



Invisibility Within the Carceral System : Incarceration of South-Asians in America

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Positionality Statement

I would like to acknowledge my identity as a member of the Indian diaspora who was born in America. My South Asian identity has heavily influenced my research because our experiences of discrimination are minimalized or erased because of our ethnicity's perceived model minority status. At the same time, I have a level of privilege because my family is from a Hindu oppressor caste. I am not system impacted, and my experiences with the carceral state have been through my experience tutoring within carceral spaces. I am approaching this research as a South Asian but without the experience of being system impacted.

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1. Introduction

Classification inside carceral institutions is not a neutral act of record-keeping. Walker's (2016) study of a Southern California jail shows that when a Korean American man was housed in a cell designated for white inmates despite being racially classified as Black, it was other incarcerated people who identified the "error" and deputies who corrected it, reassigning him to match the jail's racial order.¹ Racial classifications are added by state and federal authorities depending on whether there is a large number of people with that perceived race, but many classification systems operate on a white-Black binary across America. Walker's case demonstrates the shortcomings of the binary classification system, raising questions about people the system fails to categorize, and consequently does not see. Most correctional systems classify along a small number of lines, and the same person may be counted as "Asian" in one facility, "Other" in another, and "white" or "Black" in a third, depending on local assignment and who fills in the form. Because statistical data on incarceration is only as accurate as the categories it relies on, these choices determine which populations become visible to researchers and policymakers.

The result is a two-prong gap. The first gap, as mentioned above, is the varying and imprecise statistical information regarding the incarceration of South Asians² in American carceral facilities. The second is the academic research seeking to better understand South Asians in these facilities. Most studies on incarceration through a racial lens discuss the overrepresentation of Black and Hispanic people in prisons, which is of course highly necessary,

¹ Michael Walker, "Race Making in a Penal Institution," *American Journal of Sociology* 121, no. 4 (2016): 1068, <https://doi.org/10.1086/684033>.

² South Asian refers to people from Afghanistan, Bangladesh, Bhutan, Fiji, India, Maldives, Nepal, Pakistan, and Sri Lanka. Caribbean Indians and some regions of the Middle East are often included in the population as well as the diaspora population. South Asian Legal Clinic of BC, "What Is a South Asian?" July 3, 2024, <https://www.salcbc.org/latest/what-is-a-south-asian>.

but this hyperfocus leads to the invisibility of South Asians. The papers that do try to focus on the incarceration of South-Asian Americans tend to analyze Asian-Americans as a whole, aggregating the ethnic group. Even though South Asians are a small percent of the population and a smaller percent of the incarcerated population, they face disproportionate state violence. Despite the numerous examples and forms of state violence South Asians have historically experienced, scholars across many fields have dismissed South Asians as being too insignificant to study, devaluing their experiences of discrimination.

1.1 Theoretical Foundations

This paper draws together literatures that have largely developed in isolation from one another: the sociology of classification and quantification, criminological work on correctional intake, cultural studies of South Asians, and critical race theory's account of how legal categories construct the groups they purport to describe. Read separately, none addresses the underlying problem of study of South Asians in the carceral system: both statistical data and academic research justify the lack of a South Asian category or classification by minimizing their experiences of discrimination. I hope to use the majority of this paper to discuss how this gap arose before offering concluding thoughts on how this gap could be corrected. My paper proceeds as follows: section 2 reviews the literature on classification and quantification broadly and section 3 as both methods bear on incarcerated South Asians. Section 4 analyzes data collection practices on South Asians, and part 5 analyzes the federal and state classification schemes and notes several examples of South Asians being aggregated, misfiled, or omitted within them. and aggregated into racial categories which invisibilize them. Here, my evidence consists of prior academic research to see how they classify South Asian, federal and state prison

databases, and digital archives created by South Asian organizations. Section 6 will discuss future directions and conclude with policy recommendations.

1.2 Research Question

Considering the necessity of studying the incarceration of South Asians in America I hope to answer the following: *How do U.S. correctional systems classify race and ethnicity at intake, and where do South Asians fall within those classifications?* In addressing this main question I also hope to study what categories the federal system and selected state systems use and whether race is self-reported or staff-assigned. Through studying federal and state categories, I will analyze how South Asians are subsumed under "Asian," absorbed into "Other," or are otherwise misclassified on a Black-white binary. Finally, I will discuss the consequences that arise from this invisibility for needs assessment, religious accommodation, detection of bias, and lack of accountability.

