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# The Tattoo: A Mark of Subversion, Deviance, or Mainstream Self-Expression?

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The Tattoo: A Mark of Subversion, Deviance, or Mainstream Self-Expression?

by

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## TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
LIST OF TABLES.....	ii
ABSTRACT .....	iii
CHAPTER ONE: INTRODUCTION .....	1
CHAPTER TWO: RELEVANT RESEARCH.....	3
Police Behavior .....	3
Deviance .....	5
Mainstream Self-Expression .....	10
Subversion .....	11
CHAPTER THREE: THE THEORY OF SUBTLE COERCION .....	15
Evidence of Questionable Deviance .....	20
Re-Defining Deviance .....	22
CHAPTER FOUR: CURRENT STUDY, METHODS AND DATA.....	25
Data Collection .....	25
Variable Coding.....	26
Sample Data .....	29
Variables .....	30
Analytic Strategy.....	30
CHAPTER FIVE: RESULTS .....	34
CHAPTER SIX: DISCUSSION .....	46
Limitations.....	50
Future Research.....	51
REFERENCES .....	53

## LIST OF TABLES

4.1	Variable Descriptions.....	29
4.2	Charge Descriptives – Felonies.....	31
4.3	Charge Descriptives – Misdemeanors .....	32
5.1	Mean differences test for covariates comparing race.....	35
5.2	Mean differences test for covariates comparing ethnicity.....	36
5.3	Logistic regression predicting the effects of sex, race, ethnicity.....	37
5.4	Logistic regression predicting the effects of tattoo location and type with the visible tattoo variable.....	37
5.5	Logistic regression predicting the effects of tattoo location and type without the visible tattoo variable.....	39
5.6	Multicollinearity diagnostics.....	40
5.7	Logistic regression predicting the effects of sex, race, and tattoos in drug offenses.....	41
5.8	Logistic regression predicting the effects of sex, race, and tattoos in assault and battery offenses.....	42
5.9	Logistic regression predicting the effects of sex, race, and tattoos in larceny offenses.....	43

## **ABSTRACT**

While an estimated one-third of the United States population has a tattoo, tattoos are still seen as a sign of deviance. The appearance of the first tattoos in the United States were relegated to the bodies of the lower classes and outcasts of society. Over the past few decades tattoos have migrated on to the celebrity skin of today's pop culture icons. In the past twenty years, tattoos have moved from deviant subcultures to the mainstream, and yet are still considered to be a mark of the disfavored factions of society. The dominant culture continues to regard the bearers of tattoos as social deviants, while at the same time appropriating tattoos for use as fashion statements, beauty enhancements, and mechanisms for continued oppression. While tattoos make their way from the prison cell to the pop culture runway, how are they perceived by law enforcement? Are tattoos still seen as markers of deviance or has law enforcement adopted the mainstream culture's perception and view tattoos as self-expressive artwork? Do tattoos negatively influence law enforcement's judgment where individual discretion is exercised? The purpose of this study was to examine the arrest patterns of arrestees with visible tattoos using a critical theory perspective to determine if tattoos and arrest seriousness are related. This study also examines tattoo placement and type in affecting the severity of arrest charges. The data used in this study is a random sample of 2011 Pinellas County Florida arrestees (N=3,733). Numerous logistic regression models were utilized in this analysis and resulted in no consistently significant association between tattoos (visibility, placement, or type) and severity of offense charges. This provides evidence that the use of tattoos as a marker for deviance does

not appear to influence police behavior any differently than other characteristics such as race.

## **CHAPTER ONE: INTRODUCTION**

In the late 18<sup>th</sup> century, colonialism introduced the Western world to the Maori people of New Zealand. The Maori were one of the first people encountered by the West that donned tattoos (Rubin, 171-177). The Maori used facial tattoos to display both social status and group membership. The West continued exploring islands in the Pacific, and came upon additional tattoo bearing natives such as the Hawaiians, Tahitians, and the Polynesians (DeMello, 43-47). The colonists viewed tattooing as unnatural practices of the uncivilized natives. While not proponents for the natives or their unnatural practices, the colonists brought the savages back to Europe and North America for purposes of entertainment. The natives were brought to the West as exhibits for the "civilized" people to scrutinize. The trips to the Pacific continued and the sailors became more open to the exotic practice of tattooing. The sailors would "civilize" the natives by imparting new types of designs and new Western technology. The designs and technology of the West helped to transform the early tattoos of the Polynesian people from natural and geometric designs to that of guns and letters or script. The West continued to colonize and "civilize" the rest of the world, while the number of tattoos on the bodies of Western sailors quickly made gains. It is through both the exhibition of tattooed natives and the bastardization of the native tattooing practice by the Western sailors that North America was introduced to tattoos.

The appearance of tattoos in mainstream culture has changed the perception of those brandished with the once subversive permanent stamp of self-expression. However, even with tattoos finding a place amongst other middle class norms, tattoos can still

play a role in how those who don such artwork are perceived. Chapter two of this study reviews prior research on the association of tattoos and deviance. This review illustrates the association of tattoos and deviance which suggests that those with a predisposition to deviance self-select tattoos or are treated as deviants. Chapter three explains the adoption of the tattoo into mainstream culture through Michel Foucault's theory of subtle coercion. Simply stated, Foucault's theory defines the individual as a puppet that is constantly and unknowingly manipulated. While this theory was introduced in Foucault's discussion of the penal system and incarceration, it is applicable to this study as it describes the manipulation of individuals by the dominant culture in holding on to the ethnocentric, elitist, and ill-fitting characterization of tattoos as deviant.

Chapter four describes the data used in this study and chapter five analyzes the data within the current context of tattoos and deviance in Pinellas County, Florida. By employing critical theory to the analysis of arrest patterns, the effect of visible tattoos on arrests charges will be better illustrated. Additionally, examining the same patterns among arrestees with visible tattoos will provide additional insight as to whether tattoo type or placement has any relevance to the severity of the offenses charged. Chapter six discusses the limitations of this study and areas for future research. While every study has its own set of limitations, the research on tattoos in various disciplines has increased. The findings of this study will add significantly to the current literature as well as help in guiding futures studies on the same topic.



## **CHAPTER TWO: RELEVANT RESEARCH**

In this chapter, I review the literature on factors affecting police behavior and tattooing in relationship to social values. Three main forms of social value expression in relation to tattooing are examined through this survey of the literature are deviance, mainstream self-expression, and subversion.

### **Police Behavior**

Law enforcement has dealt with the issue of police bias for decades. From the civil rights movements of the 1960s which captured the brutality of racist and homophobic police forces on television to the aggressive behavior of members of the NYPD in Zuccotti Park when subduing protesters participating in the peaceful anti-Wall Street Occupy movement. Criminologist, William Chambliss (1999) argued that intense patrolling of lower income minority neighborhoods created the perception of racial bias in law enforcement. Results of a 2005 survey on racially bias policing showed that 82% of blacks and 60% of whites believed that racial profiling was a wide spread accepted police practice (Weitzer & Tuch, 2005). A review of objective data revealing a disproportionate number of blacks being incarcerated, lead the public to associate blacks with crime and the criminal justice system (Peffley & Hurwitz, 2002). Similarly regarding Hispanics, studies on Hispanics state that the misperceptions of crime by immigrants has disproportionately associated Hispanics with criminal activity (Martinez & Lee, 2000). While perception and assumption on a survey is innocuous, the same perceptions and assumptions on the street prove different.

It is the perception of police with respect to suspicion of racial bias, the presumptions of the suspicious about racially biased policing that is referred to by some police researchers as "the deadly mix" (Pinizzotto, et al., 2012). As evidenced in prior research, racial profiling is accepted by a majority of the public as a legitimate method of policing. More importantly, for the purposes of this study, is the perception of law enforcement of specific groups based upon race, ethnicity, and socio-economic status. Law enforcement is not exempt from prior studies of public perceptions associating race to crime. As part of the public, members of law enforcement hold the same assumptions or community ideology. Community ideology is the concept that people living within the same community share "a system of belief that uses conceptions of community to describe, evaluate, and explain social reality" (Hummon, 1990). Law enforcement is not exempt from community ideology. They hold the same beliefs and understandings as members of their community, and may be even more prone to make racially biased assumptions given the context of their work environment. As such, they subscribe to the same beliefs that blacks, Hispanics, the poor, and even social outcasts that do not conform to societal (or community) norms are deviant and criminal. In the absence of a willful effort to recognize the basis for community beliefs and attitudes, the accepting community ideology as one's own is inescapable. To be a member of law enforcement where laws and strategy promote surveillance of poor minority neighborhoods and the criminalization of behavior targeting minority communities always involves the possibility that racially based assumption influence police behavior. Even before attending the police academy or any formal training, members of law enforcement are already pre-programmed to observe and identify individuals that fall outside the norm by virtue of being a member of a community and subscribing to the community ideology. Extending

this predisposition to their duties as law enforcement officers, it is by learned instinct that the racial and ethnic minorities and the vagabonds are automatically categorized as suspicious and, subsequently, as deviants.

