhood condition and a type of civic infrastructure relevant to community deprivation, while demonstrating the power of visualizing the scale and scope of mass incarceration through spatial mapping.

A growing ethnographic literature is focused on understanding the conditions of community life under mass incarceration. Drawing on rich qualitative data derived from interviews, fieldwork, and observation, scholars describe the social processes that produce community life under mass incarceration. Taken together, these works theorize the pervasiveness of punishment among poor, working-class Black and Latino residents, which produces continuums of criminalization and social control across all social institutions, impacting their experiences of family life, schooling, social services, and the broader community (Gowan 2002, Rios 2011, Shedd 2015).

Modeling Urban Neighborhood Incarceration, Crime, and Effects

Going beyond mapping to statistical modeling, scholars examine multiple dimensions of urban neighborhoods to explain the spatial concentration of incarceration (Clear 2007, Clear et al. 2003, Fagan et al. 2003, Fagan & West 2013, Holder et al. 2022, Lynch & Sabol 2004, Rodriguez 2013, Rose & Clear 1998, Sampson 2012, Sampson & Loeffler 2010). Factors explaining concentrated urban neighborhood incarceration include concentrated socioeconomic disadvantage, racial and ethnic composition, segregation, and crime rates. Incarceration rates, these scholars have collectively argued, should be considered among the ecological conditions in disadvantaged urban neighborhoods, with consequences for the economic, social, and political well-being of those places, in addition to public safety. Concentrated incarceration has been theorized as a form of coercive mobility in which people are forcibly removed and sent to prison, and then later return as neighborhood residents (Clear 2007, Clear et al. 2003, Dhondt 2012, Renauer et al. 2006). Incarceration at spatially concentrated levels may disrupt family ties, social networks, housing, population stability, and employment while further stigmatizing neighborhoods and generating a collective sense of legal estrangement (Bell 2017, Clear 2007, Lynch & Sabol 2004, Sampson 2012).

In this body of work, theories outline an explicitly causal relationship where high crime and concentrated disadvantage produce concentrated incarceration. With incarceration as the dependent variable, crime rates are a significant predictor of incarceration in local areas (Sampson & Loeffler 2010). With crime as the dependent variable, theories suggest a curvilinear relationship between crime and incarceration, where extreme levels of incarceration lead to a breakdown in community bonds and other informal mechanisms for public safety, thus increasing violence and crime (Bursik & Grasmick 1993, Clear 2007, Dhondt 2012, Renauer et al. 2006). For those studying the relationship between social control and spatial-contextual factors of community areas (including crime), endogeneity poses a significant challenge where crime, concentrated disadvantage, and incarceration may be mutually reinforcing (Chalfin et al. 2022, Lynch & Sabol 2004, Sampson & Loeffler 2010).

Limitations of this prior work point to new avenues for research. First, while a person's removal from a neighborhood and sentence to a carceral setting are the culmination of a criminal justice process that begins with arrest, charging, conviction, and sentencing (Simes 2021; Travis et al. 2014, chapter 10), few examine how incarceration is related to or predicted by other forms of social control and surveillance. Important exceptions include work by Lynch & Sabol (2004) and Fagan and colleagues (Fagan et al. 2003, Fagan & West 2013). Fagan and colleagues examine how New York City neighborhoods with high rates of incarceration (combining jail and prison) also

correspond to greater police enforcement and parole surveillance, compounding multiple criminal justice encounters in small spatial areas. Second, these works tend not to define a level of concentrated incarceration, either conceptually or empirically [exceptions include Fagan & West (2013), who define high-incarceration tracts as the two highest quartiles]. Studies of urban incarceration rates also rarely deploy spatial methods to operationalize and empirically assess concepts like clustering and diffusion. Recent studies address many of these limitations. Simes (2021) and Holder et al. (2022) control for crime, concentrated disadvantage, and rates of discretionary forms of policing, and they include a spatial lag of tract-level incarceration rates.

Concentrated Punishment Beyond Large Cities

A growing literature has produced key innovations in the study of the local context and the spatial pattern of incarceration beyond large urban metropolises. First, recent work has sought to draw a sample of local areas across the urban-rural continuum over time, identifying spatial-temporal shifts in the jail and prison population in recent years. Second, researchers have begun to theorize the distinctive ecological conditions of punishment in suburban and rural areas, expanding on urban theories of concentrated disadvantage, race, and social control and applying spatial techniques to study clustering and diffusion within and beyond large cities. Third, scholars have focused on comparing urban versus rural sentencing severity and the spatial-contextual factors underlying prison proliferation.