2. Race Crime Data and the Consequences of Quantification & Classification

Race data in the criminal justice system are produced in two steps: classification decides which groups exist, and quantification decides how much they count. Neither step is neutral. Classification systems determine which populations can be seen at all, and quantification then lends those categories the authority of what Porter calls “mechanical objectivity,” that is, the appearance that numbers speak for themselves, free of judgment or politics. In practice, the numbers can only ever speak for the categories they were built on.³ This section argues that these

³ Theodore Porter, “Trust in Numbers: The Pursuit of Objectivity in Science and Public Life,” Princeton University Press, 1995, <https://www.jstor.org/stable/j.ctt7sp8x>.

two operations have worked on racialized groups in opposite directions. Black, Hispanic, and Native American populations have been hyper-quantified into criminality, counted obsessively in gang databases, arrest statistics, and risk instruments that convert stereotypes into data. Asian Americans, and South Asians within them, have been under-quantified into administrative invisibility, aggregated or omitted until no data exist from which to make any claim at all. Both are exercises of the same power. To count a group into criminality and to decline to count a group at all are not opposites: each is a decision about which populations the state will see, and for what purpose. The literatures reviewed in the sections below document which groups are counted in depth; the groups who are not counted, which this paper takes up, have barely been named.

2.1 Defining Quantification and Classification

Quantification and classification are viewed as objective measures which academics and policymakers can utilize to push for quantifiable change. Quantification was specifically implemented in the criminal justice system to standardize sentencing and curtailed judicial discretion, providing “mechanical objectivity.”⁴ Mechanical objectivity assigns significance based on numerical weight, leading to the importance of classification. If categories are aggregated and subsumed, a group can look larger and therefore more worthy of attention despite its heterogeneity. As an example, the Hispanic category not only emerged from state imposed aggregation, but also from the effort of Hispanic organizations which pushed for aggregation to have more political power.⁵ Despite quantification and classification being viewed as more

⁴ Wendy Espeland, Irene Vannebo, “Accountability, Quantification, and Law,” *Annual Review of Law and Social Science* 3, no. 1 (2007): 25, <https://doi.org/10.1146/annurev.lawsocsci.2.081805.105908>.

⁵ Wendy Espeland, and Vincent Yung, “Ethical Dimensions of Quantification,” *Social Science Information* 58, no. 2 (2019): 248–249, <https://doi.org/10.1177/0539018419851045>.

objective, neither are neutral tools; they are political artifacts that simultaneously construct, obscure, and weaponize race.

Quantification has been used to weaponize and enforce certain stereotypes about minorities. An example is using quantification to link Latino and Black youth to gang activity based on their appearance. “Through quantification, such tools as gang databases bring scientific legitimacy to suspicions that the modal black or Latino youth is connected to criminal networks. In Denver, Colorado, for example, more than half of young minority boys were in the database, and 47% of adolescent or young adult black males in Los Angeles County were in the database in the early 1990s, identified simply on the “basis of appearance: baggy pants, red or blue clothes.”⁶ Governance happens through the careful construction of data and strict policing of crime targeting certain minorities. Quantification has also been used to statistically prove that Black people are pathologically disposed to crime while crimes committed by white people can be explained by circumstance.⁷ Accordingly, this is quantification's distinctive contribution to racial criminalization: it does not create the stereotype, but it converts the stereotype into a statistic, and the statistic into a justification for further policing.

If quantification counts groups into criminality, classification decides which groups are available to be counted, and criminal justice contact reshapes the categories themselves. Notably, through this process, classification names and labels the groups which are surveilled and identified as criminals. Saperstein (2014) proves the bidirectional process of racialization and criminalization. Interviewers heard information about the respondent's background and made a

⁶ Christian Parenti, *The Soft Cage: Surveillance in America from Slavery to the War on Terror*, New York: Basic Books (2003), 176, quoted in Joe Soss, and Vesla Weaver. “Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities,” *Annual Review of Political Science* 20, no. 1 (2017): 580, <https://doi.org/10.1146/annurev-polisci-060415-093825>.