## **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 deemed ill-founded shortly thereafter, the initial link he created between tattoos and an individual's constitution is still discussed within criminology and other disciplines to this day (Lombroso, 1911).

While Lombroso's most notable theory is no longer part of the dominant criminological paradigm, his initial observations linking tattoos and personality traits finds some relevance in modern criminological theory. For example, labeling theory posits that an individual continues anti-social behavior once the "criminal" or "deviant" label has been assigned to an individual (Tannenbaum, 1938). The main thrust behind labeling theory is that an individual's unlawful or deviant behavior is temporary, and only by the

reaction of society labeling and treating an individual as "a deviant" or "a criminal" does an individual continue the socially unacceptable behavior. The attachment of a formal label to an individual stigmatizes and ostracizes the offender from the rest of society. The offender is placed in a role where stability is found only through the connection to other stigmatized and ostracized offenders (Tannenbaum, 1938). Although labeling does not always take the form of a physical mark on the body, such as a tattoo, or a genetic deficiency as described by Lombroso, the designation of an individual as an "ex-con," "juvenile delinquent," and "troublemaker" can be just as alienating. Because the initial association of tattoos in American society has been with society's lower classes, (a.k.a. sailors, bikers, prisoners, and gang members), it is reasonable to assume that a person bearing a tattoo is a person of dubious behavior and perhaps questionable morals. Individuals with tattoos are still found to be 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). It can be argued that under certain conditions, the act of tattooing is perhaps a self-identification of deviance. A well-known example of this is that of the teardrop tattoo. Within the gang and prison subcultures, it is commonplace to find a teardrop tattoo on the face of an inmate or gang member. While the tattoo has dual meaning, it often signifies that the bearer of the teardrop tattoo has murdered someone. This is significant within these specific subcultures for purposes of social hierarchy and for survival. Neither the prison or gang subcultures are free from rules and social stratification, and within these general guidelines, the philosophy of the subcultures is the Darwinian idea of "survival of the fittest." Although extreme, the taking of another's

life decidedly proves one's "fitness to survive." By communicating to other prisoners that you have murdered another, the tattooed prisoner's level of "fitness" will be less questionable. Thus, by self-identifying as deviant in this manner, potential challenges by rivals or even attacks in prison may be avoided because he has already proven himself to be "fit" enough to survive. While self-identifying as deviant in this case works in favor of the tattoo bearer within their specific subculture, tattoos still represent low class and deviant to the rest of society.

The initial presumption that tattoos are fundamentally deviant and individuals with tattoos are deviants still finds currency in contemporary criminological studies. An early and often cited study within criminology is the Post (1968) study. This study was one of the first to analyze the empirical relationship between youthful offenders and tattoos. The study concluded that significantly more delinquents have tattoos than non-delinquents. It also concluded that tattoos were used in some peer groups as both status symbols and as expressions of self (Post, 1968). However, the point most cited by subsequent studies is the relationship between tattooed youthful offenders and deviant behavior. This study laid the groundwork for the research using the presupposition that tattoos equated to deviance.

A more recent study analyzed self-report survey data from a sample of adolescent detainees. The findings of this study were that 28% of the sample (N=860) had one tattoo and 15% had two or more tattoos. Alcohol, marijuana, antidepressant, and sedative use were significantly correlated with having tattoos (Braithwaite, et al. 2001). Nathanson et al. (2005) used self-report survey data from undergraduate students where alcohol and substance abuse were common behaviors on college campuses. As

in the Braithwaite study, this study found drug abuse highly correlated with having a tattoo ( $R^2=0.19$ ,  $p < 0.05$ ). In 2010, Koch, et al., also analyzed the relationship between body art and deviance using a sample of American college students. This study concluded that respondents with four or more tattoos were more likely to report regular use of marijuana, occasional use of illegal drugs, and an arrest history. This study also concluded that cheating on college work, binge drinking, and having multiple sex partners was also significant, at a lesser effect size (Koch, et al., 2010). In *The Journal of Forensic Medicine*, a study by Blackburn, et al. analyzed the association of tattoos and victims of homicide. The results of this study show a significant relationship between specific types of tattoos and homicide (Blackburn, et al., 2012). These studies provide additional evidence of the already assumed relationship between deviance and having a tattoo.

Other studies in the area of psychiatry and social-psychology examine the factors involved in the decision to acquire a tattoo. In 2000, Dhossche et al. analyzed data from 134 adolescent suicides and accidental deaths in Mobile County, Alabama. The purpose of the study was to determine whether or not a tattoo was a precursor to the decision to commit suicide. The percentages of tattooed individuals that committed suicide and that died of accidental death were 21% and 29% respectively. The findings of this study were 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 mental health status of the individuals analyzed in this study was unavailable due to death, the study was inconclusive beyond the finding of shared risk factors. Another study of adolescent health determined that body modification was significantly associated with alcohol and drugs problems. According to this study,

adolescents with body modifications had 3.1 times greater odds of problems with alcohol and drugs than did those without body modifications. A study using a convenience sample from a body modification website shows that body modifications were associated with a higher incidence of suicidal ideation and attempted suicide. However, the study also concluded that when controlling for depression, the effects of body modification are weakened (Hicinbothem, et al., 2006). Another recent study in Germany concluded that adventure seeking and a high number of sexual partners was significantly related to the perception of people with tattoos, especially for men versus women (Wohlrab, 2009). From the first studies to the most recent, evidence can be found that links tattoos (or body modification) to deviant behavior. Contrary to these findings are other studies that see tattoos not as markers of deviance, but as self-expression and forms of art.

From the inception of the biological theory of deviance and the introduction of tattoos to American society, the tattoo and deviance have been inextricably intertwined. The initial association of the tattoo with the "exotic" natives from the East and at the same time the working class American sailors, the supposition of the tattoo as a designation for "other" or low income outcast is unassailable. Numerous studies support the deviant marker proposition linking tattoos to youthful offenders (Post, 1968); to antisocial behavior such as the usage of marijuana, alcohol, recreational drugs (Braithwaite, et al., 2001; Nathanson, et al., 2005); or to sexual promiscuity, cheating on school work, (Koch, et al, 2010) or homicide (Blackburn, et al., 2012). Additionally, studies outside of criminology also support the link between deviance and tattoos. Studies in psychiatry have shown that adolescents that commit suicide share the same personality disorder risk factors with adolescents that acquire tattoos (Dhossche, et al., 2000; Hicinbothem,

et al., 2006). The findings of these studies provide a significant indication that deviance, in its many forms, is linked to tattoos from adolescence to adulthood.

### **Mainstream Self-Expression**

In the last two decades, tattoos have immigrated from various subcultures into the dominant culture where they have been widely accepted (Koch, et al, 2005; Deschesnes et al., 2006; Kosut, 2006; Nathanson et al., 2006; Adams, 2009). At the same time, the number of studies regarding tattoos has increased within numerous academic disciplines. Instead of viewing tattoos as merely symbols of association in a group or as deviance markers, many studies conclude that tattoos are now regarded as a method of individual self-expression or as an art form (Pitts 2003; Williams 2003; Koch et al., 2005; Fenske 2007). Tattoos are often considered art work as Vail argues that art galleries and museums consider tattoos and their artifacts as art and as collectible items for tattoo aficionados (Vail, 1999). Whether viewed as artwork or not, the tattoo is a personal symbol of an individual, that "proclaims the psychological and social place of the tattoo bearer" (Ellis, 2006).

A study analyzing the motivations for getting a tattoo was conducted in Australia. The study concluded that acquiring a tattoo to "express myself" was the highest scored reason for both men and women in the sample. Another study regarding the motivation for acquiring a tattoo was conducted in 2007 by Koch, et al. The data collected for this study came from 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**

While tattoos were used to ostracize specific members of society, 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 (Blanchard, 1991; DeMello, 1993 & 2000; Pitts, 2003; Greer et al., 2005; Koch et al., 2005; Nathanson et al., 2005; Kosut, 2006). A simple example of the adoption of symbols by a group is found in sports. Sports fans at every level from high school football to professional basketball often wear the color of the team they support. A fan could be the family member or friend of an athlete and have a personal stake in the outcome of a game, or a fan could support the professional basketball team that is in the closest proximity to their home. Sports fans wear the colors and logos of their favorite teams, share in the emotion of victory and defeat, and feel a sense of camaraderie with strangers who simply wear the same team logo. The adoption of symbols or markers by groups is common practice regardless of whether or not a group has been labeled deviant, but when a group has been labeled deviant the use of symbols and markers becomes subversive and esoteric.