Analysis of annualized county-level jail incarceration data has shown persistence, and in some cases dramatic increases, in incarceration rates within small/rural counties, while large urban counties have seen significant declines in recent decades (Kang-Brown & Subramanian 2017, Simes 2021). In addition to jail incarceration, geographic shifts since the late 2000s in prison admissions have been documented in US counties (Eason et al. 2017, Simes 2021). Taken together, these studies show that high imprisonment rates and racial disparities therein are not as highly concentrated in the most densely populated urban areas as has historically been argued in the literature on mass imprisonment (Eason et al. 2017, Simes 2021).

Theories explaining high rates of community-level incarceration outside of urban contexts have extended urban theories to these locales or have examined spatial and contextual mechanisms that are distinctive from urban places. A nascent literature on incarceration (both jails and prisons) and place focuses on contextual conditions outside of large urban cities. These studies generally find that racial segregation, concentrated disadvantage, and regional variation (i.e., small cities, rurality) are strong predictors of high incarceration rates (Burch 2014a,b; Eason 2017; Eason et al. 2017; Simes 2018, 2021; Frase 2009; Kang-Brown & Subramanian 2017). Burch (2014b) describes the spatial pattern of local incarceration rates as emerging from “the old Jim Crow.” Eason (2012) extends the concept of the “hyperghetto” to explain the rapid expansion of the criminal justice system into rural communities. Eason argues that the hyperghetto can help “explain the reorganization of space in rural communities, the context of the prison-building boom, and the impact of the criminal justice system in rural communities,” and moreover, that “the hyperghetto provides a discursive connection between rural and urban microlevel community functions of stigma and disadvantage in the post-Jim Crow South” (Eason 2012, p. 289). Simes (2021) uses qualitative interviews with social service providers to identify conditions of isolation, stigma, spatial mismatch, and remoteness from job and service centers as key drivers of disadvantage unique to small cities that explain the persistence and, in some cases, rise in incarceration in these areas.

Research on criminal court processing has examined place-based factors that drive differential outcomes in sentencing across urban, suburban, and rural contexts. Scholars have examined the mitigating or stigmatizing effects of neighborhood residence and other contextual factors on

sentencing outcomes, finding that individuals from impoverished and segregated neighborhoods receive harsher sentences net of individual and case characteristics (Wooldredge 2007). Another literature focuses on the death penalty as a measure of harsh sentencing, instances of which are extremely rare but often high profile. These works have broadly shown that the death penalty is most commonly sought in rural and suburban counties, rather than in their metropolitan counterparts (Barnes et al. 2009, Paternoster & Brame 2008, Songer & Unah 2006, Ulmer 1997, Ulmer et al. 2020). Barnes et al. (2009) find that racial disparity in seeking the death penalty can be largely explained by geographic patterns in prosecutorial discretion. These scholars point to conservative political strongholds in rural counties that may influence democratically elected prosecutors to push for harsher sentencing (Ulmer 1997, Weidner & Frase 2003). However, Feld (1991) finds that, in the case of youth, urban counties serve more severe sentencing outcomes in pretrial detention and sentencing than in rural counties, and Lu (2018) finds in a study of Pennsylvania localities that women experience greater leniency in sentence length in small rural localities. In sum, studies of the spatial-contextual pattern of sentencing harshness emphasize the conditions of local rural politics as a driver of harsher sentences, but findings are mixed across different populations and sentencing outcomes.

Finally, in the field that studies carceral geography, there has been extensive examination of the spatial and contextual factors driving prison building (Carroll 2004; Eason 2010, 2017; Lopez-Aguado 2016; Mitchelson 2012; Moran 2018). Eason (2017) finds rural prison placement results from concentrated rural disadvantage and identifies significant heterogeneity in the types of prison towns based on region, race, town population size, prior proximate prison, and socioeconomic status.