⁷ Khalil Gibran Muhammad, “The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America (2010),” *Harvard University Press eBooks*, December 31, 2020, 69, <https://doi.org/10.4159/9780674251656-009>.

racial classification. The study's conclusion was that increased contact with the criminal justice system meant a higher chance of being classified as Native American and a lower chance of being classified as Asian American. In this case, the association between Native American identity and crime is bidirectional; people who commit crimes are classified as Native American, and people who are Native American are classified as criminals.⁸ Black, Hispanic, and Native American populations are hyper-quantified into criminality, and Asian Americans/South Asians are under-quantified into administrative invisibility. Data classification/collection practices allocate visibility according to which narrative is politically useful, not according to actual population presence. Despite the illusion of mechanical objectivity, quantification and classification are weaponized measures which assign criminality to some groups and erase others.

2.2 Social Impact of Quantification and Classification

Quantification and classification do more than measure the relationship between race and crime; together they propagate it. This bidirectional relationship suggests that stereotypes travel into the data through the people who classify, which, in turn the data travel back out as confirmation of the stereotype that produced them.

The fusion is audible in the language: scholars and journalists casually use terms such as “Black crime” or “Arab crime.”⁹ The category of person and the category of offense have collapsed into a single term, and the racial label does the explanatory work a theory of crime should be doing. In a 2013 study using racial classifications assigned by interviewers, Saperstein

⁸ Aliya Saperstein, Andrew M. Penner, and Jessica M. Kizer. “The Criminal Justice System and the Racialization of Perceptions,” *The ANNALS of the American Academy of Political and Social Science* 651, no. 1 (2013): 104–21, <https://doi.org/10.1177/0002716213503097>.

⁹ Oliver Rollins, Julien Larregue, and Hannah Pullen-Blasnik, “Technologies of Criminalization,” *Annual Review of Law and Social Science* 21, no. 1 (2025): 470, <https://doi.org/10.1146/annurev-lawsocsci-061824-073536>.

identifies that “[B]lack men are widely seen as especially violent and dangerous and Native Americans are seen as prone to alcohol abuse.”¹⁰ Additionally, a media study conducted by Fonash & Oliver “... found support for the predicted misidentification of Blacks as violent criminals... this study also revealed a slight tendency for misidentifications of Whites as nonviolent criminals.”¹¹ The creation of racial categories also created racialized categories of criminal activities. Classification reifies the criminalization of Black, Hispanic, and Native American people through strengthening racial stereotypes involving crime.

The dynamics traced above are documented most thoroughly in criminology, and that work anchors this review. But criminology alone cannot answer the question this paper poses. It can show how counting criminalizes; it says little about the groups the count never reaches, about how a category like "Asian" was constructed in the first place, or about how a diasporic population lives against labels it did not choose. Sociology identifies that the Asian category has been constructed within the carceral state but fails to critique the institutions which allow for its manifestation; there is no dialogue on how or why racial construction happens, just that it exists. Cultural studies and critical race theory both examine how Asian identity has been constructed in America, but the fields are largely isolated from discussions of incarceration. Read separately, none of these literatures poses the question of the group the schema cannot see; read together, they make it answerable.

3. Research Classifications of South Asians in Prisons Across Disciplines

¹⁰ Saperstein et al., “The Criminal Justice System and the Racialization of Perceptions,” 115.

¹¹ Mary Beth Oliver, and Dana Fonash, “Race and Crime in the News: Whites’ Identification and Misidentification of Violent and Nonviolent Criminal Suspects,” *Media Psychology* 4, no. 2 (2002): 152, https://doi.org/10.1207/s1532785xmep0402_02.

As this paper will demonstrate, no single literature or political group can account for the incarceration of South Asians, as the question sits at the junction of criminology's data, sociology's categories, cultural studies' account of diasporic identity, and critical race theory's analysis of how law constructs the groups it names, and each field supplies what the others cannot see. This review takes them in turn.