An example of the adoption of symbols by a deviant group would be the use of the pink triangle by the lesbian, gay, bisexual, and transgender community (LGBT). Initially used during the holocaust, the pink triangle was the symbol for homosexual used in the Nazi concentration camps during the evacuation and extermination of Germany's alleged enemies (Plant, 2011). This symbol was adopted by the American gay rights movement in the early 1970s as a symbol of unity under which the alienated LGBT community would come together. The pink triangle was rooted in hatred and destruction of homosexuals. By adopting the symbol as their own, the gay rights movement subverted the destructive power given to the symbol by the Nazis and reclaimed it as their own. This is known in the political sphere as reverse approbation. This act of subversion speaks to the esoteric nature of symbol appropriation by deviant groups and

subcultures. The use of reverse approbation by minority subcultures is a method of political subversion where an alienated subculture 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). Furthermore, the use of counter-culture symbols such as tattoos, speaks volumes to the message the subculture is trying to communicate.

No longer used as mandatory markers for prison inmates, the tattoo has become more than just an involuntary method of alienation. Some suggest that individuals who get tattoos are making statements of resistance to the world in which they live (Bell, 1999). Acquiring a tattoo is an act of self-marginalization by an individual to the dominant society. While the act remains the same, the message and symbolism of the tattoo itself has been redefined by the middle class who have co-opted its use as a symbol of spiritual enlightenment and deep personal meaning (Bell, 1999). It is this redefinition of the tattoo that serves as an act of subversion to transform and normalize tattoos and their wearers within society.

The apparent transformation of the tattoo as a symbol of deviance to a symbol of individual self-expression is laudable. Cesare Lombroso, a father to the discipline of criminology, was the first to associate tattoos with deviance, and a century after his initial assessment was made, the question still remains. Numerous studies link youthful/adolescent deviance (Tannenbaum, 1938; Adams, 2009; Braithwaite, 2001; Deschesnes, et al., 2006; Nathanson, et al., 2006; Koch, et al., 2005; Armstrong, 2006; Brooks, 2003; Kosut, 2006; Carroll, et al., 2002), adolescent mental health (Dhossche, et al., 2000; Hicinbothem, et al., 2006; Blackburn, et al., 2012), and adult antisocial

behavior (Wohlrab, 2009; Koch, et al., 2010) with tattoos. At the same time, other studies find that tattoos are now symbols of individual self-expression (Lyman & Scott, 1970; Irwin, 2001; Velliquette & Murray, 2002; Pitts, 2003; Williams, 2003; Koch, et al., 2007; Fenske, 2007) and that the perception of many tattoos was not that of deviance if the tattoo was detected at all (Koch, et al., 2005; Deschesnes, et al., 2006; Kosut, 2006; Nathanson, et al., 2006; Adams, 2009; Swami, 2001; Swami, et al., 2012). These findings help explain the transitioning perception of tattoos in American society. It is estimated that one third of the American adults are tattooed, and the most cited reason for being tattooed is that of self-expression. However, the bearers of the pro-socially perceived tattoos purposely selected easily hidden locations so as not to be subjected to the negative consequences of bearing a tattoo (Roberts, 2012). Additionally, the same study found that tattoos with more sophisticated designs were found to be more acceptable than tribal or less refined designs (Roberts, 2012). The subversive nature of getting a tattoo can be made impotent by either location or design selection. Can an action be both subversive and ambivalent at the same time? Can an individual? While it may appear to be antithetical in nature, simultaneous subversion and ambivalence is possible. Through the theoretical lens of Michel Foucault, the answers to these questions are markedly clear.

### CHAPTER THREE: THE THEORY OF SUBTLE COERCION

After examining the history of tattoos in the West, this chapter analyzes how the tattoo was transformed from a symbol of deviance to a symbol of high culture and self-expression. Tattoos were introduced to the West on the bodies of Pacific Island natives (DeMello, 53) that were brought to Europe and North America for purposes of entertainment (and later slavery). Much like Western culture of today, the early Americans absorbed the natives' practice of tattooing and redefined it using more "civilized" designs. Although initially relegated to sailors that had traveled abroad and the lower echelons of society, the tattoo has recently found itself on the bodies of celebrities and the runways of elite fashion designers. It has taken many decades for society's assumptions about tattoos to evolve. While many theories hypothesize the reasons for this transformation, this chapter discusses the theory proffered by the French philosopher Michel Foucault. While Foucault's ideas can be found in other disciplines such as political science and history, his social theory on subtle coercion elucidates the supposed transformation of the tattoo in Western culture.

In *Discipline and Punishment*, Michel Foucault discusses and defines his theory of punishment by describing the relationship between power and knowledge, the methods by which disciplines exercise power over individuals, and individual self-subjugation. Foucault describes the relationship between power and knowledge as such:

...power produces knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one

another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations... it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge (Foucault, 28).

Foucault dissects the relationship between power and knowledge as a negotiation that is constantly taking place between the different entities of society. He does not see the power-knowledge apparatus as a simply dichotomy where the rich exploit the poor. He sees the relationship as a constant negotiation between those that produce knowledge and those that exercise their power using the knowledge. Using the metaphor of the body as the power-knowledge apparatus, he sees the organs of the body as negotiating ever changing needs with each other with the same goal of keeping the body functioning properly. He uses the body metaphor again to coin the phrase the body politic as "a set of material elements and techniques that serve as weapons, relays, communication routes and supports for the power and knowledge relations that invest human bodies and subjugate them by turning them into objects of knowledge" (Foucault, 28).

Foucault continues by describing the control the body politic has upon individuals. He spoke to the use of imperceptible power on an individual (body),

"to the body that is manipulated, shaped, trained, which obeys, responds, becomes skillful and increases its forces. A body is docile that may be subjected, used, transformed and improved... of exercising upon it a subtle coercion, of obtaining holds

upon it at the level of the mechanism itself – movements, gestures, attitudes, rapidity: an infinitesimal power over the active body.” (Foucault, 137)

In this passage, he describes the hold on individuals as “subtle coercion” where individuals are completely unaware of being manipulated to the point where they unknowingly perpetuate the coercion of their own oppression and exploitation.

According to Foucault, even the very slightest of gestures an individual may make is a product of manipulation. He takes the coercion and control a step further by referring to it as an “infinitesimal power over the active body.” This implies more than just physical action or behavior, but the actions of the mind and soul, as well.

A central concept to Foucault’s theory of discipline is Panopticism. This concept was derived from Panopticon, first described by Jeremy Bentham as an architectural design specifically for optimal prisoner surveillance (Foucault, 200) now used by Foucault as the mechanism to apply “subtle coercion” to the entire population, not just those in prison.:

So it is not necessary to use force to constrain the convict to good behavior, the madman to calm, the worker to work, the schoolboy to application, the patient to the observation of the regulations...He who is subjected to a field of visibility, ...assumes responsibility for the constraints of power; he makes the play spontaneously upon himself, he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection. By this very fact, the external power may throw off its physical weight; it tends to the non-corporal; and, the more it approaches this limit, the more constant, profound and permanent are its effects: it is a perpetual victory that avoids any physical confrontation and which is always decided in advance (Foucault, 202).

According to Foucault, Panopticism is one method by which the power-knowledge apparatus uses subtle coercion to manipulate individuals. The knowledge of being watched not only convinces a prisoner to behave appropriately within prison, but is just as convincing to individuals outside of prison to act in the proper manner. He uses the example of the worker and the schoolboy. When the worker is at work, he knows his actions are visible to his superiors so he will spend his time at the office working instead of engaging in non-work related activities. Likewise, the schoolboy will tend to his studies while in school instead of playing because he knows his actions are visible to teachers and other school administrators. Foucault describes the role of the individual as "simultaneously taking both roles" (Foucault, 202) of both the warden and the prisoner. By obligating himself to act in an appropriate manner when observed, the thought of being observed is always kept in the forefront of individuals' minds. It is exactly this mindfulness that appends the role of observer to individuals and at the same time that affirms the role of the observed by compelling appropriate behavior. At the end of the passage Foucault refers to the power being "non-corporeal" and being at its optimum when this condition is reached. This is where power over the soul (mind) is described. By using force over the soul, the products of coercion are deep-seated and long standing, especially compared to the use of physical force. Panopticism is a deliberate use of pressure that transcends "any obstacle, resistance or friction" (Foucault, 205). It is the use of a consistent force whereby the subtle coercion of individuals is executed. The more the coercion affects the soul, the less physical coercion is necessary. It is Foucault's coercion of the soul that is an indelible influence in today's society.