In sum, these works identify emerging trends in punishment beyond large cities, point to important spatial and demographic shifts in the jail and prison population, and emphasize the importance of place-based racial inequality and concentrated disadvantage beyond the urban core. The limitations of this research are driven in part by the challenges of data collection across urban-rural contexts. Scholars primarily analyze local rates of punishment across urban, suburban, and rural contexts within single states, presenting challenges for generalizability. The role of space or time is often inconsistent—studies have tended to be cross-sectional, missing important temporal shifts. And like the urban case studies described earlier, these works vary in terms of the implementation of spatial modeling. To address these challenges, Simes (2021) deploys spatial lag regression to examine the diffusion of neighborhood incarceration rates across all Massachusetts Census tracts and examines these trends over time. A further difficulty is that the extant evidence linking place to punishment across the rural-urban continuum relies largely on descriptive analysis of the correlates of high incarceration rates rather than methods that estimate the causal effects (Desmond & Western 2018).

NEW DIRECTIONS FOR STUDYING PLACE, POLICING, AND PUNISHMENT

Spatial-contextual approaches to the criminal legal system are due for an expansion in sociology. We identify new theoretical and empirical directions for this field and propose a research agenda. Amid emergent trends in urban, suburban, and rural arrest and incarceration rates and the changing racial disparity gaps in imprisonment (Muller & Roehrkasse 2021), there is a pronounced need for sociological research examining place-based and spatial dynamics. We promote an integrated approach—one that combines institutions (police, prisons, courts, community corrections) and geographies (across the urban-rural continuum). We believe this approach can offer mechanisms for understanding both new trends and the persistence of spatial concentration within some communities.

Discovering New Mechanisms of Place, Policing, and Punishment

Spatial-contextual approaches to policing and punishment invite creative thinking into how the criminal legal system is embedded in a larger field of social policy that influences and is influenced by economic, political, and social forces. Using place and space to bridge inquiries across the entire field of criminal justice research challenges the well-defined boundaries that tend to divide the legal system into separate systems, like policing, courts, and prisons. We encourage two avenues of study: research examining how policing and punishment are together driven by a broad range of spatial-contextual factors beyond the legal system and research analyzing how different parts of the legal system combine in geographic space to potentially produce a kind of correlated adversity (Desmond & Western 2018) or a system of structural racism (Bailey et al. 2017). For example, new research has examined how the Affordable Care Act reduced drug arrests in US counties (Simes & Jahn 2022) and how fines and fees drove higher levels of police violence in suburban communities (Beck 2023). Finally, while race, concentrated disadvantage, and crime have each been examined in relation to policing and punishment in local areas, we urge scholars to consider a broader set of place-based conditions—particularly housing, including public housing residence, evictions, and housing discrimination, which have been underexamined as correlates of criminal justice system contact (Beck & Goldstein 2018, Holder et al. 2022). From these kinds of analyses, we can discover mechanisms of place that may be driving novel patterns of criminalization and punishment.

Identifying and testing mechanisms of place, policing, and punishment can also inform policy. A national reform effort around policing and mass incarceration is unfolding, but often policy changes are directed solely at institutions and actors within criminal legal institutions, rather than at community-level processes. For example, most policing research gears its policy recommendations toward police departments. The spatial-contextual research examined here also provides recommendations to mayors, city councils, social movements, local social service environments, and higher levels of government. Spatial-contextual research is uniquely positioned to understand how higher scales of geography and government affect the criminal legal system because it encourages us to look across scales and beyond individual actors to include a broader group of stakeholders.

New Data and Methodological Advances

Although evidence of policing and punishment's spatial variation comes from a range of places, times, and sources, it has mostly been descriptive. Such observational studies are vital for understanding the structural forces that are the distant, not proximate, causes of criminal justice activity (Sampson 2010). Spatial-contextual researchers of the criminal legal system who want to move from observational studies to causal inference confront two unique challenges. First, spatial-contextual patterns like concentrated poverty and segregation rarely experience the kinds of shocks or discontinuities that could simulate randomized treatment. Second, criminal justice system actors may anticipate any exogenous shocks. For instance, if a study were to analyze whether segregation impacts the locations of police patrol deployments, any change to segregation that the researcher could observe could also be observed by the police, so the treatment and outcome are likely to be endogenous. Current research is thus limited in adjudicating the causal effect of crime, poverty, segregation, or other neighborhood conditions (conditions that likely influence one another) on rates of policing and punishment.

Some researchers have used identification strategies such as instrumental variable approaches to overcome these challenges and reveal spatial-contextual causes of policing or rates of incarceration (e.g., Lynch & Sabol 2004). Spatial break points are another potential application of quasi-experimental designs. For instance, discontinuities across racial and precinct boundaries can

help researchers analyze the causes of police stops and arrests (Kendall et al. 2022; R. Neil & J. Legewie, unpublished manuscript). Work in other fields has used geographic discontinuities like railroad tracks as a plausibly exogenous change to segregation (Chyn et al. 2022).