Criminology, government and private researchers have adopted biased data collection practices that reproduce the field's prevailing network that operates in two ways: the field either erases South Asians as declaring them too few to study, or it declares them as functionally white. Both forms of erasure result in what scholars call an "ecological fog," which allows them to assign causality where there may be none.¹² For example, many scholars within criminology and sociology do not have categories such as Native American or Asian American, and some go as far to label these groups as being statistically negligible as they are not disproportionately incarcerated.¹³ One criminology study even asserted that "In the aggregate, Asian offenders often, although not always, are treated similarly to or even more leniently than their white counterparts, and they are often sentenced to less severe punishments than black and Hispanic offenders."¹⁴ The article acknowledges its research limitations as aggregating all Asians into one racial category does not represent the variety of ethnic identities who have different experiences with state violence in America. Because of criminology's reliance on statistical data, Asian Americans are declared statistically negligible or functionally white in how they are perceived by the criminal justice system. Yet, being labelled as statistically negligible is not a finding about

¹² Jack Katz, and Nahuel Roldán, "Beyond the Seductions of the State: Toward Freeing Criminology From Governments' Blinders," *Annual Review of Criminology* 8, no. 1 (2025): 57, <https://doi.org/10.1146/annurev-criminol-111523-122321>.

¹³ Emily Backes, Khalil Muhammad, Yamrot Negussie, and Bruce Western. *Reducing Racial Inequality in Crime and Justice: Science, Practice, and Policy*. The National Academies Press, 2023.

¹⁴ Brian Johnson, and Sara Betsinger, "Punishing The 'Model Minority': Asian-American Criminal Sentencing Outcomes in Federal District Courts," *Criminology* 47, no. 4 (2009): 1079, <https://doi.org/10.1111/j.1745-9125.2009.00169>.

the population; it is an artifact of the data infrastructure. Data collected in criminology studies is also often represented in metric absolutes, containing scales of most disadvantaged from Black to white to Asian.¹⁵

Sociology comes closer. Current literature within sociology studies Asian American as a separate category and questions dominant racial constructions instead of imposing the “model minority” assumption onto Asian Americans. Saperstein, as mentioned above, conducted several studies on the perception of race and highlighted the white-Black binary within which most people are racialized, especially knowing whether they have been system impacted. Asian authors have also analyzed the construction of a pan-Asian identity through sociological methods. Sociology thus names the problem of racial construction directly. Though sociology directly addresses the lack of attention around the criminalization of Asian Americans, there is little critique of the structures that allow for this invisibilization though the process of racial construction is heavily interrogated. What it has not done is turn that lens on the administrative structures (e.g., the forms, codes, and data systems) that produce the invisibility: the process of racial construction is heavily interrogated, but the infrastructure of invisibilization is not.

Cultural studies and critical race theory (CRT) have little discussion about criminality, but offer many insights on the aggregation of South Asians into the Asian category. Both fields acknowledge the varied experiences of ethnicities subsumed by the Asian category, and note how discrimination differs with each experience. Several articles highlight the experiences of Southeast Asians as “model and deviant minorities.”¹⁶ DesiCrit developed under CRT to

¹⁵ Walsh, Anthony, and Ilhong Yun. “Race and Criminology in the Age of Genomic Science.” *Social Science Quarterly*, October 2011, n/a–n/a. <https://doi.org/10.1111/j.1540-6237.2011.00818>.

¹⁶ Jon Ifikar, and Samuel D. Museus, “On the Utility of Asian Critical (AsianCrit) Theory in the Field of Education,” *International Journal of Qualitative Studies in Education* 31, no. 10 (2018): 937, <https://doi.org/10.1080/09518398.2018.1522008>.

verbalize and realize the experiences of discrimination South Asians face and what systems harm South Asians. Its central claim is that South Asians are racially ambiguous. They are sorted differently depending on context, read as model-minority professionals in one setting and as Brown, Muslim, or terrorist-adjacent in another, with religion doing racial work along the way, as when a Sikh turban or a Muslim name triggers racialization that no census category records. DesiCrit names the systems that produce these shifting assignments such as immigration law, surveillance regimes, workplace discrimination, and insists that South Asian racialization cannot be understood as simply an “Asian experience.” What DesiCrit has theorized as ambiguity, however, no one has yet followed into the carceral data system, where ambiguity is not permitted: an intake form resolves every person into a category, whether or not one fits.