An example of Foucault's coercion of the soul is the female beauty myth. With reference to Chinese foot binding which is the female practice of wrapping one's feet tightly during adolescence so as to hinder or stop their growth, Andrea Dworkin wrote, "The adolescent experience casts the feminine psyche into a masochistic mold and forces the adolescent to conform to a self-image which bases itself on mutilation of the body, pain happily suffered, and restricted physical mobility" (Dworkin 1994, 219). Chinese women of the 18<sup>th</sup> century were willing to live with deformed feet and with excruciating pain for the sake of attaining picture-perfect attractiveness. The subtle coercion in this case is manipulating the Chinese women into self-mutilation to attain another manipulated goal of needing a husband which was prescribed (manipulated) for a happy and fulfilling life. A comparable practice in the today's society would be purely aesthetic plastic surgery. Women go under the knife for a breast enhancement, rhinoplasty, buttock lift, etc... in pursuit of the perfect female body. Similar to Chinese foot binding, plastic surgery has become an acceptable practice to increase the attractiveness of an individual. Again, the subtle coercion described by Foucault is evident. By convincing women that larger breasts or more WASP shaped noses are more attractive, women concede and perform acts of self-mutilation for the sake of achieving the manipulated goal of increasing their attractiveness level. From Foucault's perspective, the subtle coercion of the power-knowledge apparatus has "shaped and trained" (Foucault, 136) individuals to think and act in a specific manner. This speaks to the body politic's effort to brainwash women into thinking self-mutilating practices are a legitimate way to attract a partner regardless of the physical and psychological pain it may cause. While agency can be argued since some females are independently deciding

to get plastic surgery, the decision is made with a false consciousness (Pitts, 2000), which also supports the argument for Foucault's subtle coercion.

The term "false consciousness" is a modern phrase capturing the essence of Foucault's subtle coercion. Often used in Marxist, feminist, and identity theories, false consciousness refers to a type of cognitive dissidence unknowingly experienced by individuals duped by the dominant culture. It is the use of the dominant perspective by non-dominant groups within a society. For example, a male identified female would see female beauty as prescribed by the male dominated culture, e.g. small waist, long hair, large breasts, etc... Beauty is defined using the definition created by the dominant culture. This is how Foucault's defends his premise that every action and gesture committed by individuals is a manipulation of the individual by the power apparatus. Individuals are "manipulated, shaped, and trained" (Foucault, 137) to only know what is made available by the power apparatus. As such, individual agency and personal liberty has been surrendered. With reference to tattoos and their acceptance into the dominant culture, recent research supports the argument for modern society's residence in a continuous state of false consciousness.

### **Evidence of Questionable Deviance**

The origin of tattoos gives credit to the indigenous people of newly colonized islands. Because of the Euro-centric perspective held by the colonizers, the practice of tattooing by the indigenous people was seen as savage and uncultured. Later emerging in American culture, tattoos were initially found on the disfavored groups of society. By finding its way into the mainstream, it would be reasonable to think that the former associations with savagery, counter-culture, and social outcasts, would be severed.

However, a number of recent studies prove otherwise and, instead, provide evidence for Foucault's pervasive subtle coercion.

In 2010, a study was conducted examining the association of tattoos with negative stereotypes. The study tested the suitability of different tattoos for two jobs. The study concluded that individuals without tattoos or with modern tattoos were more suitable for either job than those with traditional tattoos, e.g. tribal tattoos. This study further found that those with modern tattoos were perceived as if they did not have a tattoo (Burgess and Clark, 2010). This study indicates the negative connotations associated with the original tattoos of savagery and an uncultured population still remain.

Another study measuring the social stigma against tattoos found that negative stereotypes about tattoo wearers have not decreased despite the enormous increase in the tattooed population over the past two decades. This study delves deeper than previous studies in noting that many of those that wear tattoos have placed the tattoo in non-visible areas of their bodies, which indicates that they, too, subscribe to the dominant paradigm regarding tattoos despite being tattooed themselves (Martin and Dula, 2010). An even more revealing study was conducted in communication research about the communicative value of tattoos (Doss and Hubbard, 2009). This study examined the association between tattoos communicative value, tattoo visibility, and the association with public self-consciousness. The findings of this study show a strong positive correlation between the communicative value of a tattoo and its visibility. However, the most telling part of these findings is that tattoo visibility decreased when public self-consciousness increased. That is, the bearers of tattoos deliberately selected hidden or easily hidden places of the body for their tattoos for fear of being negatively

judged in the workplace. Again, the act of placing tattoos on hidden body parts signifies that the individual is willing to permanently alter their appearance, but only to the point where positive consequences are possible or negative consequences are avoidable. This provides more evidence that even tattoo wearers still subscribe to the dominant perspective on tattoos and associate social deviance or social alienation with tattoos.

### **Re-Defining Deviance**

The definition of deviance is ever-changing within society, but many studies still assume tattoos are markers for deviant behavior. The research linking tattoos and deviance has increased, however, the nature of these studies is slowly turning towards asking the fundamental question of what motivates an individual to acquire a tattoo (Lyman & Scott, 1970; Irwin, 2001; Dhossche et al., 2000; Velliquette & Murray, 2002; Stirn et al., 2010) instead of providing evidence to support the tattoo-deviance connection. Is it a predisposition to deviant behavior or is it a mechanism to cope with the trauma of victimization? Is the act of getting the tattoo itself deviant or is it merely a symbol of group unity among its members? Within criminology, deviance is defined in two ways. One definition of deviance is "behavior that violates normative rules" (Cohen, 1966). The other definition relies upon societal reaction to the deviant behavior. "Social groups constitute deviance by making rules whose infractions constitute deviance" (Becker, 1963). Regardless of which perspective one takes, the definitions share two premises: 1) deviance is used to describe behaviors and 2) what constitutes deviant behavior changes depending upon society (i.e. normative rules, social groups). While generally agreeing on how to define deviant, the use of the term deviant to classify behavior as socially unacceptable is called into question. Heckert and Heckert assert that the metric for deviance is inadequate (Heckert & Heckert, 2004). In 2004, they proposed an

integrated typology of deviance which combined the two criminological definitions of deviance. In this integrated typology, the dichotomy of deviance is transformed into four types of deviance where behavior is defined both in terms of its delineated conformity and in the reaction by society (positive/negative evaluation). To support their proposed typology, Heckert and Heckert use the ten key norms that permeate middle-class culture in the United States (Tittle & Paternoster, 2000) and translate them into the four forms of their new integrated typology.

Using one of the key norms from Tittle and Paternoster as an example, Figure 1 translates "participation" into the four different forms of the new integrated typology.

The four forms of the typology are as follows: negative deviance - under/nonconforming behavior that receives a negative reaction from society; rate busting – over-conforming behavior that receives a negative reaction from society; deviance admiration – under/nonconforming behavior that receives a positive reaction from society; and positive deviance – over-conforming behavior that receives a positive reaction from society.

In speaking to the intent of the authors, the four forms of deviance in the new typology are not necessarily undesirable behaviors. When fusing societal reactions to the degrees of conformity, the definition of deviant behavior better captures the continually changing nuances of society. This new typology eliminates the over-simplified dichotomy of deviance and creates more suitable classifications for behavior. Using this new typology the behavior of having or acquiring a tattoo would actually reflect reality and be subject to positive societal reaction while still holding the classification of deviant. While this could potentially create more convoluted findings in deviance and criminology research,

the newly defined term of deviant behavior would be better able to capture behaviors on various points along the scales of conformity and social acceptance.

		Normative Expectations	
		Under/Non Conformity	Over-Conformity
Social Reactions & Collective Evaluations	Negative Evaluation	<i>Negative Deviance</i> Alienation	<i>Rate Busting</i> Dependence
	Positive Evaluation	<i>Deviance Admiration</i> Independence	<i>Positive Deviance</i> Cooperation

**Figure 1.** Heckert & Heckert's integrated typology of deviance using the key norm of "participation" to illustrate the different forms of the typology

## **CHAPTER FOUR: CURRENT STUDY, METHODS AND DATA**

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, tattoos play with regard to a criminal arrest. The main research question this study addresses is whether or not tattoos make a significant difference in arrests. Do those with a visible tattoo get charged more severely than those who do not have a visible tattoo? For those with a visible tattoo, does the location of the tattoo make a significant difference in charge severity? And lastly for those with a visible tattoo, does the type of tattoo make a significant difference in charge severity?

### **Data Collection**

The data for this study was collected from the Pinellas County Sheriff's Office (PCSO) website during the months of May – July in 2012. The data included all cases in which the Sheriff's office 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, data found on a webpage can be programmatically collected and saved. 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 "scrape" the data from each of the specified areas. The webpage addresses were programmed into the application. When the application was executed, it "scraped" the displayed data from the pre-determined areas of the webpage and saved

it in an electronic file (database or text document depending on the application). In this case, the application was configured to “scrape” 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. Docket numbers run sequentially from the beginning of a year to the end of a year. Arrestee searches were conducted using the first and last days of 2011 to identify the first and last docket numbers assigned in 2011. Once the docket numbers were identified, the web scraping software was programmed utilizing the range between the identified first and last docket numbers for 2011. 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, then exported into a database until the web scraping application completed the scraping of all 2011 arrestee information. The raw data was then cleaned and coded prior to analysis.