Analyzing how policing and punishment shape space—the reverse causal pathway—is also amenable to quasi-experimental research designs. Criminal justice policies, funding amounts, and staffing levels often change in abrupt, discontinuous ways. Future spatial-contextual research could leverage these changes to understand how criminal justice contact reproduces segregation or affects concentrated poverty, for example. We would also encourage evaluations of policy changes to more thoroughly investigate heterogeneous treatment effects that can vary across places (Sampson 2010). Finally, while we invite greater attention to causal inference in this research area, we also join Desmond & Western’s (2018) contention that an emphasis on causal inference in studies where multiple disadvantages cluster together may be limiting for theory and policy because manipulating a single variable may not be meaningful in the face of many reinforcing disadvantages.

More generally, while many researchers examine place-based or contextual factors of the criminal legal system, spatial concepts and methodologies are underutilized. Rather than treat each place as an island, we must capture how social forces outside an area affect the social forces within it. We therefore encourage scholars to formally consider space, such as spatial cluster analysis and spatial regression. These approaches directly measure geographic variation and quantify important concepts like clustering or spatial dependence as an effect on neighbors (Ingram 2007, Laniyonu 2018, Lautenschlager & Omori 2019, Simes 2021). Another important technique for examining variation in criminal legal system contact is multilevel modeling that accounts for spatial dependence across nearby places (Jahn 2020, Logan 2012).

Spatial-contextual research would be greatly improved by a deeper methodological engagement with and conceptualization of scale. For this review, we have included studies that examine criminal justice exposures in units larger than a household (e.g., block), and smaller than a state (e.g., county). We extend Eason’s (2017) imperative that scholars articulate the appropriate spatial scale when examining concentrated disadvantage and prisonization, particularly outside the urban core. The choice of geographic scale should be intentional, rather than driven solely by data availability or urban conceptualizations of the neighborhood (i.e., Census tracts). For example, Eason (2017) encourages scholars examining trends across the rural-urban continuum to use Census-designated places (often coterminous with municipalities’ boundaries) as their units instead of counties when possible, which allows for more granular examinations.

Additional mechanisms could be derived and tested from mixed-methods approaches (Eason 2017, Simes 2021). Qualitative research on policing and punishment analyzing small cities, suburbs, and rural communities is still less common than research analyzing administrative data from large urban cities. We argue for greater access to large samples of geo-referenced data on criminal justice exposures, like those provided by the Vera Institute of Justice, the Fatal Encounters database, the Justice Atlas of Sentencing and Corrections, the Opportunity Atlas, and the Prison Policy Initiative, particularly over time, by racial and ethnic subgroups, and across the urban-rural interface. This may require new forms of data collection, such as web-scraping and public records requests, but it is vital for capturing the breadth of different place types and change over time. Moreover, citizen-science datasets, participatory mapping, and community-engaged research, such as the work of the Million Dollar Hoods project, provide avenues for integrating science and social action, and leveraging direct experiences of policing and punishment to inform research and policy reform.

Finally, there are other systems of social control that have only recently been studied for their spatial patterning and deserve further exploration. Moinester (2018) examines county-level

variation in immigrant detention, and Ryo & Peacock (2019) call for greater attention to the community-level factors that generate differential outcomes in immigrant detention proceedings. Moore (2022) investigates the spatial context of civil gang injunctions in Los Angeles County. We believe the increasingly criminalized aspects of civil law, including the US immigration system as well as alternatives to incarceration like electronic monitoring, are important sites for understanding how spatial context shapes levels of surveillance and control, and how these institutions may share similar conditions or diverge from the spatial patterns of the criminal legal system institutions discussed in this article. Juvenile detention, drug and housing courts, child welfare, and other institutions adjacent to the criminal legal system should also be examined in relation to place-based and spatial factors.

Spatial-contextual studies of policing and punishment are expanding sociological knowledge about the role of place and space in driving exposure to the criminal legal system and the state more broadly. High rates of police contact, convictions, incarceration, and supervision may be significantly related to local social, economic, and political processes. We emphasize the importance of both context and space in understanding patterns of criminal legal system contact and encourage scholars to examine places beyond large cities and how these encounters and exposures accumulate within communities.

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