4. Data Collection on Incarcerated South Asians

Academia has largely declared incarcerated Asian Americans to be a negligible population and the way prisons collect data only serves to further render the population invisible. Prisons do not practice standardized data collection practices across the state and federal levels. The Federal Bureau of Statistics, which updates weekly, has the racial categorizations: Asian, Black, Hispanic, and white.¹⁷ South Asians are not given a separate category. Methodology for data collection is vague and inconsistent at best and never mentioned at worst. The methodology for collecting data from federal prisons is questionnaires which are completed by incarcerated people, where people self-identify in terms of race. Even this methodology was outlined in vague language. This methodology was used from 2020 to 2023.¹⁸ Touching on inconsistencies in data

¹⁷ Federal Bureau of Prisons, “BOP Statistics: Inmate Race,” Bop.Gov, Federal Bureau of Prisons, November 11, 2023, https://www.bop.gov/about/statistics/statistics_inmate_race.jsp.

¹⁸ US Census Bureau, “Use of Data From the Bureau of Prisons in the 2020 to 2023 ACS,” Census.Gov, November 30, 2021, <https://www.census.gov/programs-surveys/acs/technical-documentation/user-notes/2021-04.html>.

collection between the federal and state level, “In some state's DOCs, inmates are asked to self-identify race and ethnicity at time of admission, while other states rely on information in the arrest or court documents accompanying the prisoner at admission, and in others prison officials classify the inmates visually upon entrance to the facility.”¹⁹ Methodology for collecting race varies from self-selecting questionnaires, interviews, and official documentation. The lack of consistency within the federal level and between the federal and state levels leads to confusion in interpreting data. As an example, a Hispanic incarcerated person who has been interviewed may be marked as racially white while that same person in a state prison which uses self identifying questionnaires may be marked as Hispanic.

There is a lack of uniformity between states’ data collection. Some states lack the technology to “collect data on persons of multiple races or on Hispanic origin.”²⁰ The Kaiser Family Foundation (KFF) site has data from 2015 to 2022 on what racial categories states use. All states were included in this report. Incarcerated people are broadly categorized by white, Black, Hispanic, American Indian/Alaskan Native, Asian, Native Hawaiian/Pacific Islander, two or more races, Other, and did not report in many states. In Alaska, Massachusetts, and Virginia “Asian, Native Hawaiian, and Pacific Islander prisoners were combined and reported in the Asian category.” Idaho and Rhode Island “[do] not collect data on Native Hawaiian or Pacific Islander prisoners or prisoners of two or more races.” In Iowa and Montana, “Asian, Native Hawaiian, and Pacific Islander prisoners were reported in the Other race category.”²¹ Reporting is not standardized across each state as some do not include racial categories which count Asians and Pacific Islanders. The methodology states use to collect data is also unclear as for some

¹⁹ Umich.Edu, “Variable Home Page.” 2018, <https://www.icpsr.umich.edu/web/NACJD/studies/37021/datasets/0003/variables/RACE?archive=nacjd>.

²⁰ Ibid.

²¹ KFF, “Prisoners Under State Jurisdiction by Race/Ethnicity | KFF State Health Facts,” August 9, 2025, <https://www.kff.org/state-health-policy-data/state-indicator/prisoners-under-state-jurisdiction-by-race-ethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22>.

states the “Department of Corrections (DOC) reported counts of prisoners by race that exceeded its jurisdiction populations.”²² The methodology and racial categories used across states are not only ineffective but also inaccurate.

In jurisdictions with more robust data collection of incarcerated South Asians, we begin to see how important capturing this population is, even if smaller than the broader prison population. California, for example, has the most comprehensive data on incarcerated Asian Americans within the state. The report from the Asian Prisoner Support Committee (APSC) collected data across several California prisons. Many prisons did not respond. From the prisons that did respond, 354 incarcerated people surveyed, 1.1% were South and Southwest Asian. Southeast Asians had the highest incarceration rates. South and Southwest Asians had disproportionately low exposure to physical and emotional abuse despite facing disproportionately high difficulties in school compared to survey participants and gang involvement compared to the population, a contradiction which merits further study.²³ This report had minimal data on South Asians specifically. Phenomena, such as abuse or difficulties in school, which are established pipelines to incarceration are only studied when populations are counted. The unique pipelines South Asians have to prison are invisible because there is little quantitative study regarding the group. Though the APSC studies multiple Asian ethnicities, the report is singular and more data is necessary to understand the experiences of system-impacted South Asians.