### **Variable Coding**

The raw data contained a field for race and for sex which were both made dichotomous. For the race field, dummy variables were created for black and white. The number of arrestees outside of these races were negligible so the dichotomous dummy variables were limited. Based upon the raw data race field the ethnicity fields of Hispanic and non-Hispanic were also created as dummy variables. The separation of race and ethnicity is significant, in that, it separates strictly physical attributes from with differing physical attributes and a different subculture (which include religion, language, etc...). The raw data in the race field was based upon the perception of law enforcement. Mistakes in misidentifying race are inevitable, and, if numerous enough, may impact the results of this study. However, without further detail or follow-up with individual



arrestees, it is impossible to discern how many racial or ethnic identification mistakes were made by law enforcement. The raw data contained a field named "Booking Type" which held the charge level information – felony or misdemeanor. This field was recoded into a dichotomous variable for felony (felony=1). If an arrestee received multiple charges of differing levels (both felony and misdemeanor), the higher charge type was selected, i.e. felony. The range in the raw data for the total number of charges was 65, so it was recoded into four different categories. Categories 0 – 2 represent the actual number of charges received by an arrestee, and Category 3 represents three or more charges.

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, dichotomous dummy variables were created for having a tattoo (variable name=tattoo; yes=1) and having a visible tattoo (variable name=visible; yes=1) versus the absence of tattoos (no = 0). According to DeMello's work with prisoners (1993), the face, neck, and hands are not only highly visible locations, but notorious for garnering prison or street gang tattoos. These three locations were made into dichotomous variables (variable names=head, neck, hands; yes=1). A dichotomous dummy variable was also created for arms since the average temperature in Pinellas County, Florida is over 70 degrees year round which often leaves arms exposed and visible (variable name=arms; yes=1).

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 location was coded in a dichotomous dummy variable named "Unspecified". On many occasions, the field contained the phrases "all over the entire body", "various tattoos", or something similar, where multiple tattoos were indicated but the locations of the tattoos were not clearly identified. For these instances, a dichotomous dummy variable was created for "All Over." Lastly, the tattoo visibility variable was coded as visible (yes=1) for arrestees with tattoos located on the head (includes face, ears, nose, etc...), neck, hands, arms, and all over. All other tattoo locations were coded as not visible.

The tattoo description was also provided in the non-standardized "SMT" field. As in earlier coding of tattoo location variables, the coding of tattoo types was done manually. If the description of the tattoo was reasonably discernible and without ambiguity, the appropriate dichotomous variable was selected (religious, patriotic, personal, gang). If an arrestee had more than one tattoo of different types, the appropriate variables were selected. For example, an arrestee with a religious and a patriotic tattoo would be coded with the following: Religious=1 and Patriotic=1. For cases where the tattoo description was either not discernible or not stated, the tattoo was coded as unknown (yes=1). Because the tattoo types used in this dataset were based upon minimal descriptive information, they were not easily categorized into four types. For example, Latino street gangs often use religious symbols in tattoo designs. Without additional information on the tattoo or the arrestee, it is speculation to assign a tattoo of indefinite meaning to a subjectively selected category. In these cases, the tattoo type was coded as ambiguous (yes=1).

## Sample Data

The dataset contained 44,753 arrestee records. The number of arrestees with an entry in the SMT field were 15,457 with only 12,623 identified as having a tattoo. While most of the data collect were complete, a number of records were found to be unusable due to missing data. These records were omitted for use in this study. The number of records omitted from this study was 8,541. From the useable records, a sample size of 10% was randomly selected and used for the analysis. The sample selected contained a total of 3,733 arrestee records. Of these arrestees, 1,059 arrestees had tattoos and 535 had visible tattoos.

**Table 4.1 Variable Descriptives**

<i>Full Sample *</i>	Frequency	% of N
Male	2779	74.44%
Female	954	25.56%
Other	34	0.91%
White	2429	65.07%
Black	1003	26.87%
Hispanic	267	7.15%
Non-Hispanic	3466	92.85%
Felony	1615	43.26%

<i>Sample w Tattoos **</i>	Frequency	% of N
Male	767	72.43%
Female	292	27.57%
Other	9	0.85%
White	695	65.63%
Black	306	28.90%
Hispanic	49	4.63%
Non-Hispanic	1010	95.37%
Felony	481	45.42%
Visible	535	50.52%

**Table 4.1 Variable Descriptives (continued)**

<i>Sample w Tattoos**</i>	Frequency	% of N
Allover	1	0.09%
Head	2	0.19%
Neck	70	6.61%
Arm	436	41.17%
Hand	63	5.95%
Unknown Location	310	29.27%
Religious	101	9.54%
Personal	1	0.09%
Patriotic	17	1.61%
Gang	9	0.85%
Unknown Type	15	1.42%

\*N =3,733; \*\*N=1,059

### **Variables**

The independent variables in the first analysis of the effects of a visible tattoo arrestees were male, black, Hispanic, and visible tattoo with felony charge as the dependent variable. The independent variables in the analysis of tattoo location included the three demographic variables (male, black, Hispanic), visible tattoo, head, neck, arm, hand, and all over with felony charge as the dependent variable. The independent variables in the analysis of tattoo type included the three demographic variables (male, black, Hispanic), visible tattoo, the four location variables, religious, patriotic, personal, gang, and unknown with felony charge as the dependent variable.

### **Analytic Strategy**

In order to answer the research questions posed, a series of logistic regression models were run to examine the different factors that may affect the severity of an arrest charge.

**Table 4.2 Charge Descriptives - Felonies**

<b>CHARGE</b>	<b>Frequency</b>	<b>% of FLNY</b>	<b>% of Total</b>
<b>Administrative Holds</b>	104	3.85%	1.75%
<b>Alcohol Related Offenses</b>			
Driving Under The Influence	27	1.00%	0.46%
Conspiracy To Traffic	13	0.48%	0.22%
Obtain Or Attempt To Obtain By Fraud	88	3.26%	1.48%
Operating A Drug House	1	0.04%	0.02%
Possession	497	18.39%	8.38%
Trafficking	196	7.25%	3.30%
<b>Offenses Against Persons</b>			
Assault & Battery	93	3.44%	1.57%
Domestic Assault & Battery	117	4.33%	1.97%
Kidnap	11	0.41%	0.19%
Stalking	3	0.11%	0.05%
Threaten Harm	2	0.07%	0.03%
<b>Offenses Against Property</b>			
Arson	3	0.11%	0.05%
Dealing In Stolen Property	104	3.85%	1.75%
Fraud	197	7.29%	3.32%
Larceny	417	15.43%	7.03%
Racketeering	3	0.11%	0.05%
<b>Other Offenses</b>	587	21.72%	9.90%
<b>Sex Offenses</b>			
Child Pornography	12	0.44%	0.20%
Lewd And Lascivious	8	0.30%	0.13%
Prostitution	4	0.15%	0.07%
Sexual Assault	17	0.63%	0.29%
Sexual Offender Violation	17	0.63%	0.29%
<b>Traffic Offenses</b>	103	3.81%	1.74%
<b>Violent Offenses</b>			
Attempted Homicide	5	0.19%	0.08%
Child Abuse	21	0.78%	0.35%
Homicide	3	0.11%	0.05%
Weapons	49	1.81%	0.83%

The variables used in the first analysis which examined effects of visible tattoos were dichotomously coded for male, Black, Hispanic, and visible tattoo (Models 1 and 2). The second analysis which examined the effects of the various visible tattoo locations employed the same variables as the first analysis adding the dichotomously coded locations of all over, head, neck, arm, and hand (Model 3). The third and last analysis examined the effects of visible tattoos by type (Model 4). The last analysis employed the same variables as Model 3 adding the dichotomously coded tattoo categories of religious, patriotic, personal, gang, and unknown.

**Table 4.3** Charge Descriptives - Misdemeanors

<b>CHARGE</b>	<b>FREQ</b>	<b>% of MISD</b>	<b>% of TOTAL</b>
<b>Administrative Charges</b>	85	3.26%	1.43%
<b>Alcohol Related Offenses</b>			
Boating Under The Influence	2	0.08%	0.03%
Disorderly Intoxication	100	3.83%	1.69%
Driving Under The Influence	234	8.97%	3.94%
Open Container Violation	1	0.04%	0.02%
Possession Of Alcohol By Person Under 21	7	0.27%	0.12%
<b>Drug Offenses</b>			
Operating A Drug House	1	0.04%	0.02%
Possession	273	10.46%	4.60%
<b>Offenses Against Persons</b>			
Assault & Battery	92	3.53%	1.55%
Domestic Assault & Battery	216	8.28%	3.64%
Stalking	2	0.08%	0.03%
Violation Of Protective Injunction	34	1.30%	0.57%
<b>Offenses Against Property</b>			
Fraud	59	2.26%	0.99%
Larceny	149	5.71%	2.51%
<b>Other Offenses</b>	990	37.95%	16.69%

**Table 4.3** Charge Descriptives – Misdemeanors (continued)

<b>Sex Offenses</b>			
Indecent Exposure	10	0.38%	0.17%
Lewd And Lascivious	2	0.08%	0.03%
Prostitution	15	0.57%	0.25%
<b>Traffic Offenses</b>	319	12.23%	5.38%
<b>Violent Offenses</b>			
Child Abuse	7	0.27%	0.12%
Weapons	13	0.50%	0.22%

## CHAPTER FIVE: RESULTS

As presented in Table 4.1, the majority of the population were white males (male M=74.4%; White M=65.1%). The full sample consisted of 26.9% blacks, 7.1% Hispanics, and 65.1% whites. Slightly less than 50% of the sample received a felony charge. The tattooed arrestee sample showed slight increases in the number of blacks and slight decreases in the number of males, whites, and Hispanics compared to the full sample. The full sample consisted of 3,733 arrestees, and the tattooed sample consisted of 1,059 arrestees.

In order to flesh out the similarity between the first two samples, *t*-tests were conducted to determine if the differences between full sample and the sample of tattooed arrestees were statistically significant. The first *t*-test was run using the variables for sex, race, and felony charge. The re-coded dichotomous variables for race were utilized. The results of the *t*-test show significant differences between the two groups across all four variables.

Prior to the analysis of tattoo location and type, another *t*-test was run to determine if a significant difference existed between the two tattooed groups of arrestees, with visible tattoos and without visible tattoos. Similar to the first *t*-test, the two groups were significantly different across all variables.



**Table 5.1** Mean differences test for covariates comparing race

	Group 1 No Tattoo/Not Visible		Group 2 Visible Tattoos		t-Test
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	<u>t-statistic</u>
<i>Full Sample</i> <sup>+</sup>					
Male	.74	.441	.80	.402	-3.079**
White	.66	.475	.61	.487	1.873**
Black	.26	.439	.32	.467	-2.980**
Felony Charge	.42	.494	.49	.500	-3.071**
<i>Tattooed Sample</i> <sup>++</sup>					
Male	.65	.478	.80	.402	-5.507*
White	.70	.459	.61	.487	2.870**
Black	.26	.437	.32	.467	-2.365**
Felony Charge	.41	.493	.49	.500	-2.598**

n=3,198<sup>+</sup>; n=535<sup>++</sup>; p < .001\* ; p < .05\*\*

The same *t*-tests were conducted with regard to ethnicity using male, Hispanic, non-Hispanic, and felony charge variables. As provided in Table 5.2, the sex and felony charges proved to be significant in both *t*-tests. However, Hispanic and non-Hispanic were non-significant in both tests. This would lead one to believe that it is not ethnicity that changes a perception with regard to tattoos, but strictly differences in physical attributes like skin color that make a difference.

**Table 5.2** Mean differences test for covariates comparing ethnicity

	Group 1 No Tattoo/Not Visible		Group 2 Visible Tattoos		t-Test
	<u>M</u>	<u>SD</u>	<u>M</u>	<u>SD</u>	<u>t-stat</u>
<b><i>Full Sample</i><sup>+</sup></b>					
Male	.74	.441	.80	.402	-3.079**
Hispanic	.07	.262	.06	.230	1.498
Non-Hispanic	.93	.262	.94	.230	-1.498
Felony Charge	.42	.494	.49	.500	-3.071**
<b><i>Tattooed Sample</i><sup>++</sup></b>					
Male	.64	.478	.80	.402	-5.507*
Hispanic	.04	.187	.06	.230	-1.535
Non-Hispanic	.96	.187	.94	.230	1.535
Felony Charge	.41	.493	.49	.500	-2.598**

n=3,198<sup>+</sup>; n=535<sup>++</sup>; p < .001\*; p < .05\*\*

Table 5.3 shows the logistic regressions for two predictive models of an arrestee with a visible tattoo receiving a felony charge (Model 1) and tattooed arrestee with a visible tattoo receiving a felony charge (Model 2). In Model 1, the strongest predictors of receiving a felony charge are being black and Hispanic (p < .001). This model also finds that having a visible tattoo increases the odds of receiving a felony charge. The model predicts that the odds of receiving a felony are 1.330 times higher for blacks and .363 times higher for Hispanics than white non-Hispanics. Additionally, if an arrestee has a visible tattoo, the model predicts the odds of receiving a felony are 1.293 times higher than an arrestee without a visible tattoo including arrestees without tattoos.

**Table 5.3** Logistic regression predicting the effects of sex, race, ethnicity

	Model 1 Full Sample			Model 2 Tattooed Sample		
<u>Variables</u>	<u>b</u>	<u>SE</u>	<u>exp<sup>(b)</sup></u>	<u>b</u>	<u>SE</u>	<u>exp<sup>(b)</sup></u>
Male	0.011	0.077	1.011	0.253	0.143	1.026
Black	0.285*	0.076	1.330	0.363**	0.139	1.437
Hispanic	-1.013**	0.156	0.363	-0.307	0.309	0.736
Visible Tattoo	0.257*	0.095	1.293	0.301**	0.126	1.352
	<i>Model Diagnostics</i> X <sup>2</sup> =83.46* -2 log likelihood=-2511.796 Nagelkerke R <sup>2</sup> =0.016 N=3,733			<i>Model Diagnostics</i> X <sup>2</sup> =15.70* -2 log likelihood=-721.746 Nagelkerke R <sup>2</sup> =0.011 N=1,059		

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable. p < 0.001, \*\*p < 0.05

In the tattooed sample (Model 2), male and Hispanic were non-significant. Among tattooed arrestees, the odds of blacks receiving a felony were 1.437 times higher than whites. The odds of receiving a felony were 0.314 times higher for those with a visible tattoo than for those without a visible tattoo.

**Table 5.4** Logistic regression predicting the effects of tattoo location and type with visibility.

	Model 3 Tattoo Placement			Model 4 Tattoo Type		
<u>Demographics</u>	<u>b</u>	<u>SE</u>	<u>exp<sup>(b)</sup></u>	<u>b</u>	<u>SE</u>	<u>exp<sup>(b)</sup></u>
Male	-0.002	0.146	0.998	0.013	0.146	1.013
Black	0.346**	0.140	1.413	0.389**	0.207	1.476
Hispanic	-0.312	0.314	0.732	-0.260	0.241	0.771

**Table 5.4** Logistic regression predicting the effects of tattoo location and type with visibility. (continued)

<b>Tattoo Location</b>						
Visible Tattoo	-0.114	0.286	0.892	0.314**	0.175	1.369
Head	0.523	1.466	1.687			
Neck	0.393	0.284	1.481			
Arm	0.473	0.273	1.604			
Hand	-0.167	0.309	0.847			
<b>Tattoo Type</b>						
Religious				-0.058	0.202	0.944
Personal				-		1
Patriotic				0.359	0.709	1.431
Gang				-0.669	0.371	0.512
Unknown				-0.007	0.544	0.993
	<i>Model Diagnostics</i> $\chi^2=21.73^{**}$ -2 log likelihood=-718.730 Nagelkerke $R^2=0.015$ N=1,059			<i>Model Diagnostics</i> $\chi^2=17.61^{**}$ -2 log likelihood=-720.182 Nagelkerke $R^2=0.012$ N=1,058		

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable. \* $p < 0.001$ , \*\* $p < 0.05$

In Table 5.4, the last two steps in the analysis examined the predictive strength of the placement of a visible tattoo (Model 3) and the type of tattoo (Model 4) in the tattooed sample. Like models 1 and 2, the model  $\chi^2$  statistic for both models 2 and 3 were significant which provides further evidence that the predictive variables have an effect on the dependent variable. Overall, however, the explained variance is low, (R-square is less than 2%), indicating that these results should be interpreted with caution. The only variable of significance for both type and placement is black ( $p < .05$ ).

**Table 5.5** Logistic regression predicting the effects of tattoo location and type

	<b>Model 5 Tattoo Placement</b>			<b>Model 6 Tattoo Type</b>		
	<b><u>b</u></b>	<b><u>SE</u></b>	<b><u>exp<sup>(b)</sup></u></b>	<b><u>b</u></b>	<b><u>SE</u></b>	<b><u>exp<sup>(b)</sup></u></b>
<b>Demographics</b>						
Male	-0.002	0.146	0.998	0.066	0.142	1.068
Black	0.345**	0.140	1.412	0.405**	0.140	1.499
Hispanic	-0.318	0.313	0.728	-0.238	0.311	0.788
<b>Tattoo Location</b>						
Head	0.423	1.445	1.526			
Neck	0.343	0.254	1.409			
Arm	0.377**	0.130	1.458			
Hand	-0.227	0.268	0.797			
<b>Tattoo Type</b>						
Religious				-0.031	0.213	0.970
Personal				0	-	-
Patriotic				0.373	0.495	1.452
Gang				-0.576	0.724	0.562
Unknown				0.146	0.544	1.157
	<i>Model Diagnostics</i> X <sup>2</sup> =21.57** -2 log likelihood=-718.810 Nagelkerke R <sup>2</sup> =0.015 N=1,059			<i>Model Diagnostics</i> X <sup>2</sup> =11.55 -2 log likelihood=-723.211 Nagelkerke R <sup>2</sup> =0.008 N=1,058		

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable. \*p < 0.001, \*\*p < 0.05

The same regression tests were run removing the visible tattoo variable to minimize any potential issues with multicollinearity. In Table 5.5, the results of the models without the visible tattoo variable are provided. They are similar to the results in models 3 and 4.