A final carceral space worthy of note are immigration detention centers. Considering that many South Asians are immigrants, detention centers are a key place of incarceration for the population. Sikh people have been historically persecuted in India for their religious beliefs.

²² Ibid.

²³ “On Incarcerated and Formerly Incarcerated AAPIs.” In *Asian Prisoner Support*. Asian Prisoner Support Committee, 2021. <https://www.asianprisonersupport.com/apsc-survey-data>.

They claim asylum in host countries such as the U.S. but are often held for extended periods of time in detention centers.²⁴ An article from the organization South Asian Americans Leading Together (SAALT) discusses how overall, South Asians are subject to increased surveillance, as “‘certain male nationals from predominantly Muslim and Arab countries, including Bangladesh and Pakistan, were required to register with the Department of Justice through a program known as ‘special registration’ in the wake of 9/11. As a result of this initiative, nearly 14,000 men were placed in detention and deportation proceedings, primarily for minor immigration violations.’”²⁵ At the Northwest Detention Center in Tacoma, “33% of the detained people are from South Asia — often Muslim, Sikh, working-class or caste-oppressed South Asians who fled conditions caused by global capitalism and imperialism.” Despite a few individual detention centers and organizations collecting data, there is little data on overall national statistics for how many South Asians are detained because of their immigration status.

A South Asian category does not exist to identify how many South Asians in America are incarcerated. They are most likely aggregated into Asian, Other, or a different racial category, but because the methodology for categorization is unclear, it is currently impossible to study why South Asians are categorized as one race over the other. Although scholars and policymakers often declare Asians to be a statistically negligible population, the lack of standardization, methodology, and rampant misclassification of South Asians reveals the flaws in the carceral state. Rather than addressing institutional issues, labelling a population as negligible allows for the state to circumvent the structural problems in its data collection practices. The institutional

²⁴ Henna Kaushal, “Sikhs in America: ‘Perpetually Foreign, Automatically Suspect, and Potentially Terrorist,’” *California Law Review*, February 2020, <https://www.californialawreview.org/online/sikhs-in-america>.

²⁵ paxchristiusa, “RACISM: Pax Christi USA Submits Testimony, Signs Onto Letters Regarding Racial Profiling,” Pax Christi USA, April 19, 2012, <https://paxchristiusa.org/2012/04/19/racism-pax-christi-usa-submits-testimony-signs-onto-letters-regarding-racial-profiling/>.

flaws not only mean that other ethnic minorities are rendered invisible, but the continuous denial of the state also marginalizes the discrimination which South Asians experience in America and prevents tangible policy action from ever alleviating said harm.

5. Impacts of Institutional Quantification Bias on South Asians

Quantification bias is not unique to researchers on incarceration, policymakers, and the carceral state; the institutional mechanisms of the country are steeped in the practice. While this paper focuses on the criminal justice system, aggregation and misclassification, which stem from quantification bias, are issues which have been historically entrenched in the American state. Though censuses do not fit clearly into being an issue of either aggregation or misclassification, they are a result of quantification bias and they are a product of institutional race-making.

In the context of the American state, censuses were broadly established as a tool of political control. In defining American national identity, the census created groups which marked races, nationalities, ethnicities, and religions as other. In 1920, census categories were based on “nationality or racial mixture, rather than a supra-national racial category.”²⁶ There was no explanation for why, despite racial categories being the popular colloquial terms. Terms were initially conflated with each other, making earlier censuses very confusing. Chinese and Asiatic were synonyms and sometimes Hindoos were a part of that subset. Census data appeared to distinguish groups from assimilable to unassimilable to create a racial order. “In 1890 the census distinguished Japanese from Chinese.”²⁷ In this case, the Japanese were thought to be more

²⁶ Jennifer L. Hochschild, and Brenna Powell, “Racial Reorganization and the United States Census 1850–1930: Mulattoes, Half-Breeds, Mixed Parentage, Hindoos, and the Mexican Race,” *Studies in American Political Development* 22, no. 1 (2008), <https://doi.org/10.1017/S0898588X08000047>.