The while the model X<sup>2</sup> was significant for tattoo placement, it was not significant for

tattoo type. Similar to models 3 and 4, the black variable was significant ( $p < .05$ ). The other significant variable was the arm location ( $p < .05$ ). This was not significant in the models with visible tattoo (Models 3 and 4). Because the differences were minimal, a test of multicollinearity was conducted. As provided in Table 5.6, the VIF for the visible tattoo variable and all location variables are within the acceptable range.

**Table 5.6** Multicollinearity diagnostics

<b><u>Variables</u></b>	<b>Full Sample*</b>			<b>Tattooed Sample**</b>		
	<b><u>VIF</u></b>	<b><u>Tolerance</u></b>	<b><u>R<sup>2</sup></u></b>	<b><u>VIF</u></b>	<b><u>Tolerance</u></b>	<b><u>R<sup>2</sup></u></b>
Visible Tattoo	10.26	0.0974	0.903	6.39	0.1566	0.843
Head	1.04	0.9582	0.042	1.04	0.9595	0.041
Neck	1.39	0.7183	0.282	1.32	0.7547	0.245
Arm	8.26	0.1211	0.879	5.50	0.1817	0.818
Hand	1.59	0.6278	0.372	1.53	0.6552	0.345
Religious	1.10	0.9065	0.094	1.05	0.9482	0.052
Personal	1.07	0.9332	0.067	1.07	0.9338	0.066
Patriotic	1.02	0.9790	0.021	1.01	0.9868	0.013
Gang	1.02	0.9774	0.023	1.02	0.9833	0.017
Unknown	1.32	0.7598	0.240	1.30	0.7676	0.232

\*N=3,733; \*\*N=1,059

As mentioned in the literature, tattoos are often linked to deviant behavior such as drug use and alcohol abuse. When associated with specific subcultures such as gangs or prisons, tattoos are also linked to theft and violent crimes. The following tables examine the effects of tattoo placement and type on the individual tattoo associated charges.

Table 5.7 predicted the effects of tattoos on drug charges. The model  $X^2$  for drug offense is significant ( $X^2=57.41$ ,  $p < .001$ ), and the only significant variables are black ( $p < .001$ ), Hispanic, ( $p < .001$ ) and religious ( $p < .05$ ). The strongest predictor of being charged with a drug offense is being black which increases the odds by 1.549 more than non-black arrestees.

**Table 5.7** Logistic regression predicting the effects of sex, race, and tattoos in drug offenses

<b>Drug Offense</b>			
<b>Variables</b>	<b><u>b</u></b>	<b><u>SE</u></b>	<b><u>exp</u><sup>(b)</sup></b>
Male	-0.132	0.100	0.876
Black	0.438*	0.095	1.549
Hispanic	-0.877*	0.247	0.416
<b>Tattoo Location</b>			
Head	1.898	1.482	6.670
Neck	0.902	0.314	1.097
Arm	0.019	0.140	1.019
Hand	0.068	0.332	1.070
<b>Tattoo Type</b>			
Religious	0.635**	0.242	1.886
Personal	0	-	1
Patriotic	-1.268	1.041	0.281
Gang	0.257	0.829	1.294
Unknown	-0.208	0.772	0.812
	<i>Model Diagnostics</i> $X^2=57.41^*$ -2 log likelihood=-1662.413 Nagelkerke $R^2=0.017$ N=3,732		

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable. \* $p < 0.001$ , \*\* $p < 0.05$

The next table (Table 5.8) predicted the effect of tattoos for arrestees charged with assault and battery offenses. Unlike drug offenses, the model  $X^2$  for assault and battery offenses is non-significant.

**Table 5.8** Logistic regression predicting the effects of sex, race, and tattoos in assault and battery offenses

<b>Assault and Battery Offense</b>			
<b>Variables</b>	<b><u>b</u></b>	<b><u>SE</u></b>	<b><u>exp</u><sup>(b)</sup></b>
Male	-0.085	0.106	0.919
Black	-0.092	0.107	0.912
Hispanic	-0.561**	0.220	0.571
<b>Tattoo Location</b>			
Head	0	-	1
Neck	-0.348	0.392	0.706
Arm	-0.023	0.151	0.977
Hand	0.402	0.333	1.495
<b>Tattoo Type</b>			
Religious	-0.211	0.313	0.810
Personal	0	-	-
Patriotic	0.843	0.545	2.324
Gang	1.339	0.732	3.815
Unknown	-0.752	0.093	0.471
<i>Model Diagnostics</i> $X^2=16.67$ -2 log likelihood=-1550.042 Nagelkerke $R^2=0.005$ N=3,730			

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable. \* $p < 0.001$ , \*\* $p < 0.05$



The last table (Table 5.9) examined the predictive effect of tattoos for arrestees charged with larceny (including larceny related charges). The model fit the data well (model  $X^2=27.27$ ,  $p < .05$ ), but again, the R-square is quite low indicating that the predictive power of the variables is minimal. In this analysis, the significant predictors are black, Hispanic, neck and hand. The strongest predictor of being charged with larceny is a tattoo on the neck. A tattoo on the neck increases the odds of being charged with larceny by 2.013 more than arrestees without a tattoo on the hand. The other significant variables in order of strength are black, Hispanic, and arm ( $p < .05$  for all three variables).

**Table 5.9** Logistic regression predicting the effects of sex, race, and tattoos in larceny offenses

<b>Larceny Offense</b>			
<b>Variables</b>	<b><u>B</u></b>	<b><u>SE</u></b>	<b><u>exp</u><sup>(b)</sup></b>
Male	-0.011	0.105	0.989
Black	-0.248**	0.108	0.781
Hispanic	-0.666**	0.219	0.514
<b>Tattoo Location</b>			
Head	0	-	1
Neck	0.699**	0.293	2.013
Arm	-0.029	0.149	0.971
Hand	-1.435**	0.606	0.238

**Table 5.9** Logistic regression predicting the effects of sex, race, and tattoos in larceny offenses (continued)

<b>Tattoo Type</b>			
Religious	0.191	0.290	1.210
Personal	0	-	1
Patriotic	0.251	0.650	1.285
Gang	-0.079	1.076	0.924
Unknown	0.510	0.656	1.665
	<i>Model Diagnostics</i> $\chi^2=27.27^{**}$ -2 log likelihood=-1579.455 Nagelkerke $R^2=0.009$ N=3,730		

<sup>a</sup>White non-Hispanic arrestees served as the reference category for the dependent variable.  $p < 0.001$ ,  $**p < 0.05$

In analyzing all offense specific models, it is clear that being black or Hispanic are more consistent predictors of being charged with these three specific offenses than any of the tattoo variables. With the exception of the neck ( $\beta=2.013$ ,  $p < .05$ ) and religious ( $\beta=1.886$ ,  $p < .05$ ), the variables of black and Hispanic were stronger predictors in the two significant models. A tattoo on the hand was significant in predicting larceny charges. However, the effects were small ( $\beta=0.238$   $p < .05$ ). Consistent with prior arrest research, being black or Hispanic were the only consistent variables with any predictive effects. The offenses specifically selected as tattoo associated offenses showed little evidence of having a stronger relationship with tattoos than any other offenses.

The results of all models shown above should be interpreted with caution. While model fit indicators show that there are significant differences between models, model R-squares are quite low, indicating that the selected variables have minimal utility in

explaining the differences. The low R-squares indicate that there are likely to be relevant omitted variables that explain the outcome, and that these models suffer from biases related to omitted variable bias.

## CHAPTER SIX: DISCUSSION

While arguments are still made for both sides of the deviant tattoo issue, the results of this study shed a little more light onto the argument regarding tattoos as marks of deviance, self-expression, or subversion. The significant effect found for the visible tattoo variable in the full dataset (Model 1) resulted in increased odds of receiving a felony charge by 1.293 times that of an arrestee without a visible tattoo. The only other significant predictor variables in Model 1 were variables of race and ethnicity ( $p < .001$ ). Being black increased the odds of receiving a felony charge by 1.330 times that of a white arrestee and being Hispanic increased the odds by 0.363 times. When running the same regression model using the tattooed sample, only being black and having a visible tattoo were significant ( $p < 0.05$ ). In the tattooed sample, being black increased the odds of receiving a felony by 1.437 than white arrestees and having a visible tattoo increased the odds of receiving a felony by 1.352 more than arrestees without a visible tattoo.