²⁷ Ibid.

assimilable than the Chinese. “Pure blood Hindus” was used to indicate that Hindus had some proximity to Caucasians or whiteness, but were still not European.²⁸ Religion has been racialized in the historical case of South Asian people: South Asians were classified as “Hindoos” until the 1940s. In the 1950s, Hindoo was replaced by Asian Indian, as “a combination of ideological exclusivity, international pressures from various Asian governments, and bureaucratic stickiness led to the perpetuation of nationality as the designator for Asian Americans’ place in the United States’ racial order.” Finally, “the Census Bureau was permitted (in 2000) or is required (in 2010) to include “Some other race” as one racial option.”²⁹ Historically, US census data has always permitted the aggregation and misclassification of South Asian people. Policymakers and academics have actively colluded to push for the state’s miscategorization of South Asians.

5.1 Examples of Aggregation

Disaggregation is necessary in understanding arrests as caused by structural racism rather than issues or stereotypes endemic to the community. In the same way criminality was deemed to be pathological, the perceived stereotype of successful Asian Americans still prevents the study of ethnic sub-groups. South Asian and Filipino men were subject to surveillance and state violence under “vagrancy, sodomy, and male prostitution laws.”³⁰ The school to prison pipeline has been a subject of much attention, but once again AAPIs are understudied. Samoan, Vietnamese and Laotian students have faced the highest rates of incarceration in studies conducted in California. Recidivism rates amongst AAPI youth are also high and are linked with

²⁸ Ibid.

²⁹ Ibid.

³⁰ Raymond Magsaysay, “Asian Americans and Pacific Islanders and the Prison Industrial Complex,” *Michigan Journal of Race & Law* 26, no. 2 (2021): 477, <https://doi.org/10.36643/mjrl.26.2.asian>.

deportation rates: the more likely you are to commit a crime multiple times, the more likely you are to be deported. “Southeast Asians and Pacific Islanders, though at times subsumed under the whiz kid stereotype, are often ‘depicted as low-achieving high school dropouts involved in gangs.’ This stereotype informs the overpolicing of South-east Asian and Pacific Islander communities, as reflected by the disproportionate arrest rates of Samoan, Vietnamese, Laotian, and Cambodian youth noted earlier.”³¹ In the post 9/11 context, racial profiling is common even amongst youth. “Across the country, students—kids—are profiled at schools as perpetrators of terror, paralleling the anti-AMEMSA rhetoric.”³² Research which disaggregates the Asian/Pacific Islander identity as much as possible, reveals disproportionate levels of state violence amongst Asian ethnicities. Pacific Islanders have a police encounter death rate comparable to Black people, but there needs to be more attention on police violence against Pacific Islander and Southeast Asians to properly study the benefits of disaggregation.³³

5.2 Examples of Misclassification

The internal politics of a prison as well as the external classification either self-assigned or staff-assigned have led to the misclassification of incarcerated people. In an ethnographic study conducted by Walker, a Korean American who would have been placed in a Black cell was misassigned to a white cell. The jail did not have an Asian category or an Asian cell block. “That is, inmate leaders determined a particular bed assignment to be incongruent with race classification standards, and deputies responded by reassigning the Korean American inmate

³¹ Ibid, 492.

³² Ibid, 500.

³³ Gabriel L. Schwartz, and Jaquelyn L. Jahn, “Disaggregating Asian American and Pacific Islander Risk of Fatal Police Violence,” *PLOS ONE* 17, no. 10 (2022): e0274745. <https://doi.org/10.1371/journal.pone.0274745>.

appropriately.”³⁴ Both self-assignment and staff-assignment have proved to be faulty measures of racially classifying incarcerated people. Racial self identification was proved to have changed over time in studies conducted from 1979 to 1998. “20 percent of the individuals in the sample experienced at least one change in how they were racially classified during the 19-year period.”³⁵ People perceive Blackness as being associated or intertwined with criminality. Thus, incarceration can change one’s racial identity. Self-identification was taken into consideration, and note that self perception is often changed by others’ opinions. Those who are perceived to be criminals are categorized as “Black” regardless of their actual ethnicity whereas “white” is assigned to anyone who is admired. The categories were aggregated into “Black” “White” and “Other.”³⁶ Staff who interview and assign race are highly likely to misclassify a person based on their preconceptions perceptions on what races are criminalized. Black and white people were more consistently correctly classified along racial lines while Asian Americans were less successfully classified. Perceptions of the interviewee changed based on proximity to the criminal justice system. Increased contact with the criminal justice system meant a higher chance of being classified as Native American and a lower chance of being classified as Asian American. Additionally, the type of crime committed can change racial classification as interviewees stereotype certain ethnicities as being pathologically prone to certain criminal actions.³⁷

6. Summary of Findings & Future Directions

³⁴ Walker, “Race Making in a Penal Institution,” 1051-78.

³⁵ Saperstein, Aliya, and Andrew M. Penner. “The Race of a Criminal Record: How Incarceration Colors Racial Perceptions.” *Social Problems* 57, no. 1 (2010): 92–113. <https://doi.org/10.1525/sp.2010.57.1.92>.

³⁶ Ibid.

³⁷ Saperstein et al., “The Criminal Justice System and the Racialization of Perceptions,” 104-121.

As referenced in sections 4 and 5, issues in the aggregation and misclassification of South Asians in the criminal justice system happen at the national, state, and local levels as well as within academia. To properly analyze and understand the gap in data, more interdisciplinary work needs to be undertaken across criminology, sociology, cultural studies, and CRT. This paper begins the work of bridging disciplines in section 3, but further dialogue is necessary. The underlying bias in academia, regardless of field, towards quantification and classification has allowed for the invisibility of South Asians interactions with the carceral state. Even researchers who call out this misclassification fall into the same aggregation traps as state prisons because they continue to write off South Asians as a successful but insignificant population which does not warrant research attention or policy action. Policymakers and state politicians tend to rely on quantitative methods because quantification is perceived to have mechanical objectivity in the political sphere. This means policy ignores Asians as a population worthy of political attention because of their statistical insignificance. State violence against South Asians is then ignored and their experiences of discrimination are minimized. Researchers across disciplines interrogate the overreliance on quantification, but still fail to study the incarceration of South Asians because they are perceived as functionally white. The persistent labelling of South Asians as negligible and the propagation of the model minority stereotype allows for policymakers and researchers to disregard the structural issues in data collection across carceral spaces because they feel no responsibility to study the population. The marginalization of system-impacted South Asians in academia, policy, and the political sphere perpetuates cycles of discrimination without hope for advocacy or change.

The first step in allowing for South Asians to become visible is to push for transparency in federal and state data collection practices. The methodology for how race is assigned is

unclear across both levels; some carceral facilities employ self assignment while others use staff assignment. Having the methodology be publicly available would allow South Asian activist groups to assess how data collection practices can change to better count South Asians. In addition to transparency in data collection, practices should be standardized across the state and federal level. After establishing transparency, policymakers can assess the best data collection practices to be implemented uniformly. The final suggestion is a more holistic space for South Asians to reclaim agency: a digital archive. Understanding the experience of the system impacted South Asians cannot happen solely through the study of numbers. The South Asian American Digital Archive has begun the work of collecting the stories of system-impacted South Asians.³⁸ As South Asians are the impacted population, their voices must be centered in order for the group to reclaim visibility; this cannot be achieved solely through quantitative methods, but through the consolidation of lived experiences. Although quantification can be a useful tool in understanding the scale of harm, discrimination cannot always be captured through discrete metrics. In the goal of centering system-impacted South Asians, quantitative methods should be taken in conjunction with interviews and histories to create a complete account of their experiences.

³⁸ Savannah Kumar, "Constructing an Archive and Deconstructing Carcerality," South Asian American Digital Archive, 2025, <https://www.saada.org/explore/publications/tides/articles/constructing-an-archive-and-deconstructing-carcerality>

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