The third model which predicted the effects of tattoo location in receiving a felony, being black was the only significant variable. In this particular model, being black increased the odds of receiving a felony by 1.413. The fourth model analyzing the predictive effects of tattoo type was significant ( $X^2=17.61$ ,  $p < .05$ ). The significant variables in the model were being black and having a visible tattoo ( $p < .05$ ). The effects of being black increased the odds of receiving a felony increased by 1.476 while having a visible tattoo increased the odds of receiving a felony by 1.369. Models 5 and 6 were duplicate models of 3 and 4 without the visible tattoo variable. The results of these

models were similar, but not equal to their counterpart. When analyzing tattoo placement (Model 5) as a predictor of receiving a felony charge, the only significant variable was being black ( $p < 0.05$ ). Being black increased the odds of receiving a felony by 1.412 that of whites. Additionally, a tattoo on the arm increased the odds of receiving a felony by 1.458 ( $p < .05$ ) compared to an arrestee without a tattoo on their arm. The model analyzing the predicting effect of tattoo type was non-significant ( $p > .05$ ).

The redundant models were run to analyze the predictive effects of the variables without potential multicollinearity between the visible tattoo variable and the location and type variables. In examining the issue further, results of a multicollinearity analysis provides evidence that multicollinearity is not a factor in this study. The VIFs and Tolerance indicators for visible tattoo and the location and tattoo type variables were all within acceptable ranges. R-squared measures were weak, indicating that the predictors provide a general poor fit for the explanatory dimensions of the model.

When analyzing the effect of tattoos on the individual tattoo associated charges, the predictive effects of race and ethnicity were consistent across the two significant models. When analyzing specific offenses, being black or Hispanic were significant predictors of being charged with a drug offense or larceny. The model for assault and battery was not significant. The only tattoo location variables significant in the analysis of the three tattoo associated charges were neck and hand. Both variables were significant to only larceny charges. A tattoo on the neck and a tattoo on the hand increased the odds of receiving a larceny charge by 2.013 and 0.238, respectively. The only tattoo type variable related to a specific offense was religious tattoos. Religious tattoos increased the odds of being charged with a drug offense by 1.886 times more

than arrestees without religious tattoos. The model analyzing arrestees being charged with an assault and battery was non-significant. The results of these offense specific analyses are mixed. While prior research has shown association of tattoos with drugs, larceny, and assault and battery, the results of these specific analyses are mixed. While race and ethnicity are consistent predictors with larceny and drugs, an argument is made for race and ethnicity. The predictive effects of tattoo placement and type variables are unpredictable. While a tattoo on the neck dramatically increases the odds of receiving a larceny charge ( $\beta=2.013$ ,  $p < .05$ ), a tattoo on the hand had only a nominal increase ( $\beta=.023$ ,  $p < .05$ ). Similarly, a religious tattoo almost doubles the odds of receiving a drug charge ( $\beta=1.886$ ,  $p < .05$ ), no other tattoo types predict any other offenses.

The results of this study support the contention that race still plays a role in the criminal justice system, even in the initial stages of law enforcement. As articulated in 1990, individuals subscribe to a community ideology (Hummon, 1990). The attitudes and beliefs held by individuals within a community are shared amongst its members. This rule does not hold members of law enforcement as immune. Members of law enforcement are as susceptible as any other individual in the same community to hold negative presumptions about a particular subgroup of the population. Until the community ideology shifts and views outside groups as different without a negative connotation, the bias against minority populations will exist within policing.

Additionally, the results of this study support the argument that tattoos are no longer considered marks of deviance while simultaneously still indicating deviant behavior. The number of arrestees in this sample with visible tattoos is slightly more than 50% of the total number of tattooed arrestees. Specific to the theory applied in this study, the number of arrestees receiving felony charges with visible tattoos (n=264) compose 55% of the total number of arrestees receiving felony charges (n=1,615). This means that tattoo wearers are ambivalent about the perception of tattoos. As evidenced in the Plant study (2012), the bearers of tattoos acknowledge the negative impressions attached to a tattoo. By deliberately selecting body locations that are easily hidden, the negative reactions to a tattoo are avoided. Even if the purpose of the tattoo is for self-expression as most tattoo bearers claim, they are fully cognizant of the negative consequences of a visible tattoo. This is Foucault's subtle coercion actualized. Still using the mindset of the dominant society that tattoos are for the lower classes, those that acquire tattoos for self-expression are fully aware that bearing a visible tattoo still comes with a social cost. The dominant paradigm that tattoos are for the undesirables of society remains despite the growing acceptance in mainstream society. Despite the fact that tattoos are now regarded as works of art and accepted in high culture, the school of thought that retains the bond between tattoos and deviance remains in society's subconscious.

Furthermore, subversive action requires conscious thought by the actors and the audience to be successful. Subversive action in today's society makes no impact on the ignorant and the unenlightened intellectual. The power of subversion cannot be realized by those who hold on tightly to their values but yet are oblivious to why they hold them in the first place. It is not through the actions of everyday people that deviance will be detached from the tattoo. It is only through the deliberate actions of the dominant

society that the tattoo can be redefined from a marker of deviance to a form of self-expression. Then and only then will deviance be removed from the assumptions connected to bearers of tattoos. Inferred from this study, tattoos encompass everything from markers of deviance, to forms self-expression, to acts of subversion. While beauty is in the eye of the beholder, and meaning is in the eye of the perceiver. It is only with purposeful consciousness by the perceivers that deviance is removed from the assumptions of tattoo wearers. Until that time arrives, the meaning of the tattoo is both evolving and standing still. It simultaneously represents the full continuum of the spectrum from deviance to art to subversion.

### **Limitations**

A common critique of criminological tattoo research is that the study is limited in both the number of participants and in the demographic characteristics consisting of populations already engaging in deviant behavior, such as juvenile delinquents or prison inmates. This study surpasses both the number of records and the variety of demographic characteristics of the subjects. The number of arrestees is more than 100 times more than current tattoo research, and the demographic characteristics represented in this population closely mirror the demographics of Pinellas County, Florida.

While the sample used in this study overcome the most common critiques of past studies, this study is not without its limitations. The main limitation of this study is the use of subjectivity with regard to the actual tattoo data. Specifically, the interpretation of the "SMT" raw data field relies heavily on subjectivity. The first limitation is in the recoding the of the "SMT" data field for the existence of a tattoo; the second limitation



is in the recoding of the same "SMT" data field for the placement of the tattoo; and the third limitation is in recoding of the same data field for the type of tattoo. Although the re-coding was completed with consistency at every step, any subjective influence on the data may taint the results.

The fourth limitation is the lack of location information for many of the tattoos. When the "SNT" raw data was not explicit on the location of a tattoo, the record was coded with the default location of "unknown." The number of tattoos with unknown locations consisted of 29.2% of the sample. If the location information of the tattoos was more explicit, the results of the analysis could be affected.

The fifth limitation is similar to the fourth. The fifth limitation is the lack of explicit information for tattoo type. As described in the methodology section, if a tattoo design was not given, it was coded as "unknown." Also, if a tattoo design was ambiguous in meaning, it was coded as "ambiguous." This leads to an inherent issue in objective tattoo analysis, since many religious (crosses, Jesus, the Virgin Mary, the last supper, etc...) and patriotic (flags, eagles, etc...) images are used for gang related symbols. Without more descriptive information on the tattoo design and the specific arrestee bearing the tattoo, the tattoo type data fields will always be considered subjective and a limitation to any research. This study would benefit from a re-analysis using more complete and explicit data in the "SMT" raw data field which would eliminate any subjectivity and bias in the coding of all the tattoo variables.

### **Future Research**

This study does not necessarily lead to any formal policy implications. A need for sensitivity training for law enforcement, i.e. a deliberate and willful attempt to transcend

community ideology, may prove to be effective in circumventing the inherent biases of community ideology. However, what this study does is lend itself to further exploring Foucault's theory on the use of subtle coercion and Heckert and Heckert's new typology of deviance. While studies are being conducted in numerous disciplines concluding that tattoos are both indicate and do not indicate the mark of deviance, both the reasons for associating a tattoo with deviance and the definition of deviance needs to be reassessed. The intrinsic nature of behavior once deemed to be deviant in both the individual action of not conforming and collective negative reaction by society must be viewed through a different lens. The different lens this study suggests is the lens of Foucault's subtle coercion. It is not simply categorizing a behavior deviant or non-deviant. It is understanding why a particular category is assigned. The dichotomous category of deviance must be translated to consider not just the non/conforming nature of the behavior, but must take into account the reactions of society to the behavior. The definition of deviance must incorporate both criteria to be more useful and better suited to classify different behaviors in the context of modern society. The behavior any society deems as deviant changes with time. The nuances that keep a behavior deviant or that move it into the acceptability category, such as tattoos, are incredibly more complex than a dichotomous variable indicates. To that end, future studies should not only define deviance in the traditional sense, but incorporating an integrated typology of deviance, such as the one proposed by Heckert and Heckert. This will assist studies on tattoos to better keep with the original purpose of studying deviance, which is identifying behaviors that lead to criminality.

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